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					NONE	
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					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, 29 NOVEMBER 2018  
title: PLANNING APPLICATIONS  
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

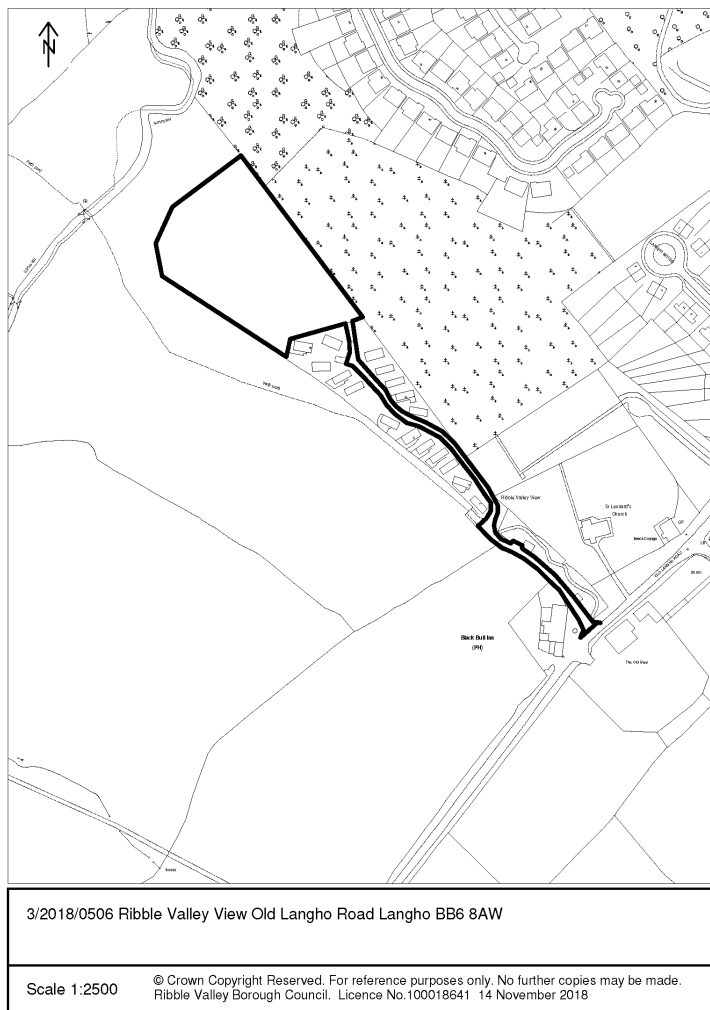
## PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

**APPLICATION REF: 3/2018/0506**

GRID REF: SD 370040 435875

### DEVELOPMENT DESCRIPTION:

CHANGE OF USE OF AGRICULTURAL LAND TO ALLOW EXTENSION TO LODGE PARK AND THE ERECTION OF AN ADDITIONAL 12 LODGES (AMENDMENT TO APPLICATION 3/2015/0880 APPROVED 16 DECEMBER 2016). RIBBLE VALLEY VIEW OLD LANGHO ROAD LANGHO BB6 8AW



## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **BILLINGTON AND LANGHO PARISH COUNCIL:**

The Parish council have raised objections on the following grounds:

- Concern for local infrastructure.
- Unauthorised elevation of site
- Creep development
- Access to and from the site
- Height of the elevations and the detriment to the adjoining properties.
- The topsoil and other materials that have exceeded the site boundaries
- The noise from the site as landscaping requirements have not been adhered to

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

The Highways Development Control Section have offered the following observations:

*The proposal seeks to extend the facility by adding a further 12 chalets and extending the internal road and whilst I would raise no objection to the proposal the internal site safety would benefit from the provision of a turning head a turning head that was capable of accommodating all the expected vehicle types, e.g. private cars and maintenance vehicles (with trailers).*

### **ADDITIONAL REPRESENTATIONS:**

Seventeen letters of representation have been received objecting to the proposal on the following grounds:

- Inaccurate and insufficient details submitted in support of the application
- The works have already been undertaken
- Impacts upon visual amenity
- Raising of land levels
- Drainage concerns
- Loss of privacy and direct overlooking from lodges
- Increase in traffic
- Light pollution
- Noise pollution
- Impacts upon wildlife and ecology

#### **1. Site Description and Surrounding Area**

1.1 The application relates to a 1.06 Hectare area of land located directly adjacent Ribble Valley View lodge-park. The area of land is located to the north-western extents of the existing lodge-park forming an extension to the existing facilities.

1.2 The application site lies within the defined open countryside being located approximately 1.5 miles to the west of Billington and directly to the west of Great Wood which bounds Brockhall Village. At the time of the initial site visit a high proportion of works for which consent are sought had already commenced. Prior to works being commenced, the land to which the application relates was greenfield in nature and in agricultural use.

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

- 2.1 Consent is sought for the extension of the existing lodge-park to accommodate a further 12 lodges including associated hardstanding, parking areas and access road. The application also includes an area of land to the northern extents of the site where the land levels have already been significantly raised.
- 2.2 It is proposed that six lodges will be sited to the east of the central access road directly adjacent Great Wood with three being sited on the opposing (western) side of the track. The remaining three lodges will be located at the northern extents of the site where the access road takes an easterly turn and terminates.
- 2.3 It is proposed that the lodges will be faced in horizontal timber-cladding, each of which will also benefit from a raised deck area with glass balustrading. Two differing lodge types are proposed with variations in the fenestrational arrangement and a feature pike gable being the only discernible difference between the lodge types. The Lodges will measure approximately 3m in height at eaves and 4.2m at ridge. The lodges occupying plots 1-5 will benefit of a footprint of approximately 4.2m x 11.9m with the footprint of those occupying plots 6-12 will measuring approximately 6m x 11.9m.
- 2.4 It is proposed that the area of raised land to the northern extents of the site will accommodate visual mitigation in the form of a belt of tree planting consisting of Oak, Common beech and Ash.

## 3. **Relevant Planning History**

3/2015/0880:

Change of use of agricultural land to allow extension to lodge park and the erection of an additional 12 lodges and informal recreational area and footpath. (Approved with conditions)

3/2011/0853:

Application for the discharge of conditions 4,5,7,8,9,11,13,14,15,16, and 17 of planning consent 3/2010/0417P. (Approved)

3/2011/0848:

Application for a non-material amendment to planning consent 3/2010/0417P for layout changes to 1) create a softer layout so as to create less visual input, 2) to avoid encroaching on trees that are under a tree protection order, 3) to improve road layout for easier access, 4) to improve pathways so as to take pedestrian traffic away from the road and 5) to incorporate an LPG Gas system rather than gas. (Approved)

3/2010/0417:

Proposed change of use of agricultural land to form a pitch static caravan holiday park with warden unit, reception, grounds maintenance store and associated landscaping. (Approved)

## 4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN4 – Biodiversity and Geodiversity  
Key Statement EC3 – Visitor Economy

Policy DMG1 – General Considerations  
Policy DMG2 – Strategic Considerations  
Policy DMG3 – Transport and Mobility  
Policy DME1 – Protecting Trees and Woodland  
Policy DME2 – Landscape and Townscape Protection  
Policy DME3 – Site and Species Conservation  
Policy DMB3 – Recreation and Tourism Development

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

## 5. **Assessment of Proposed Development**

### 5.1 **Principle of Development:**

5.1.1 The principle of the development of the site for the purposes of accommodating additional holiday lodges has already been established as acceptable through the granting of consent 3/2015/0880. Given there have been no significant changes in adopted local planning policy since the determination of the aforementioned application, it is not considered that the principle of the development need be re-examined for conflict with the adopted Development Plan.

### 5.2 **Impact upon Residential Amenity:**

5.2.1 A number of objections have been received from existing occupiers of Highwoods Park to the north-east. A number of these objections relate to the potential for the development to have an adverse and detrimental impact upon existing residential amenity.

5.2.2 Following a site visit it is accepted that a number of the lodges, in particular those at the northern extents of the site, will be visible from the rear of a number of the properties located on Highwoods Park. However, detriment to residential amenity does not occur solely by virtue of a proposal being visible by an existing visual receptor.

5.2.3 The rear elevations of the existing properties in question are located (at their closest point) approximately 100m from the eastern boundary of the proposal site. Taking into account this interface distance it is not considered that any measurable or quantifiable detriment to residential amenity could be argued through undue loss of privacy, light or over-bearing impact.

5.2.4 Notwithstanding the above matter, the applicant has proposed an element of visual mitigation in the form of tree planting atop a raised landscape bund to the northern extents of the site. When established, this will offer a degree of visual mitigation that will make the lodges less visually conspicuous when viewed from adjacent dwellings and associated residential curtilages.

5.2.5 A number of objections have also raised the issue of a potential for increase in noise and the resultant detrimental impact upon residential amenity. Taking into

account the modest number of lodges proposed and taking account of the nature of the proposed use, I do not consider that the proposal is likely to generate a level of activity or use that would be of significant detriment to residential amenity. Members will also note in this respect that the councils Environmental Health department have raised no objections to the proposal.

### 5.3 Matters of Design/Visual Amenity:

- 5.3.1 The application is retrospective in nature, the main differences between the previously approved consent (3/2015/0880) and the current proposal are that of the reorientation/re-siting of a number of the lodges, changes to the central access road route and the inclusion of a landscaping bund/embankment to the northern extents of the site.
- 5.3.2 The application does not seek to increase the number of lodges previously approved with the general overall arrangement maintaining a number of similarities with the previous consent. In this respect it cannot be argued that the quantum of development proposed would result in any additional cumulative visual impact over and above that which already benefits from consent.
- 5.3.3 The matter to be considered in relation to visual impact relates solely to the re-orientation/re-siting of a number of the lodges, with consideration to be given as to whether such changes would result in any measurable additional detrimental impact upon the character and visual amenities of the area. Given the main variances relate solely to the reorientation of a number of the lodges I do not consider that there would be any grounds whereby which it could be argued that such minor changes would result in any significant measurable detrimental impact upon the character or visual amenities of the immediate context.
- 5.3.4 Members will note, when taking account of the details associated with the previous consent, that one notable change has been introduced via the inclusion of a raised area of land to form a landscaped bund/embankment at the northern extents of the site. The land levels of the area in question have been raised by approximately 2m at their highest point with the bund then being graded to match the drop off of the natural topography of the site.
- 5.3.5 It is accepted that the bund has some level of visual impact through a perceived change in the natural landscape, but it is not considered that the raising of the land in this area, in isolation, would be considered harmful. It is also important to consider that the bund has been introduced to accommodate a raised area of tree-planting to provide some degree of visual mitigation to the proposal in respect of its visibility from dwellings located on Woodlands Park.
- 5.3.6 Taking the above matters into consideration it is not considered that the proposal will result in any measurable or significant detrimental impact upon the visual amenities or character of the defined open countryside.

### 5.6 Landscape/Ecology:

- 5.6.1 No up to date ecological appraisal has been submitted in support of the application. However given the majority of the works on site have already been undertaken it is not considered reasonable or practical to submit such information

– accurate assessments of impacts upon protected species/habitat cannot be fully undertaken retrospectively.

5.6.2 The submitted details also propose, in addition to the tree planting atop the landscape bund, some amenity tree-planting throughout the main body of the proposal - with a total of 20 trees being proposed to be planted consisting of Silver Birch, Common Beech, Ash and English Oak.

5.6.3 The proposed landscaping details are considered adequate in their provision. Given works have already commenced on site a condition will be imposed requiring the agreed landscaping to be undertaken within the next available planting season.

## 6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 Taking account of the above matters and all material considerations it is not considered that the proposal will be of detriment to existing residential amenity nor will it have any significant detrimental impact upon the character of visual amenities of the immediate context or defined open countryside.

6.2 For the reasons outlined above the proposed development is considered to be in broad accordance with the aims and objectives of the adopted development plan and do not consider that there are any material overriding reasons that would warrant the refusal to grant planning permission.

RECOMMENDATION: That the application be APPROVED subject to the following conditions:

### *Timings and Commencement*

1. 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:

SIMPS/01B – Dwg 01  
SIMPS/01B – Dwg 02 Rev C  
SIMPS/01B – Dwg 03  
SIMPS/01B – Dwg 04  
SIMPS/01B – Dwg 11

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

### *Matters of Design*

2. Precise specifications or samples of all external surfaces of the development hereby approved shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development. 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.

3. Details of any external lighting or external lighting to be mounted upon the lodges, including details of the location, nature and the intensity of lighting, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be carried out and operated in 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 does not contribute to unnecessary or unwarranted light pollution.

#### *Landscape and Ecology*

4. The landscaping details hereby approved (Site Plan SIMPS/01B Dwg 02C) shall be implemented in the first planting season following the granting of this consent 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.

REASON: In order that the Local Planning Authority may ensure that the proposal is adequately landscaped and sufficient landscape visual mitigation is provided and maintained.

#### *Control over Development*

5. The holiday lodges hereby approved shall not be used as units of permanent accommodation or any individual(s) sole place of residence. A register of all occupants/owners of the holiday lodges hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request.

For the avoidance of doubt the register shall contain the name and address of the principal occupier/owner(s) together with all dates of occupation.

REASON: To clarify the nature of the consent, to ensure that the development remains compatible with the character of the area and the intensity and frequency of usage remains proportionate to the use hereby approved.

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0506](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0506)

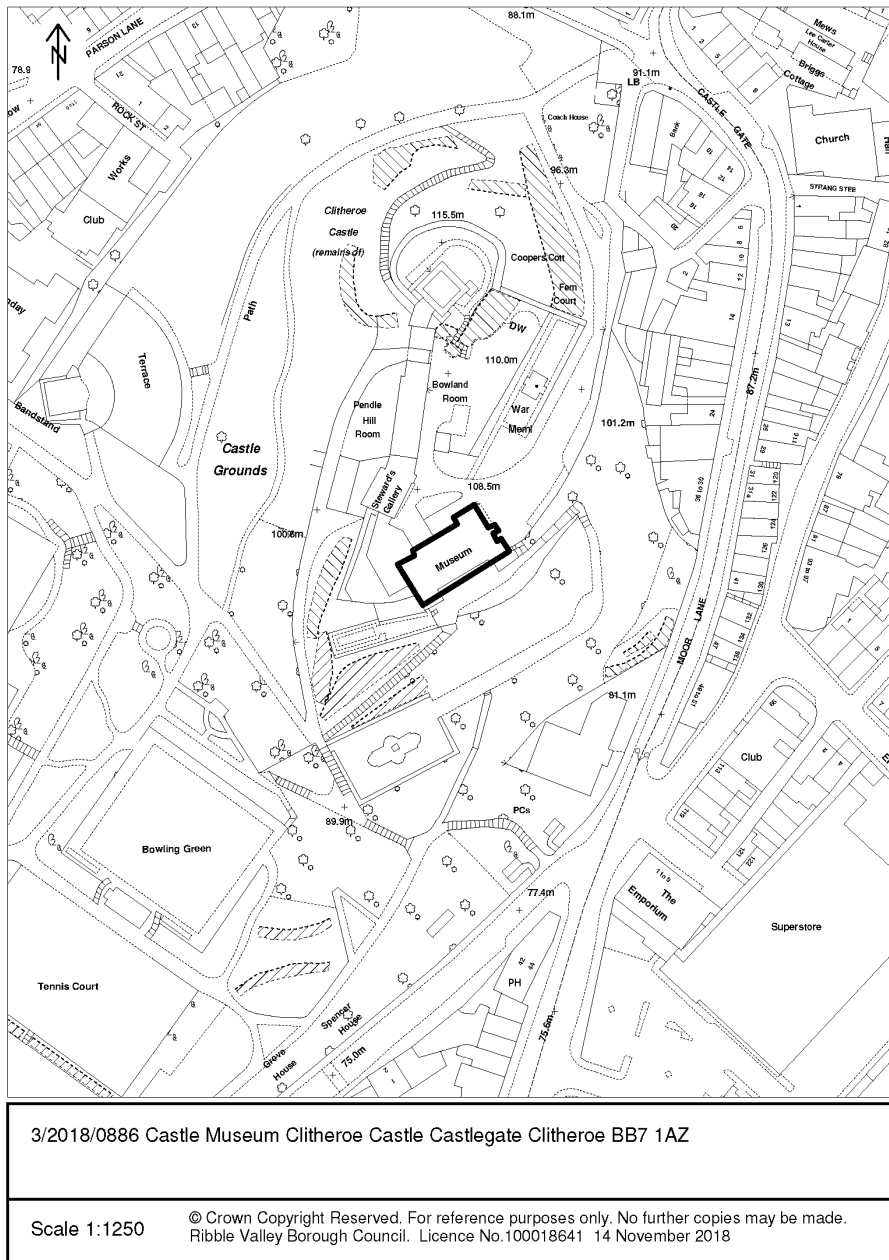


**APPLICATION REF: 3/2018/0886 (LBC)**

GRID REF: SD 374247 441621

**DEVELOPMENT DESCRIPTION:**

RE-SLATING OF PITCHED ROOF SECTION LOWER TIERS USING TAPCO SHAKE TILES TO PROVIDE A WALKWAY BEHIND THE PARAPET IN ORDER TO PROVIDE ACCESS TO THE CCTV EQUIPMENT AND FOR CLEANING GUTTERS. OVER THE YEARS THE EXISTING ROOF FINISH HAS BEEN DAMAGED OWING TO ACCESS PROBLEMS AT CASTLE MUSEUM, CLITHEROE CASTLE, CASTLEGATE, CLITHEROE



## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

No objections.

### **HISTORIC AMENITY SOCIETIES:**

Consulted, no comments received.

### **HISTORIC ENGLAND:**

Do not need to notify or consult HE under the relevant statutory provisions.

### **THE GARDENS TRUST:**

Do not wish to comment. This does not signify either approval or disapproval of proposals.

### **CADENT GAS:**

Apparatus within the site boundary. Contractor should contact Plant Protection before works carried out.

### **ADDITIONAL REPRESENTATIONS:**

None received.

#### **1. Site Description and Surrounding Area**

1.1 The building is Grade II listed (30 September 1976) as 'Premises occupied by Ribble Valley Borough Council in grounds of Clitheroe Castle'. It is prominently sited within the Clitheroe Castle Historic Park and Garden (Grade II), Clitheroe Conservation Area and the setting of Clitheroe Castle Keep and Curtain Walls (scheduled monument; Grade I listed) and 'Outbuilding and Stable block to Clitheroe Castle and premises occupied by Ribble Valley Borough Council' (Grade II). The list descriptions identify "*Clitheroe Castle, Premises occupied by Ribble Valley Borough Council and Outbuilding and Stable block form a group*".

1.2 The list description identifies:

*"... Gothic style ... crenelated parapet"* (roof material not referred to).

1.3 The historic park and garden description identifies (19 August 1996):

*"Entrances and approaches ... The main entrance to the Castle grounds is the gateway at the southern end of Castle Street, which leads into the northern tip of the site. From the Castle Street gate a drive, laid out around 1830, leads up along the east side of the mound to Castle House.*

*... Principal buildings ... Castle House (listed grade II) is situated 10m to the south-west of the Old Courthouse. It was built as a private residence and opened as a museum in 1981. Although much of the present fabric of these buildings is of mid C19 date, the*

*stables, courthouse and house all appear on a ground plan of c 1723 (Best 1990), and their existence is confirmed by the mid C18 stewards? records (ibid)".*

- 1.4 'The Buildings of England: North Lancashire' (Pevsner N, 1969, page 102) identifies:

*"Castle ... the bailey is recognizable by the walls to the SW and the houses in a Georgian and later medieval dress. Lord Torrington in 1792 wrote of 'a foolishly fancied Gothic house'. How much of genuine medieval survives around these houses and walls has not been sorted out yet".*

- 1.5 The Clitheroe Conservation Area Appraisal (The Conservation Studio consultants, adopted by the Borough Council following public consultation 3 April 2007) identifies:

*"Clitheroe Castle, a Scheduled Ancient Monument"; "The Castle Grounds which is included on the English Heritage Register of Parks and Gardens"; "The architectural and historic interest of the area's buildings, 88 of which are listed"; "The distinctive skyline, especially as viewed from the Bashall Eaves area of the Borough" (Summary of special interest).*

*"Clitheroe Castle is the most prominent feature, not just of the surrounding countryside but within the conservation area and the town itself. The keep is perched on the highest point of the limestone ridge and is surrounded by open land, mostly landscaped parkland. Castle and development along the limestone ridge give the conservation area a distinctive skyline" (Key views and vistas).*

*"For roofing materials, Clitheroe's position in the Ribble Valley placed it at some distance from quarries producing stone flags but the river would have been a plentiful source of reeds for thatch. There is no local source of clay for making tiles and bricks. Although many medieval buildings would have been thatched, the prevalent roof material in the conservation area is Welsh slate which became more readily available after the arrival of the railway in the mid 19<sup>th</sup> century. Viewed from a high point such as the Castle, the roofscape is dominated by slate but there are also examples of clay tile roofs on late 19<sup>th</sup> century buildings such as the former Parish School in Church Street where bands of plain and rounded tiles have been used to decorative effect. Stone flags are characteristic of the locality but there are few examples remaining within the conservation area ... the conservation area's lively roofscape which is also enhanced by the turrets and pinnacles of the town's many churches and chapels" (Building materials and local details).*

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

- 2.1 Listed building consent is sought for the proposed re-slatting of the lower five courses of the Castle Museum roof using 'Tapcoshake' artificial slate. The latter is to provide a walkway of slates on the pitched roof which is resilient (existing slates are thin and easily cracked) and would allow essential maintenance of the CCTV camera equipment and the clearing out of drains.
- 2.2 The proposed artificial slate is the same as that approved under listed building consent 3/2017/0495.

### 3. **Relevant Planning History**

3/2018/0950 - Removal of four existing steel casement windows (in one opening) and pinning of damaged mullion. Replacement of existing windows with new electroplated and powder coated steel casement windows. Under consideration.

3/2017/1176 - Remedial works to replace defective stone lintels and repair stone lintels where possible and necessary. LBC granted 9 March 2018.

3/2017/0495 - Re-slatting of pitched roof area behind parapet wall at Castle Museum. LBC granted 1 September 2017.

3/2007/0039 – Restoration of existing Listed Museum and outbuilding incorporating newbuild link building. External re-landscaping and remodelling of 3240 sq.m. site within curtain wall of Castle site enabling greater public access. Planning permission granted 2 August 2007.

3/2006/1047 – Alteration and extension of Grade II listed Museum and outbuilding incorporating restoration of existing buildings and localised alteration - to improve access and from physical link into the new building. New building linking the existing buildings together and providing accessible entrance facilities. External re-landscaping and remodelling of 3240 sq.m site within the curtain wall of castle site enabling greater public access. All works are aimed to keep the museum buildings in public use and ensure financial viability of the facility. LBC granted 31 July 2007.

3/1984/0484 – Installation of gas central heating system at Castle House. LBC granted 11 October 1984.

### 4. **Relevant Policies**

Planning (Listed Buildings and Conservation Areas) Act 1990

'Preservation' in the duties at sections 16, 66 and 72 of the Act means "doing no harm to" (*South Lakeland DC v. Secretary of State for the Environment* [1992]).

Clitheroe Conservation Area Appraisal

NPPF

NPPG

Ribble Valley Core Strategy:

Key Statement EN5– Heritage Assets

Policy DMG1– General Considerations

Policy DME4– Protecting Heritage Assets

### 5. **Assessment of Proposed Development**

5.1 Impact upon: the special architectural and historic interest of the listed building; the setting of listed buildings and the scheduled monument; the character and appearance of Clitheroe Conservation Area and the character of Clitheroe Castle historic park and garden.

5.2 The proposed works are limited to that necessary to provide roof access for gutter clearance and CCTV maintenance. The works are to elements of the roofscape screened by a parapet wall from ground level and the Castle Keep. The 'less than

substantial' harm from loss of material authenticity is outweighed (NPPF paragraph 196) by the public benefit of the long-term use and repair of the building.

The Clitheroe Conservation Area Management Guidance (The Conservation Studio consultants, 2005; subject to public consultation) identifies the importance of roofs to historic building character:

“Roofs: The roof is nearly always a dominant feature of a building and the retention of its original structure, shape, pitch, cladding and ornament is important. Traditional roofing materials should be retained. New materials should match existing. When a roof is stripped it is important that as much as possible of the original covering is re-used, preferably on the visible slopes, with matching new materials on other slopes”.

The Society for the Protection of Ancient Buildings (SPAB) website identifies the consequences of poor rainwater disposal:

“internal. Concentrated and prolonged wetting is likely to cause damp patches and plaster mould on walls and ceilings, and the decay of timber skirting boards, panelling etc. Investigation will often reveal rot in concealed timbers, such as roof truss bearings beneath parapet gutters. Commonly because of poor maintenance. Gutters, downpipes and gullies can become blocked if leaves, moss and debris (for example, broken tiles) are allowed to accumulate. In addition, components can corrode through lack of decoration. Gutters may fracture where bolt fixings rust, and downpipes frequently leak at joints where blockages hasten corrosion. Good maintenance involves regularly clearing out rainwater fittings, particularly after the autumn leaf fall, and checking the system for defects. Periodic redecoration of ironwork is required to inhibit corrosion”.

“Roof Maintenance ... Maintenance essentially means preventing rainwater getting in where it can cause harm. Water is potentially most likely to enter through the roof, so putting right minor problems here before they worsen can avert the need for more extensive repair ... Reinstate slipped or missing slates or tiles, and replace broken ones before roof timbers or plaster ceilings are harmed”.

## 5.2 Landscape/Ecology:

5.2.1 The imposition of a condition is recommended to ensure that the proposed works safeguard protected species.

## 6. Observations/Consideration of Matters Raised/Conclusion

6.1 Notification and referral to the Secretary of State: the referral to the Secretary of State of all Local Authority own applications for planning permission for demolition in a Conservation Area or for Listed Building Consent has now been streamlined. This means that only where Historic England or a National Amenity Society has been notified of the application; has given a written notice to the authority setting out the reasons for objecting to the application and stating that the application should be referred to the Secretary of State; and the authority doesn't propose to refuse the application – then it will be referred to the Secretary of State.

6.2 Therefore, in giving considerable importance and weight to the duties at section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in giving 'great weight' to the conservation of the designated heritage assets (NPPF paragraph 193) and in consideration to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy, it is recommended that listed building consent be granted conditionally.

**RECOMMENDATION:** That listed building consent is granted subject to the imposition of the following condition(s):

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

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

2. The permission shall relate to the development as shown on Plan Reference 'Roof-Plan Sheet 1' (1 October 2018).

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

3. Notwithstanding the submitted details, no roofing work shall commence or be undertaken on site until a revised protected species survey has been carried out during the optimal period of May to September and submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the survey shall be undertaken by a licenced protected species [Bats] ecologist.

The actions, methods, timings and mitigation identified in the bat survey (and in any Natural England Protected Species Licence required) shall be fully implemented and adhered to throughout the lifetime of the development.

REASON: To ensure the protection of species/habitat in accordance with the Wildlife and Countryside Act 1981 (as Amended), in the interests of biodiversity, to enhance habitat opportunities for species of conservation concern/protected species and to minimise/mitigate the potential impacts upon protected species resultant from the development in accordance with Key Statement EN4 and Policy DME3 of the Ribble Valley Core Strategy.

#### BACKGROUND PAPERS

<http://www.legislation.gov.uk/ukpga/1990/9/contents>  
[Planning (Listed Buildings and Conservation Areas) Act 1990]

<https://www.historicengland.org.uk/images-books/publications/conservation-bulletin-73/>  
(page 46 'The Big Issue of Little Harm', Conservation Bulletin: Issue 73 Winter 2014)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>  
(National Planning Policy Framework)

<https://www.gov.uk/guidance/national-planning-policy-framework/12-conserving-and-enhancing-the-historic-environment>  
(National Planning Policy Guidance: Conserving and Enhancing the Historic Environment)

<https://www.historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/>

(‘Making Changes to Heritage Assets’, Historic England, 2016)

<https://content.historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/conservationprinciplespoliciesguidanceapr08web.pdf/>

(‘Conservation Principles, Policies and Guidance’, Historic England, 2008)

[https://www.ribblevalley.gov.uk/download/downloads/id/10010/adopted\\_core\\_strategy.pdf](https://www.ribblevalley.gov.uk/download/downloads/id/10010/adopted_core_strategy.pdf)

(Adopted Core Strategy)

[https://www.ribblevalley.gov.uk/downloads/download/3329/clitheroe\\_conservation\\_area](https://www.ribblevalley.gov.uk/downloads/download/3329/clitheroe_conservation_area)  
[https://www.ribblevalley.gov.uk/downloads/file/3680/clitheroe\\_conservation\\_area\\_management\\_guidance](https://www.ribblevalley.gov.uk/downloads/file/3680/clitheroe_conservation_area_management_guidance)

(Clitheroe Conservation Area Appraisal and Management Guidance)

<https://www.spab.org.uk/campaigning/spab-approach>

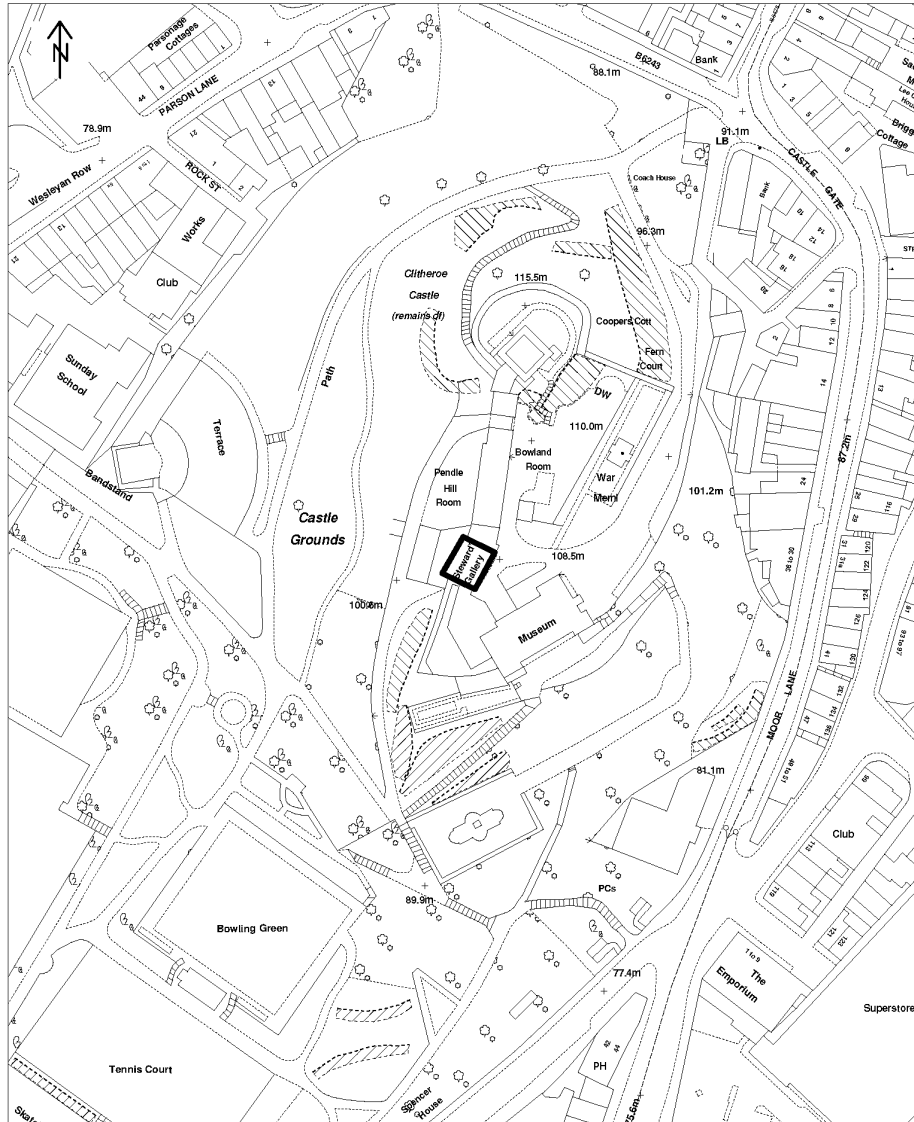
(The SPAB Approach, 2017)

APPLICATION REF: 3/2018/0950 (LBC)

GRID REF: SD 374247 441621

**DEVELOPMENT DESCRIPTION:**

REMOVAL OF FOUR EXISTING STEEL CASEMENT WINDOWS (IN ONE OPENING) AND PINNING OF DAMAGED MULLION. REPLACEMENT OF EXISTING WINDOWS WITH NEW ELECTROPLATED AND POWDER COATED STEEL CASEMENT WINDOWS AT CASTLE MUSEUM, CLITHEROE CASTLE



3/2018/0950 Castle Museum Clitheroe Castle Castlegate Clitheroe BB7 1AZ

Scale 1:1250

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## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

No comments received at the time of report writing.

### **HISTORIC AMENITY SOCIETIES:**

Consulted, no comments received at the time of report writing.

### **THE GARDENS TRUST:**

Do not wish to comment. This does not signify either approval or disapproval of the proposals.

### **HISTORIC ENGLAND:**

Do not wish to offer any comments. Suggest that RVBC seek the views of its specialist conservation adviser.

### **ADDITIONAL REPRESENTATIONS:**

None received at the time of report writing.

#### **1. Site Description and Surrounding Area**

1.1 The building is Grade II listed (30 September 1976) as 'Outbuilding and Stable block to Clitheroe Castle and premises occupied by Ribble Valley Borough Council'. It is prominently sited within the Clitheroe Castle Historic Park and Garden (Grade II), Clitheroe Conservation Area and the setting of Clitheroe Castle Keep and Curtain Walls (scheduled monument; Grade I listed) and 'Premises occupied by Ribble Valley Borough Council in grounds of Clitheroe Castle' (Grade II). The list descriptions identify "*Clitheroe Castle, Premises occupied by Ribble Valley Borough Council and Outbuilding and Stable block form a group*".

1.2 The list description identifies the element (but not elevation) subject to proposed works:

*"Mid C19, Gothic, incorporating fragments of old stone. Mid C19 coursed stone with Welsh slate roofs. 2 storeys. Outbuilding to left has mullion and transom windows beneath rectangular dripmoulds"* .

1.3 The historic park and garden description identifies (19 August 1996):

*"Entrances and approaches ... The main entrance to the Castle grounds is the gateway at the southern end of Castle Street, which leads into the northern tip of the site. From the Castle Street gate a drive, laid out around 1830, leads up along the east side of the mound to Castle House.*

*... Principal buildings ... Immediately (5m) to the south of the Castle are the former stables and outbuildings (together listed grade II), and, adjoining these to the south, the Old Courthouse building (listed grade II), now the home of the North-West Sound Archive ... Although much of the present fabric of these buildings is of mid C19 date, the stables, courthouse and house all appear on a ground plan of c 1723 (Best 1990), and their existence is confirmed by the mid C18 steward's records (ibid)."*

1.4 'The Buildings of England: North Lancashire' (Pevsner N, 1969, page 102) identifies:

*"the bailey is recognizable by the walls to the SW and the houses in a Georgian and later medieval dress. Lord Torrington in 1792 wrote of 'a foolishly fancied Gothic house'. How much of genuine medieval survives around these houses and walls has not been sorted out yet".*

1.5 The Clitheroe Conservation Area Appraisal (The Conservation Studio consultants, adopted by the Borough Council following public consultation 3 April 2007) identifies:

*"The prevalent use of local building stone"; "Clitheroe Castle, a Scheduled Ancient Monument"; "The Castle Grounds which is included on the English Heritage Register of Parks and Gardens"; "The architectural and historic interest of the area's buildings, 88 of which are listed"; "The distinctive skyline, especially as viewed from the Bashall Eaves area of the Borough" (Summary of special interest).*

*"Clitheroe Castle is the most prominent feature, not just of the surrounding countryside but within the conservation area and the town itself. The keep is perched on the highest point of the limestone ridge and is surrounded by open land, mostly landscaped parkland. Castle and development along the limestone ridge give the conservation area a distinctive skyline" (Key views and vistas).*

*"Historic windows are generally timber sliding sashes deeply recessed in the stone- or brickwork" (Building materials and local details).*

1.6 The agent has considered the Archaeological Building Investigation commissioned by Turner and Townsend and English Heritage (3/2007/0039) and there is no reference to these windows or their significance.

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

2.1 Listed building consent is sought for the replacement of four window lights (metal framed) to a first floor cruciform window opening at the west elevation of the former Old Courthouse/Stewards Gallery.

2.2 The agent has confirmed (14 November 2018) that:

*"The window in question is beyond repair, the proposed replacement frames are like for like and ... looking to keep the existing glazing if possible ... 'electroplating' (galvanising) the window will protect the window frame from eroding therefore eliminating further damage to the stone mullions and lintels".*

2.3 It is also proposed to undertake a stitch repair to a cracked stone mullion so as to retain the historic fabric in situ.

## 3. **Relevant Planning History**

3/2018/0886 - Re-slating of pitched roof section lower tiers using TAPCO Shake tiles to provide a walkway behind the parapet in order to provide access to the CCTV equipment and for cleaning gutters. Over the years the existing roof finish has been damaged owing to access problems at Castle Museum. Under consideration.

3/2017/1176 - Remedial works to replace defective stone lintels and repair stone lintels where possible and necessary. LBC granted 9 March 2018.

3/2017/0495 - Re-slating of pitched roof area behind parapet wall at Castle Museum. LBC granted 1 September 2017.

3/2007/0039 – Restoration of existing Listed Museum and outbuilding incorporating newbuild link building. External re-landscaping and remodelling of 3240 sq.m. site within curtain wall of Castle site enabling greater public access. Planning permission granted 2 August 2007.

3/2006/1047 – Alteration and extension of Grade II listed Museum and outbuilding incorporating restoration of existing buildings and localised alteration - to improve access and from physical link into the new building. New building linking the existing buildings together and providing accessible entrance facilities. External re-landscaping and remodelling of 3240 sq.m site within the curtain wall of castle site enabling greater public access. All works are aimed to keep the museum buildings in public use and ensure financial viability of the facility. LBC granted 31 July 2007.

3/1984/0484 – Installation of gas central heating system at Castle House. LBC granted 11 October 1984.

#### 4. **Relevant Policies**

Planning (Listed Buildings and Conservation Areas) Act 1990  
'Preservation' in the duties at sections 16, 66 and 72 of the Act means "doing no harm to" (*South Lakeland DC v. Secretary of State for the Environment* [1992]).  
Clitheroe Conservation Area Appraisal

NPPF  
NPPG

Ribble Valley Core Strategy:  
Key Statement EN5– Heritage Assets  
Policy DMG1– General Considerations  
Policy DME4– Protecting Heritage Assets

#### 5. **Assessment of Proposed Development**

5.1 Impact upon: the special architectural and historic interest of the listed building; the setting of listed buildings and the scheduled monument; the character and appearance of Clitheroe Conservation Area and the character of Clitheroe Castle historic park and garden:

5.1.1 The proposed works are necessary to prevent water ingress and ensure the proper preservation of the listed building. Window replacement and stone repair is to be undertaken to minimise the loss of historic fabric and significance.

5.1.2 The Clitheroe Conservation Area Management Guidance (The Conservation Studio consultants, 2005; subject to public consultation) identifies:

"as a rule, windows in historic buildings should be repaired, or if beyond repair should be replaced 'like for like'.

5.1.3 'Making Changes to Heritage Assets' (Historic England, 2016) identifies:

*"Original materials normally only need to be replaced when they have failed in their structural purpose. Repairing by re-using materials to match the original in substance, texture, quality and colour, helps maintain authenticity, ensures the repair is technically and visually compatible, minimises the use of new resources and reduces waste"* (paragraph 11).

*"Even when undertaking repair, care is needed to maintain the integrity of the asset"* (paragraph 13).

5.1.4 'Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment' (English Heritage, April 2008) states:

*"While sufficient work should be undertaken to achieve a lasting repair, the extent of the repair should normally be limited to what is reasonably necessary to make failing elements sound and capable of continuing to fulfil their intended functions"* (Paragraph 118).

5.1.5 'The SPAB Approach' (Society for the Protection of Ancient Buildings, 2017) identifies:

*"Essential work only ... the Society encourages work which is no more – but no less – than is essential. Restricting work to these things helps ensure the maximum survival of historic fabric. As a secondary benefit it should also reduce effort and cost"* (page 12).

## 6. Observations/Consideration of Matters Raised/Conclusion

6.1 Notification and referral to the Secretary of State: the referral to the Secretary of State of all Local Authority own applications for planning permission for demolition in a Conservation Area or for Listed Building Consent has now been streamlined. This means that only where Historic England or a National Amenity Society has been notified of the application; has given a written notice to the authority setting out the reasons for objecting to the application and stating that the application should be referred to the Secretary of State; and the authority doesn't propose to refuse the application – then it will be referred to the Secretary of State.

6.2 Therefore, in giving considerable importance and weight to the duties at section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in giving 'great weight' to the conservation of the designated heritage assets (NPPF paragraph 193) and in consideration to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy, I would recommend that listed building consent be granted conditionally.

**RECOMMENDATION:** That listed building consent is granted subject to the imposition of the following condition(s):

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

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

2. Precise specifications (including drawings) of proposed replacement window frames and glazing shall have been submitted to and approved by the Local Planning Authority before their use in the proposed works.

REASON: In order to safeguard the special architectural and historic interest of the listed building.

#### BACKGROUND PAPERS

<http://www.legislation.gov.uk/ukpga/1990/9/contents>

[Planning (Listed Buildings and Conservation Areas) Act 1990]

<https://www.historicengland.org.uk/images-books/publications/conservation-bulletin-73/>

(page 46 'The Big Issue of Little Harm', Conservation Bulletin: Issue 73 Winter 2014)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

(National Planning Policy Framework)

<https://www.gov.uk/guidance/national-planning-policy-framework/12-conserving-and-enhancing-the-historic-environment>

(National Planning Policy Guidance: Conserving and Enhancing the Historic Environment)

<https://www.historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/>

('Making Changes to Heritage Assets', Historic England, 2016)

<https://content.historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/conservationprinciplespoliciesguidanceapr08web.pdf/>

(‘Conservation Principles, Policies and Guidance’, Historic England, 2008)

[https://www.ribblevalley.gov.uk/download/downloads/id/10010/adopted\\_core\\_strategy.pdf](https://www.ribblevalley.gov.uk/download/downloads/id/10010/adopted_core_strategy.pdf)

(Adopted Core Strategy)

[https://www.ribblevalley.gov.uk/downloads/download/3329/clitheroe\\_conservation\\_area](https://www.ribblevalley.gov.uk/downloads/download/3329/clitheroe_conservation_area)

[https://www.ribblevalley.gov.uk/downloads/file/3680/clitheroe\\_conservation\\_area\\_management\\_guidance](https://www.ribblevalley.gov.uk/downloads/file/3680/clitheroe_conservation_area_management_guidance)

(Clitheroe Conservation Area Appraisal and Management Guidance)

<https://www.spab.org.uk/campaigning/spab-approach>

(The SPAB Approach, 2017)

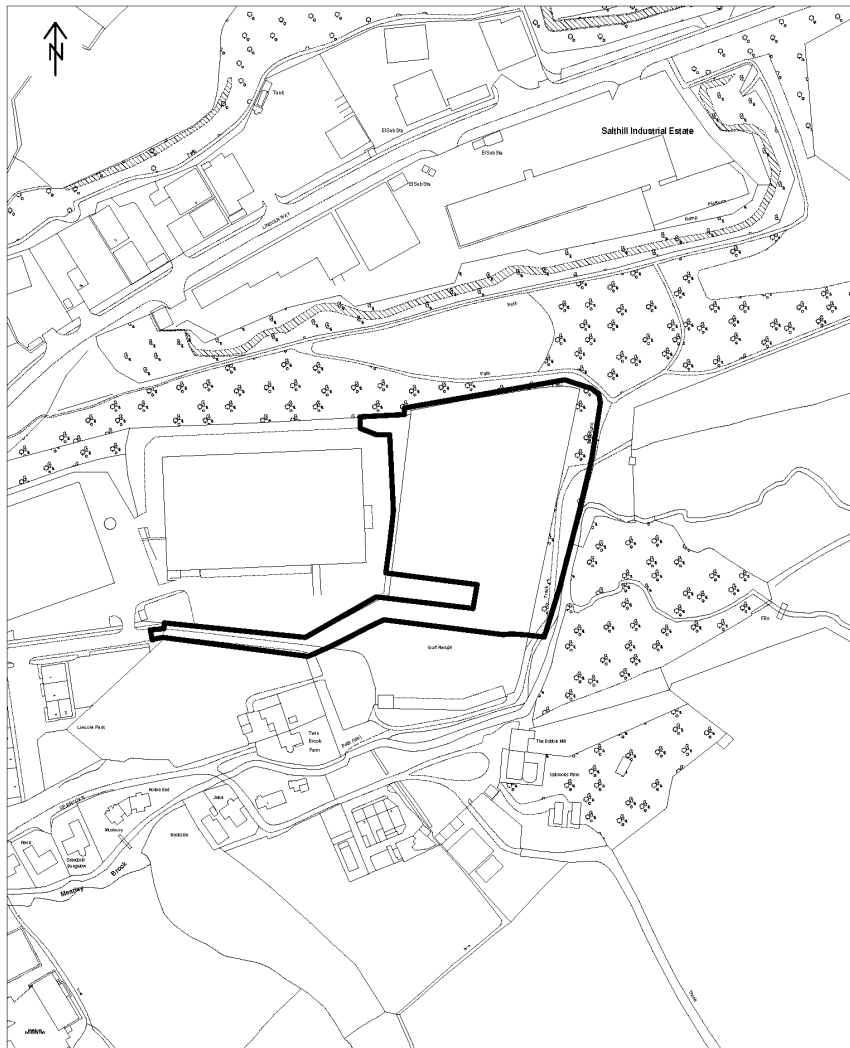
**D APPLICATIONS ON WHICH COMMITTEE 'DEFER' THEIR APPROVAL SUBJECT TO WORK 'DELEGATED' TO THE DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED**

**APPLICATION REF:** 3/2018/0236

**GRID REF:** SD375503 4423192

**DEVELOPMENT DESCRIPTION:**

PROPOSED ERECTION OF 27 LIGHT INDUSTRIAL UNITS 8 OFFICE UNITS AND ASSOCIATED ACCESS, PARKING AND ANCILLARY WORKS AT FORMER GOLF DRIVING RANGE, UP BROOKS, LINCOLN WAY, CLITHEROE



3/2018/0236 Land at former golf driving range Lincoln Way Clitheroe BB7 1QD

Scale 1:2500

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## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **TOWN COUNCIL:**

No objections.

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

No objection based on the amended plans and subject to imposition of appropriate conditions.

### **ENVIRONMENT AGENCY:**

Following details and correspondence no longer object to the proposal.

### **LOCAL LEAD FLOOD AUTHORITY (LLFA):**

Originally unable to comment due to lack of information. Following additional information any comments to be reported verbally.

### **ADDITIONAL REPRESENTATIONS:**

None.

#### **1. Site Description and Surrounding Area**

1.1 The site is located on the east side of Clitheroe and adjacent to the Up Brooks employment site. Access to the site is from Salthill Industrial Estate and the land is adjacent to the other industrial buildings and on the former golf driving range. The land to the north and east is designated as a Site of Special Scientific Interest known as Salthill and Bellman Quarry.

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

2.1 The proposal is a detailed application for the erection of 27 light industrial units and an office building with 8 units together with estate road, car parking and landscaping. The application is an amendment to a previously approved scheme excluding an area that has been significantly completed. It involves the subdivision of a previously consented large building with minor redesign and the erection of additional buildings adjacent to previously consented buildings. There are 4 blocks of buildings. The total gross floor area will be approximately 4,650m<sup>2</sup> a reduction of approximately 1800m<sup>2</sup>. The changes have resulted in a response from market demand to provide for smaller units. Parking spaces are distributed throughout the site and there is a landscape buffer around the north east and south site and additional planting within the adjacent land proposed two allow for sufficient biodiversity gains.

2.2 The buildings are designed of a traditional industrial nature and would incorporate a mixture of brickwork and cladding with similar materials to that used in the adjacent locality. The maximum height of the buildings is now lower than the consented scheme. The buildings have numerous roller shutter doors to enable lorries to access the building and on first floor will have office accommodation and a range of window openings. The roof is punctuated with solar panels which will enable a degree of renewable energy mechanisms to be employed on the site.

2.3 The proposal provides for car parking in various locations adjacent to the proposed buildings as well as turning facilities and an element of landscaping to be punctuated within the parking bays.

2.4 The proposed use is a mixture of light industrial and office.

### 3. **Relevant Planning History**

3/1997/0039 - Golf driving range. Approved.

3/2015/0159 – 21 industrial units and associated infrastructure. Approved

### 4. **Relevant Policies**

*Ribble Valley Core Strategy*

Key Statement DS1 – Settlement Strategy.

Key Statement DS2 – Presumption in favour of Sustainable Development.

Key Statement EN2 – Landscape.

Policy DMG1 – General Considerations.

Policy DMG3 – Transport and Mobility.

Policy DME2 – Landscape Protection.

Policy DME1 – supporting Business Growth and Local Economy.

NPPF 18

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

#### 5.1 **Principle**

5.1.1 The planning policy context for this application is set out at National Planning Policy Framework and at local level by the Core Strategy. The Core Strategy is the starting point for decision-making within the borough which sets out the vision for the borough and how sustainable development will be developed.

5.1.2 The overall development of the Strategy is set out in Key Statement DS2 which aims to promote development in most suitable locations in the borough. It is clear that the site is located in what can be regarded as a sustainable location being within the key settlement of Clitheroe closely related to the existing employment site.

#### 5.2 **Highway Safety and Accessibility**

5.2.1 On matters of highways and accessibility and in relation to a larger scheme it is clear that Lancashire County Council were satisfied that subject to the imposition of appropriate conditions the development is acceptable. Further comments based on the revised plan will be reported verbally.

5.2.2 LCC are satisfied that the proposed Travel Plan is adequate but may need to be supplemented with additional information and has requested a contribution of £12,000 to enable monitoring of the Travel plan.

5.2.3 As part of the development it would be necessary to upgrade some of the local footpaths which would be subject to a S278 Agreement.



5.2.4 The site is regarded by LCC as having a low accessibility score and as such recommends various improved highway measures within the vicinity of the site and request a financial contribution of £12,000.

5.2.5 In relation to the internal parking and visibility splays there is no objection subject to imposition of various conditions.

### 5.3 Landscape, Tree and Visual Impact

5.3.1 The site is located on the former Golf Driving range on the edge of one of the main industrial employment areas of Clitheroe. It is also adjacent to open countryside and in close proximity to a Site of Special Scientific Interest and the Salthill Quarry Local Nature Reserve.

5.3.2 A detailed arboricultural report has been submitted with the application. It has indicated that the development would result in a loss of 7 individual trees, 5 groups and a hedgerow all located throughout the site. The scheme shows the provision of extensive new tree planting within the site and has been amended to now include land on the outside of the site for additional planting to now demonstrate a net gain in biodiversity. As this parcel of land is outside the site boundary and should not be affected by construction traffic I consider that this should be implemented in the next available planting season following consent being issued.

5.3.3 I am satisfied that given the extent of adjacent built development that the landscape visual impact remains localised.

### 5.4 Ecology

5.4.1 The ecology report has been amended to take into account ecological mitigation measures. The habitat to be lost comprises of intensively managed agricultural improved pasture of low ecological value and as such the onsite mitigation including new planting coupled with the offsite mitigation is acceptable and would be able to demonstrate a net gain in biodiversity.

### 5.5 Flood Risk and Drainage

5.5.1 Following the request for further information it is anticipated that given the existing consent that LLFA will no longer object.

### 5.6 Residential Amenity

5.6.1 In assessing the scheme I am satisfied that although the proposal is a significant incursion in the landscape and the height and scale of the buildings will have a visual impact I am satisfied that they are a sufficient distance from any residential properties not to adversely impact by virtue of loss of light or be unduly oppressive. In terms of residential amenity it is also important to have particular regard to the noise impact caused by the new development and based on the proposed user of the main building and subject to appropriate restrictions relating to hours of operation I am satisfied that the scheme would not significantly impact residential amenities. The buildings are now submitted as light industrial and office buildings, which is normally a use that can be

accommodated in residential areas without detriment to residential amenities. I am satisfied that although the creation of additional units may have result in a change to traffic movements and associated noise disturbance it is considered that the changes will not be harmful to warrant refusal.

5.6.2 The Councils EHO has advised that they have no objection subject to appropriate conditions and based on details contained in the submitted noise and acoustic report. The proposal also includes an acoustic fence along part of the boundary and additional planting.

## 6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 The proposal is for a significant employment scheme adjacent to what can be regarded as the main industrial area of Clitheroe and would represent a logical extension to the area. Although the buildings will be visible I consider it to be a localised impact and given the backdrop of existing buildings to represent an acceptable impact. The scheme will provide the opportunity for significant employment benefits in one of the Key settlements. On the basis of the secured amendments I am satisfied that the development is acceptable.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Economic Development and Planning for approval to the following conditions and any additional conditions or changes to proposed conditions resulting from outstanding consultee responses :

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

REASON: Required to be imposed in pursuance to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the details shown on drawing Nos:

Site Layout Plan ALP/19/DWG 20A Issue A  
Proposed Site Plan/Roof Plan ALP/19/DWG 09 in relation to roof details only.  
Proposed Elevations for Building 3 ALP/19/DWG 08  
Proposed Elevations Buildings 4 & 5 ALP 19/DWG 04  
Proposed Elevations Buildings 6 ALP 19/DWG 06  
Proposed Elevations Buildings 7 ALP 19/DWG 05

Proposed Floor Plan for Building 3 ALP/19/DWG 08  
Proposed Floor Plan for Buildings 4 & 5 ALP/19/DWG 04  
Proposed Floor Plan for Building 6 ALP/19/DWG 06  
Proposed Floor Plan for Building 7 ALP/19/DWG 05

Proposed Drainage Plan 16004/D100

REASON: For the avoidance of doubt and to clarify which plans are relevant and to ensure that the development is carried out in accordance with the approved plans.

*Drainage*

3. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt, prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking /servicing areas should be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding

4. The development permitted by this planning permission shall only be carried out in accordance with the submitted Flood Risk Assessment (FRA) with subsequent amendments and the following mitigation measures detailed within the FRA:
  - a). Finished floor levels are set no lower than stated on Drawing Alpe 14b / dwg 02 Amendment F.

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

REASON: To reduce the risk of flooding to the proposed development and future occupants and in order to protect the residential amenities of the occupiers of the adjacent properties.

#### *Lighting*

5. Prior to the occupation of any unit details of external lighting for that phase, including details of the location and height of columns, wall-mounted lighting units, bollards and ground lighting, and the intensity of illumination, a light spillage assessment have been submitted to and approved in writing by the local planning authority. The development shall be carried out and operated in accordance with the approved details.

REASON: In the interests of the amenity of the area and to ensure there is no unacceptable light spillage that would have an adverse impact on light pollution or disturbance to local residents.

#### *Landscaping*

6. Notwithstanding the submitted details, until full details of the proposed landscaping scheme shall be submitted to and approved in writing by the local planning authority within 3 months of the date of this consent. The landscaping scheme shall indicate as appropriate the types and numbers of trees and shrubs; their distribution within the site; those areas to be seeded, turfed, paved or hard landscaped including details of any changes of level or landform and the types and details of any boundary fencing or screening within the site and along its perimeter. Details of the means of protection

during development works of all hedgerows and trees identified for retention in that phase, shall also be submitted for the Council's written approval in accordance with BS5837: 2012 '*Trees in relation to design, demolition and construction*' or equivalent, unless otherwise agreed. The agreed protection measures shall be put in place and maintained during the construction period of the phase of development. The approved landscaping scheme shall be implemented in the first planting season following completion of the external buildings and road infrastructure and shall be maintained thereafter for a period of not less than 15 years to the satisfaction of the local planning authority. This 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 original planted.

REASON: In the interests of the amenity of the area and to ensure adequate landscaping on and off site offer visual enhancement and biodiversity improvement.

7. All existing trees within the site shall be protected in accordance with the BS5837: 2012 [Trees in Relation to Design, Demolition & Construction] the details of which, including a tree protection monitoring schedule, shall be submitted to and approved in writing by the local planning authority.

The root protection zone shall be 12 x the DBH and shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone, in addition no impermeable surfacing shall be constructed within the protection zone.

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

REASON: In order to ensure that any trees affected by the development are afforded maximum physical protection from the potential adverse effects of development on and adjacent to the site.

#### *Amenity*

8. A Construction Method Statement shall be submitted to and approved in writing by the local planning authority within 3 months of the date of this consent. The approved statement shall be adhered to throughout the construction period. It shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. The loading and unloading of plant and materials
  3. The storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding
  5. Wheel washing facilities
  6. Measures to control the emission of dust and dirt during construction
  7. Measures to manage surface water and prevent pollution

REASON: In the interests of the amenity of the area and highway safety.

9. No construction work, construction traffic or operation of any plant/machinery shall take place on the site during the course of the development hereby approved except between the hours of 0800 hours and 1800 hours Monday to Friday and 0900 and 1300. No construction work, construction traffic or operation of any plant/machinery shall take place on Sundays or Public Holidays. Furthermore, no deliveries or vehicles shall arrive on site outside these stipulated working works.

REASON: In order to protect the residential amenity of the occupiers of the adjacent properties from noise disturbance.

10. The working hours within the premises shall be restricted to the period from 0700 to 1900 Mondays to Saturday. No work shall be undertaken in the buildings on Sundays, Bank or Public Holidays.

REASON: In order to protect the residential amenity of the occupiers of the adjacent properties from noise related activities.

11. There shall be no deliveries to the site or collections from the site between the hours of 1900 and 0700 hours.

REASON: In order to protect the residential amenities of the occupiers of the adjacent properties.

12. No goods, plant or materials shall be deposited or stored on the site other than in the buildings shown on the approved plans.

REASON: To ensure a satisfactory appearance of the site in the interests of local visual amenity and in the interests of the amenities of nearby residents.

13. No goods, plant or material shall be displayed for sale in the open on the site.

REASON: To ensure a satisfactory appearance of the site in the interests of local visual amenity and in the interests of the amenities of nearby residents.

### *Highways*

14. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

REASON: Vehicles reversing to and from the highway are a hazard to other road users.

15. A car park and manoeuvring scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter.

REASON: To allow for the effective use of the parking areas in the interest of highway safety.

16. The cycling facilities to be provided in accordance with a scheme to be approved by the Local Planning Authority and the cycling facilities to be provided in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter.

REASON: To allow for the effective use of the parking areas the promotion of sustainable forms of transport and aid social inclusion in the interest of highway safety.

17. The motorbike facilities to be provided in accordance with a scheme to be approved by the Local Planning Authority and the motorbike facilities to be provided in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter.

REASON: To allow for the effective use of the parking areas in the interest of highway safety.

18. Prior to the occupation of any of the units the applicant shall enter into a Section 278 agreement under the Highways Act 1980 and the scheme shall be implemented in full accordance of the agreement and timescales contained with the document.

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 and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users in the interest of highway safety.

19. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in condition 30 above has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.

REASON: In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy or trading in the interest of highway safety.

20. The new estate road/access between the site and the existing carriageway linking in to Lincoln Way shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

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

## BACKGROUND PAPERS

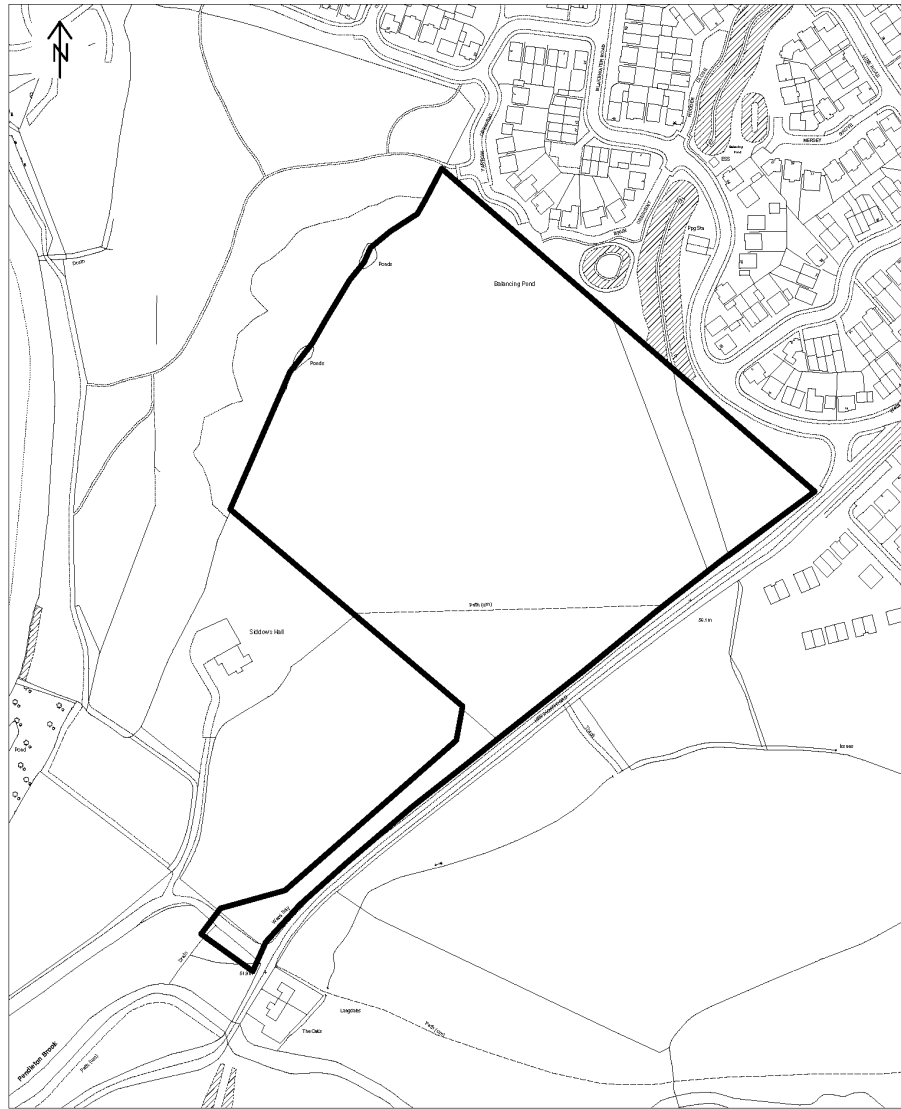
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0236](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0236)

**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, as well as a letter from Ribble Meadows Residents Association who represent the residents of the recently built houses adjacent to the development site, 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;
- Wear and tear on roads from additional vehicles and construction vehicles;
- A bridge should be built over the railway line from these new housing estates;
- Lack of public transport and car parking facilities in Clitheroe;
- Quality of submitted traffic survey/assessment;
- Concern raised in respect of air quality from vehicle exhausts;
- 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, impact upon policing;
- The plans show that the proposed residents will have access to the communal areas and community facilities on Ribble Meadows. These facilities have been developed for the residents of Ribble Meadows and are paid for by existing residents through management fees – it should not be taken as given that Gladman can incorporate these into their plans;
- The applicant (Gladman) have not done a full consultation;
- Lack of notices and consultation from LPA;

## **UPDATE**

This application was discussed by Members of the Planning and Development Committee on 1<sup>st</sup> November 2018. At this meeting Members deferred the application and requested that the LPA seek further advice from LCC Highways in respect of the highway implications of the proposal, and in particular the capacity of the existing highway network to sufficiently deal with the increase in vehicle movements associated with this proposed development.

In response to this request the Highway Officer has confirmed that the position remains that there is no highway objection to this proposal, however the additional response from the Highway Officer is detailed further within the “Highways” section of this report. The applicant has also had the submitted Transport Assessment (TA) independently assessed by a separate Highway Consultant (WYG) and this consultant agrees with the submitted TA and the conclusions of LCC Highways.

Members should also be aware that since the application was discussed at Committee the Council has released its latest position (as of 30<sup>th</sup> September 2018) in respect of housing land supply and the Council is currently able to demonstrate a five year supply of housing. As such in line with the NPPF, Council Policies in respect of housing are considered to be up-to-date. The fact that the Council can demonstrate a five year supply does not change the opinion that this is a sustainable location for residential development and the Council’s Regeneration and Housing Service support this view.

In addition, the applicant has agreed to reduce the timeframe for submission of the Reserved Matters application to 18 months, and commencement of the development on site to 18 months following the approval of reserved matters, should Members be minded to approval this application.

All of the above issues are discussed in more detail throughout the report.

### **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**

None on application site but on adjacent land as per below:

*3/2010/0719 – Proposed development of up to 270 residential dwellings, doctors surgery, landscape, open space, highways and associated works – refused but allowed at appeal*

3/2013/0035 – *Reserved Matters application for up to 270 residential dwellings, a doctor's surgery, landscape, open space, highways and associated works* – approved with conditions

3/2013/0711 – *Outline application for residential development of up to 140 units with primary access off Henthorn Road with all other matters reserved* – approved with conditions

3/2015/0446 – *Reserved matters for residential development of 130 dwellings, including associated infrastructure, open space provision and landscaping* - approved with conditions

3/2017/0433 - *Application for outline planning permission for up to 24 new dwellings and associated infrastructure on land behind 115 Kemple View, Clitheroe including access via Henthorn Road* –approved with conditions

#### 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 In respect of housing requirement for the borough, and the five year land supply, the latest publicised position (as of 30<sup>th</sup> September 2018) shows that the Council is currently able to demonstrate a five year supply of housing and therefore in line with the NPPF Council Policies in respect of housing are considered to be up-to-date.
- 5.1.3 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.
- 5.1.4 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 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.
- 5.1.5 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.
- 5.1.6 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'*.
- 5.1.7 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.
- 5.1.8 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.

5.1.9 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.

5.1.10 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.

5.1.11 Furthermore, no objections have been received from the LLFA or United Utilities with regard to sewerage or drainage capacity relating to this proposal.

5.1.12 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. The principle of residential development is therefore considered to be acceptable in this location.

5.1.13 In order to demonstrate a willingness to deliver housing on this site in an efficient timescale, and to ensure that the development of the site contributes to the Council's five year supply, the applicant has agreed to reduce the timeframe for submission of the Reserved Matters application to 18 months, and commencement of the development on site to 18 months following the approval of reserved matters.

## 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 did 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 As detailed within the “Update” section of this report the application was deferred at the 1st November Committee, in order to allow the LPA to seek further advice from LCC Highways in respect of highway concerns that were raised by both Members and objections.
- 5.4.5 In response to this request the Highway Officer has commented that the most recent planning history for housing development off Henthorn Road is based on three planning applications (from 2010, 2013 and 2017), and of these only the 2013 (outline application 3/2013/0711) and 2017 (outline application 3/2017/0433) applications were submitted and determined following the publication of the NPPF in March 2012 which introduced the concept of only refusing applications on highway grounds where there is a “severe residual impact”.
- 5.4.6 The Highway Officer has confirmed that at the time of considering the 13/0711 application, it was acknowledged that in the 2021 forecast the theoretical capacity of the Eshton Terrace/Henthorn Road junction would be exceeded, however for all other junctions the forecast showed that capacity would not be exceeded. In the Highway response to the 2013 application it was acknowledged that the increase in delays was excessive, however in line with the NPPF it was not considered that the delays would result in a “severe cumulative impact”, and consequently “no objection” was raised on highway grounds.
- 5.4.7 In respect of the smaller development for an additional 24 dwellings (17/0433) the highway authority raised no objection to the proposal, however did warn that future development “may” precipitate capacity issues. However in considering the capacity analysis submitted with the present application, there is no suggestion that the current traffic is at a level where there is likely to be a concern at the junctions analysed. The predicted traffic flows for both 2023 and 2028 showed a similar pattern and clearly the results were not at a level that would be considered to be “severe”. As such LCC Highways raise no objection to this application on highway capacity grounds.
- 5.4.8 In response to other issues raised by Members, the Highway Officer has confirmed that no consideration has been given to an increase in rail traffic passing through the level crossing as they are not aware of any proposals to increase timetable frequency. Nevertheless, the impacts of the crossing on the highway network have been considered and whilst queues are inevitably when the crossing is down, there is no indication that these queues are problematic in terms of highway safety and they disperse quickly once the barrier is raised.



- 5.4.9 Members also requested that the Highway Officer could offer guidance as to “what may constitute serve in relation the NPPF”? In response the Highway Officer states that there is no definition of “severe residual impact” and therefore this is subject to interpretation. The Highway Officer has commenting that an interpretation of some appeal decisions in this respect does place some weight to highway capacity, including the availability of alternative route choices, queue lengths and junction blocking.
- 5.4.10 A query has been raised in respect of junction improvements that were required to be carried out under a Section 278 Agreement at the junction of Henthorn Road and Thorn Street as part of planning approval 3/2013/0711. A Lancashire County Council Highway Officer responsible for Section 278 Agreements has confirmed that when this was re-assessed on site, concerns were raised in respect of these proposed alterations resulting in a narrowing the carriageway in this location, thus potentially creating highway safety concerns. As such it was agreed by LCC Highways these previously specified junction works at Henthorn Road and Thorn Street were not required.
- 5.4.11 In addition to the above, since the previous Committee the applicant has instructed an additional Highway Consultant (WYG) to independently review the submitted Transport Assessment and specifically comment on the Thorn Street/Henthorn Road junction, as well as the sustainability of the site and bus service. This Highway Consultant has reached the same conclusions as the submitted Transport Assessment and LCC Highways.
- 5.4.12 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. The Highway Officer has confirmed that once the 5 year funding period runs its course there is no guarantee that this level of service can or will be maintained, however the applicant has commented that at the end of the five year period it is expected that public transport habits would have been installed and established within the area.
- 5.4.13 Furthermore, when allowing the appeal for 270 dwellings on the site situated directly adjacent to the application site (planning ref 3/2010/0719 and appeal ref: 2161186) the Inspector considered that the adjacent site was located within a sustainable location, commented (para 27) “...In my view, the development of site immediately adjacent to the built up area of Clitheroe would in principle be ‘sustainable’ because that is where the predominance of services and facilities are to be found. That is in part because such a location would reduce reliance upon the private car.”
- 5.4.14 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.

5.4.15 In summary the Highway Officer continues to raise 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.
- 5.8.4 An air quality assessment has been submitted with the planning application which concludes that the impact of the proposal on air quality will be 'not significant'. The submission has been assessed and reviewed by the Council's Environmental Health Officer, who raises no objection.
- 5.8.5 Ribble Meadow Residents Association have raised a concern in respect of proposed new residents of this development having access to the community woodland situated to the north. This community woodland is not for the sole use of the residents of Ribble Meadows and is there to serve the community as a whole, including both existing and future residents in this area.

## 6. Conclusion

- 6.1 The application site is considered to be 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 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:

*Time limit, plans and details*

1. Application for approval of all reserved matters must be made not later than the expiration of 18 months 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 18 months 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 general 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 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.

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.

20. 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*

21. The reserved matters application to be submitted for approval (referred to in condition 1) shall include details of a scheme of Electric Vehicle charging points for each residential property. All Electric Vehicle charging points shall be provided in accordance with the agreed details prior to the first occupation of each property.

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.

22. 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.

23. 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.

24. 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

25. 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

26. 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.

27. 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](mailto: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

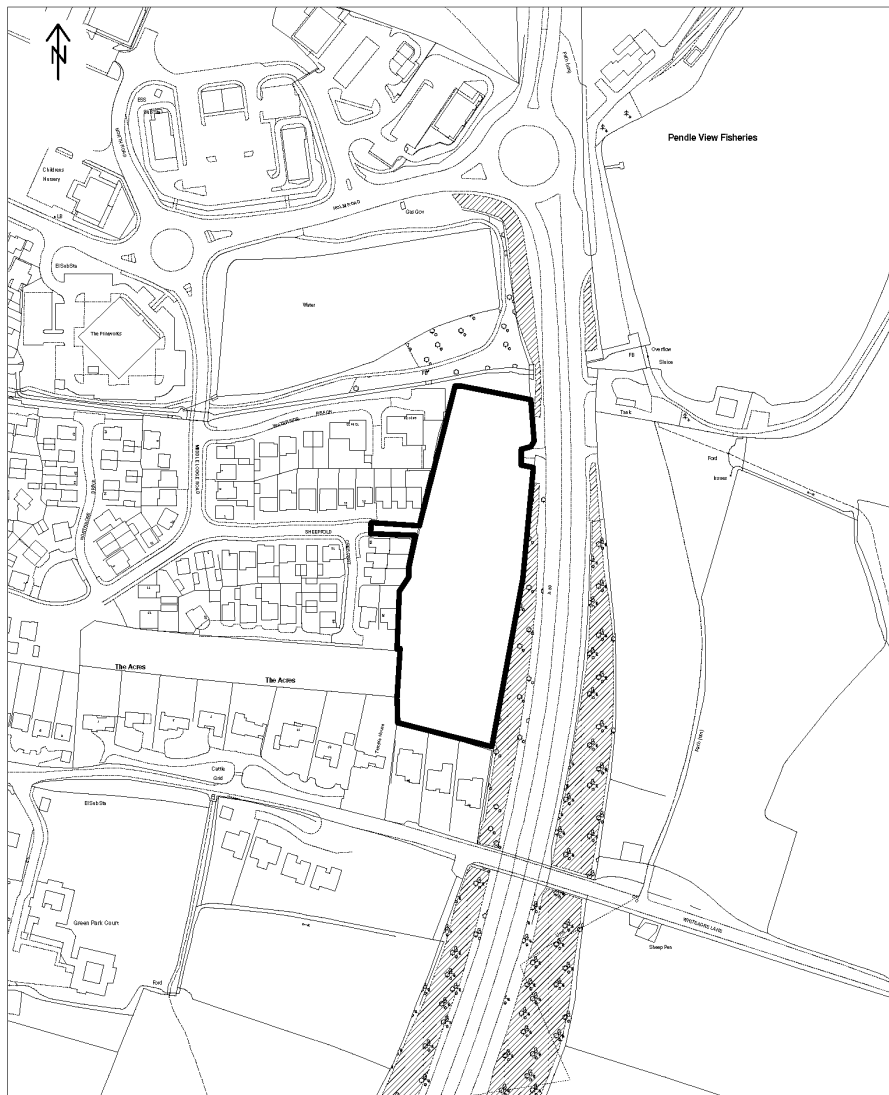
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0688](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0688)

**APPLICATION REF: 3/2018/0910**

GRID REF: SD 374154 438021

**DEVELOPMENT DESCRIPTION:**

APPLICATION FOR OUTLINE CONSENT FOR 20 BUNGALOWS FOR THE ELDERLY (6 DETACHED TWO-BED AND 14 SEMI-DETACHED ONE-BED AND OF WHICH TWO ARE AFFORDABLE) AND 6 AFFORDABLE, TWO-BED APARTMENTS WITH ASSOCIATED ROADS, ANCILLARY WORKS LANDSCAPING AND ACCESS AT LAND OFF SHEEPFOLD CRESCENT, BARROW BB7 9XR



3/2018/0488 Land off Sheepfold Crescent Barrow BB7 9XR

Scale 1:2500

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## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

Barrow Parish Council wishes to object to the application on the following grounds:

- The proposal is contrary to Key Statements DS1, DS2 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy. Approval would lead to the creation of new residential dwellings in the defined open countryside, located outside of a defined settlement boundary, without sufficient or adequate justification and this would cause harm to the Core Strategy.
- The Core Strategy states that there is zero residual need for additional housing in Barrow. Allowing an additional 29 dwellings is not sustainable and is contrary to Key Statement DS1. 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 development areas in the borough. This is especially important considering nearby traffic levels, the lack of sustainability and the environmental risks of this application.
- The applicant's covering letter states that there is currently a shortfall of housing provision in Barrow under the Core Strategy. Any perceived shortfall of residual housing numbers in Barrow is likely to be fulfilled by a recent application (3/2018/0924) where outline planning consent already exists.
- 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 states that 'the site is in an accessible location with bus stops and the Barrow service area with its shops to meet day to day needs of residents being in close proximity'. It should be noted that there is only one temporary bus stop that is poorly served and there is one shop connected to a petrol station.
- There is no evidence to support the claim that there are 'economic and social benefits by the provision of elderly bungalows and affordable housing units'. Any limited social and economic benefits arising from the development would fail to outweigh the harm to the Core Strategy.
- The site does not benefit from walkable access to a full range of services and facilities, particularly for the elderly with mobility problems, and would perpetuate an already unsustainable pattern of development. Adding more houses in Barrow would put a strain on the village's infrastructure that is already struggling to cope with the increased population and housing growth in recent years.
- Whilst the Parish Council understands that there is a need for elderly housing in the borough, the proposed site is not suitable. Meeting a perceived need on an unsuitable site should not be allowed as an exception to the Core Strategy. Ribble Valley Borough Council recently gave consent to Bloor Homes to reduce the number of bungalows and the percentage of social housing on the adjacent site so fulfilling a requirement with this application cannot be considered a priority.
- Traffic leaving the proposed site through the Barrow Brook Enterprise Park would increase the amount of congestion that exists at the McDonald's roundabout on the A59. There are already significant waiting times at this junction but Lancashire County Council will not take any action to improve safety and traffic flow until there has been a serious accident.
- The reports state that surface water and foul water drainage is to be discharged into Barrow Brook and if this is the case, the LLFA needs to be consulted to minimise the risk of flooding. Barrow experienced incidents of flooding in 2015 and the Parish Council is

concerned about the loss of yet more green fields and the impact this will have on the whole village. Barrow Brook carries a substantial amount of water and during storm conditions and properties downstream are put at risk.

- The application form states that the development is not within 20m of a watercourse. This is incorrect as Barrow Brook and Barrow Lodge are nearby.
- The application form states that the site cannot be seen from a public road. This is incorrect as the proposed development would be visible from the A59, the bridge over the A59 on Whiteacre Lane and by residents of the Bloor Homes Estate.
- Pendle Fisheries is mentioned in the Ecological Survey but there is no mention of Barrow Lodge which is adjacent to the proposed site and feeds Barrow Brook.
- Trees bordering the proposed site may be protected by Tree Preservation Orders covering the former Printworks site, particularly those adjacent to Barrow lodge. The trees and hedges on site are important to the local landscape, providing a buffer to the A59 and supporting a wide variety of wildlife, so it is important that they are monitored and remain in situ.
- Granting consent to the proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals and would damage the implementation

#### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

LCC Development Control Section have offered the following observations:

*The proposed development is described as being for elderly residents and offers mobility friendly accommodation. On this basis I would envisage that the peak hour traffic generation by the development will be less than generated by a traditional family unit due to less work and school trips.*

*Site observations would suggest that at peak times, whilst there is an element of queueing on Holm Road and its junction with the A59 roundabout, the delays encountered by drivers are not such that the impact of the development can be classed as severe in the context of the NPPF, however it has been noted that the development has a poor accessibility score and as such the highway authority would seek a financial contribution in the region of £24,000 to promote and support the recently introduced bus service on Holme Road.*

*There is an option to link the site to the path around the pond to the north of the, this would improve pedestrian accessibility to the PFS / convenience store and bus service and should therefore be explored.*

Subject to the above being addressed adequately the Highways Section have raised no objection to the proposal subject to the imposition of appropriate conditions relating to the erection of a fence/wall adjacent the A589 embankment, construction management and other highways related matters.

#### **LOCAL LEAD FLOOD AUTHORITY (LLFA)**

No objection subject to the imposition of conditions relating to surface water drainage.

#### **UNITED UTILITIES**

No objection subject to the imposition of conditions.



## **LANCASHIRE FIRE AND RESCUE:**

No representation at time of preparing this report but previously raised no objection subject to technical requirements to comply with Building Regulation.

## **ADDITIONAL REPRESENTATIONS:**

Thirteen letters of representation have been received objecting to the application on the following grounds:

- Increase in traffic in the area
- Not in keeping with the character of the area
- Pollution
- Insufficient infrastructure in the area
- Inadequate parking provision
- The application is contrary to adopted local planning policy
- Loss of land used by the community
- Proximity to the A59
- Additional housing not required in Barrow
- Site does not have walkable access to services and facilities

### **1. Site Description and Surrounding Area**

- 1.1 The application relates to a greenfield area of land 1.075 Hectares in size. The site is located to the eastern extents of an existing housing development (Pendle Hill View). The site is located within the defined open countryside, outside but directly adjacent the settlement boundary of Barrow as defined within the Regulation 22 Draft Proposals Map.
- 1.2 The site is bounded to the north by an area of open land associated with the Barrow Brook attenuation pond with the site being bounded to the east by a graded highways verge which fronts the A59. Located to the south of the site is numbers 15-19 Whitacre Lane.
- 1.3 The site is bounded to the west for the most part by Pendle Hill View with an area of woodland and usable open space for the adjacent development bounding the south western extents of the site. The immediate surrounding area is predominantly residential in both character and scale of built-form save that of the A59 being located within close proximity to the east.

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

- 2.1 Outline consent (Matters of access) is sought for the erection of 18 open market bungalows for older-persons, two affordable bungalows for older persons and 6 affordable two-bedroom apartments with associated ancillary works and landscaping.
- 2.2 The submitted indicative layout proposes that the primary vehicular and pedestrian access to the site will be provided by way of a direct interface with Sheepfold Crescent located to the west. The submitted details propose a layout whereby the main spine road diverges both north and south off the primary access. It is proposed that the southern extents of the site will accommodate bungalows orientated in two cul-de-sac arrangements with the northern extents of the site accommodating a proposed apartment block and associated parking court.

- 2.3 The submitted details propose that 30% of the housing to be provided on site will be affordable, being brought forward in the form of 6 x 2 bedroom apartments and 2 x affordable bungalows for those aged 55 or over - as such the proposed development would be considered fully compliant with Key Statement H3 of the adopted Core Strategy.
- 2.4 The remainder of the open market element will be brought forward in the form of bungalows with a housing mix to be agreed at a later stage. The applicant has indicated that whilst these bungalows are to be for open market sale, it is proposed that the occupancy of the bungalow units will be controlled through an age restriction limiting occupation to those over 55 years of age.

### 3. **Relevant Planning History**

3/2017/0962: Application for outline consent for 20 bungalows for the elderly (6 detached two-bed and 14 semi-detached one-bed) and 9 affordable, two-bed apartments with associated roads, ancillary works landscaping and access. (Refused – Appeal Lodged).

3/2018/0488: Application for outline consent for 20 bungalows for the elderly (6 detached two-bed and 14 semi-detached one-bed) and 9 affordable, two-bed apartments with associated roads, ancillary works landscaping and access. (Refused)

### 4. **Relevant Policies**

#### **Ribble Valley Core Strategy**

Key Statement DS1 – Development Strategy  
Key Statement DS2 – Presumption in Favour of Sustainable Development  
Key Statement EN3 – Sustainable Development and Climate Change  
Key Statement EN4 – Biodiversity and Geodiversity  
Key Statement DMI2 – Transport Considerations  
Key Statement H3 – Affordable Housing

Policy DMB4 – Open Space Provision  
Policy DMB5 – Footpaths and Bridleways  
Policy DME1 – Protecting Trees and Woodland  
Policy DME2 – landscape and Townscape Protection  
Policy DME3 – Site and Species Protection and Conservation  
Policy DME6 – Water Management  
Policy DMG1 – General Considerations  
Policy DMG2 – Strategic Considerations  
Policy DMG3 – Transport and Mobility  
Policy DMH1 – Affordable Housing Criteria  
Policy DMH3 – Dwellings in the Open Countryside

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

### 5. **Assessment of Proposed Development**

#### 5.1 **Principle of Development:**

- 5.1.1 The application site is located outside but directly adjacent the Defined Settlement Boundary for Barrow. A fundamental component of Key Statement DS1 is to guide the majority of new housing development towards the principal settlements within the Borough and in addition to these locations development will be focused towards the Tier 1 settlements, one of which being Barrow.
- 5.1.2 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*
- 5.1.3 The latest five year supply calculation is published in the Housing Land Availability Schedule November 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 30<sup>th</sup> September 2018 the Council can demonstrate a 5 year supply of housing land. As such the housing policies contained within the Core Strategy can be considered as up-to-date for the purposes of determining applications.
- 5.1.4 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).
- 5.1.5 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 reduction in housing numbers on individual development sites. The Authorities internal monitoring of residual requirements for both the Principal and Tier 1 settlements as of September 2018 confirms that the residual requirement for Barrow, at the time of writing this report, remains unmet by 43 units.
- 5.1.6 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. In order to satisfy policies DMG2 and DMH3 in principle residential development in the open countryside or AONB must meet an identified local housing need or one of the other criterion contained within the policy.

- 5.1.7 Providing affordable homes and housing for older people are priorities within the Council's Housing Strategy, with the Strategic Housing Market Assessment (SHMA) also supporting the need for bungalows in the Borough. However, it is envisaged that the borough wide shortfall in affordable homes and 55 years plus accommodation will be expressly addressed through the housing policies in the Core Strategy particularly in terms of locational aspirations for such development.
- 5.1.8 Turning to locational matters, the proposal site lies outside the settlement boundary in an area currently defined as open countryside. Policy DMG2 (Strategic Considerations) states that 'outside of the defined settlement areas development must meet at least one of the following considerations:
1. The development should be essential to the local economy or social well-being of the area
  2. The development is needed for the purposes of forestry or agriculture
  3. The development is for local needs housing which meets and identified needs and is secured as such
  4. The development is for small scale tourism or recreational developments appropriate to a rural area
  5. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated
  6. The development is compatible with the enterprise zone designation.

In taking account of the above criterion it is clear that residential development in this location would only be acceptable in principle if it sought solely to meet an 'identified local need'.

- 5.1.9 Whilst it is accepted that an element of the proposal seeks to meet identified affordable need within the Borough (6x two bed apartments of mixed tenure and two affordable older-persons bungalows), the remainder of the proposal is for open market sale, albeit with an occupancy restriction limiting occupation to those over 55 years of age. As such, the open market bungalows, regardless of restricted occupancy, could be considered as being in direct conflict with Policy DMG2, however such specialist housing has been identified as a 'need' within the borough, albeit not expressly meeting the definition of 'Local Needs Housing' as defined within the Core Strategy.
- 5.1.10 In respect of this matter the latest formal published housing monitoring position (September 2018) the Local Authority can demonstrate a 5 year supply of housing. However members will note that this position has been subject to significant fluctuation over the past twelve months with the authority having also found itself in the position whereby a 5 year supply could not be demonstrated.
- 5.1.11 oversupply in isolation has been considered, in some extreme cases, to be harmful. However members will note that it is difficult to demonstrate harm from 'oversupply' of housing in the absence of any evidence that existing infrastructure services and facilities could not adequately accommodate the level of growth proposed.

- 5.1.12 In respect of harm to the Development Strategy for the Borough, it is not considered possible to demonstrate any quantifiable or measurable harm, particularly given the Development Strategy for the Borough seeks to guide the majority of all new housing development towards the Principal Settlements and Tier 1 settlements (of which Barrow is one).
- 5.1.13 It is considered that the application is compliant with the main aims, objectives and thrust of the overarching Development Strategy (Key Statement DS) for the Borough in that it seeks to guide housing towards the more sustainable settlements within the Borough, albeit it is accepted that the current proposal is not located within the existing defined settlement boundary.
- 5.1.14 Taking account of the above matters it is clear that the outstanding residual housing need for Barrow remains unmet and it is also clear that the five year housing supply position is likely to be marginal at best. Members will note that both residual housing numbers and the matter of 5 year supply are not intended to be ceilings or an upper limit not to be exceeded, they represent only targets which must be met and maintained to ensure continued sustainable growth patterns within the borough.
- 5.1.15 It is considered that the boosting and reinforcement of housing supply, through the granting of additional housing consents, of an appropriate type and in an appropriate location plays a fundamental contributory role in maintaining a 5 years supply of housing in the Borough and will only continue to do so.
- 5.1.16 Taking into account the current supply position, the proposals proximity to a Tier 1 settlement, the unmet residual housing requirement for Barrow and that the proposal brings forward specialist open-market over 55's housing (for which there is an identified demand/need in the borough) and also brings forward affordable housing I can only consider that the benefits of granting consent significantly outweigh any harm that would likely be brought forward by the proposal.
- 5.1.17 As such and notwithstanding conflicts with selected policies within the Core Strategy, I consider that the principle of the development is acceptable given the likely long-term benefits of boosting housing supply and the delivery of specialist and affordable housing.

## 5.2 Impact upon Residential Amenity:

- 5.2.1 As the application is made in outline with matters of layout and appearance being reserved for consideration at a later date no definitive assessment can be made in respect of the potential impacts upon residential amenity resultant from the proposal. Notwithstanding this matter the Local Planning Authority consider it is appropriate to give due consideration to potential conflicts or issues that may arise as a result of the indicative layout proposed.
- 5.2.2 The proposal site is bounded to the west by a recently constructed housing development with the proposal having a direct interface with an existing cul-de-sac, Sheepfold Crescent. The location of the proposed vehicular access is off a small portion of road that currently accommodates a terrace of three bungalows which will directly front the access, with another bungalow to the south being orientated 90 degrees to the access point.

- 5.2.3 In relation to the orientation and layout of the proposed dwellings, those that are located adjacent the site to the west for the most part adopt a layout that acts as a continuation of existing building lines, with the proposed bungalows being orientated parallel to their neighbouring counterparts. As such it is unlikely that such an arrangement is likely to be of detriment to existing or future residential amenity.
- 5.2.4 The indicative orientation and siting of Plot 06 results in a side to rear elevation relationship with numbers 23 and 25 Sheepfold Crescent resulting in an indicative offset distance of 17m measured from the principal rear elevation of the existing dwelling (at its closest point) to a garage located on the west elevation of Plot 06. This distance is in excess of what the authority would normally seek to achieve in such situations and consider the distance proposed to be adequate to protect the residential amenities of both existing and future occupiers.
- 5.2.5 It is proposed that the northern extents of the site will accommodate a block of 9 x 2 bedroom apartments, no details have been provided in respect of the anticipated scale or height of the aforementioned apartments other than reference to it being potentially three-storey in height within the submitted Planning Policy Statement. Notwithstanding this matter the indicative layout proposes an offset distance of approximately 25 from existing apartments located to the west. Provided the scale of the proposed apartment block is commensurate with the scale of its neighbouring counterpart and primary habitable windows were orientated to take account of potential direct overlooking, it is not considered that the proposal would be of significant detriment to existing or future residential amenity.
- 5.2.6 Some concerns exist in respect of the illustrative floorplans that have been submitted insofar that a number of the internal configurations may not meet the floorspace requirements of the specifications and requirements of category 2 housing (as defined in M4(2) of Approved Document M (volume 1 2015) of The Building regulations) as normally required by the authority. However given consent for such matters are not sought at this stage, there is no obligation upon the applicant to address such concerns as part of the current application. However, there will be a requirement for such standards to be met enshrined within the S106 agreement,

### 5.3 Highway Safety and Accessibility:

- 5.3.1 The Highways Development Control section have raised no objection to the proposal subject to the imposition of conditions and have stated that the applicant will be requested to provide a financial contribution in the region of £24,000 to promote and support the recently introduced bus service on Holme Road.
- 5.3.2 The Highways Officer has further stated that there is an option to link the site to the path around the pond to the north of the, this would improve pedestrian accessibility to the PFS / convenience store and bus service and should therefore be explored. Subject to the aforementioned matters being addressed the Highways Section have raised no objection to the proposal subject to the imposition of conditions relating to the erection of a fence/wall adjacent the A589 embankment, construction management and other highways related matters.

#### 5.4 Landscape/Ecology:

- 5.4.1 The applicant has submitted a Phase 1 Habitat Survey in support of the application. The report finds that the site is largely composed of single semi-improved poor grassland that shows signs of having been poorly managed, this is evidenced through a build-up of thatch and some developing rankness.
- 5.4.2 The report concludes that the development will only directly affect semi-improved grassland, tall ruderal herb, a single hedgerow and a small number of self-seeded sapling trees. It is considered that the proposal contains sufficient landscape margins to accommodate adequate mitigation and enhancement which could be secured are the relevant detailed reserved matters stage.
- 5.4.3 The report further notes that any hedgerow removal must be undertaken outside of the breeding season do avoid any direct impact upon nesting birds and that any loss of habitat could be compensated for by the provision of new tree/shrub planting of an appropriate species. The report has further identified that an Ash tree on site (T3) may have bat roosting potential and that further surveys may be required should any works proposed at the detailed reserved matters stages directly affect the tree.

#### 5.5 Affordable Housing Provision:

- 5.5.1 Matters relating to affordable housing and tenure are currently under negotiation. However the applicant has provided a commitment to provide 30% on site affordable housing provision as required by Key Statement H3 of the core strategy. At this stage it is proposed that the affordable provision shall consist of six affordable 2-bedroom apartments and two affordable bungalows that will be for occupation solely by those aged 55 or over.

#### 5.6 Flood Risk and Drainage:

- 5.6.1 The LLFA have stated they have no objection subject to the imposition of conditions relating to surface water drainage.

### 6. **Observations/Consideration of Matters Raised/Conclusion**

- 6.1 Taking account of the above matters and all material considerations it is considered that the proposal will bring forward older persons housing of a type for which there is a clear identified need in the borough. It is further considered that the proposed development will bring forward an element of local needs affordable housing adjacent a Tier 1 settlement within which the residual housing need target is yet to be met.
- 6.2 It is further considered that the granting of approval will result in boosting and reinforcing of housing supply in the borough in a location which matches the locational aspirations as to where future development is to be accommodated, or guided towards, as embodied within Key Statement DS1 of the adopted core strategy.
- 6.3 For the reasons outlined above the proposed development is considered to be in accordance with the aims and objectives of the adopted development plan and do not consider that there are any significant material reasons that would warrant the refusal to grant planning permission.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Community Services for approval following the satisfactory completion of a Legal Agreement, within 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. Application(s) for approval of all outstanding reserved matters must be made to the Local Planning Authority not later than the expiration of eighteen months 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 eighteen months from the date of this permission; or

(b) The expiration of 18 months 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 details in respect of the submission of any reserved matters shall be in substantial accordance with the design principles and parameters as set out in/conveyed within the following approved documentation/details:

- Design & Access Statement
- Location Plan: MIDD01/Dwg 00
- Proposed Site Plan: MIDD/01 Dwg 02
- House Plans & Elevations: MIDD/01 Dwg 03

REASON: To clarify the agreed principles integral to the nature of the consent hereby approved.

3. No more than 26 dwellings shall be developed within the application site edged red on the submitted Existing Site Plan (MIDD/01 Dwg 01).

REASON: For the avoidance of doubt and to clarify the scope of the consent hereby approved

4. Applications for the approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) including the levels of the proposed roads.

For the avoidance of doubt the submitted information shall include existing and proposed sections through the site including details of the height, scale and location of proposed housing in relation to adjacent existing development/built form (where applicable). The development shall be carried out in strict accordance with the approved details.

REASON: To ensure the proposed development responds positively to characteristics of the area and to ensure the Local planning Authority can make an accurate



assessment of potential impacts upon existing nearby residential amenity as a result of the development.

6. Applications for the approval of reserved matters shall be accompanied by elevational and locational details including the height and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the development.

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 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 or conservation concern.

7. 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. QFRA558, Dated 23/01/2017) which was prepared by UK Flood Risk Consultants. 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.

8. Reserved Matters to include surface water drainage scheme to be agreed - 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 prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. 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.

9. There shall be no direct pedestrian or vehicular access between the site and the Whalley Clitheroe Bypass (A59). Details of a suitable boundary treatment/wall of a height, location, extents and appearance, to be agreed by the Local Planning Authority, shall be erected prior to the commencement of development on site. The agreed details shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

REASON: To limit the number of pedestrian access points to the highway network as an aid to road safety.

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

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

11. 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. The development shall be carried out in strict accordance with the approved details.

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.

12. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 09 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.

13. 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 and kept free of debris resultant from the construction works associated with the proposal as required during the full construction period.

REASON: To prevent stones and mud being carried onto the public highway and to ensure the continued safe operation of the highway network.

14. All garage facilities and at least 1 of the communal parking spaces for the apartments shall have facility of an electrical supply suitable for charging an electric motor vehicle, details of which shall be submitted at reserved matter stage.

REASON: In order that the development promotes sustainable modes of transport.

15. 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 Construction Method Statement for the relevant phase has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted statement shall provide details of:

- A. The location of parking of vehicles of site operatives and visitors
- B. The location for the loading and unloading of plant and materials
- C. The location of storage of plant and materials used in constructing the development
- D. The locations of security hoarding
- E. The highway routes of plant and material deliveries to and from the site.
- F. Days and hours of operation for all construction works.
- G. Contact details of the site manager

The approved statement shall be adhered to throughout the construction period of the development.

REASON: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway during the construction phase of the development.

#### INFORMATIVES:

- Response does not grant permission to connect to the ordinary watercourse - For the avoidance of any doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here:

<http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

#### BACKGROUND PAPERS

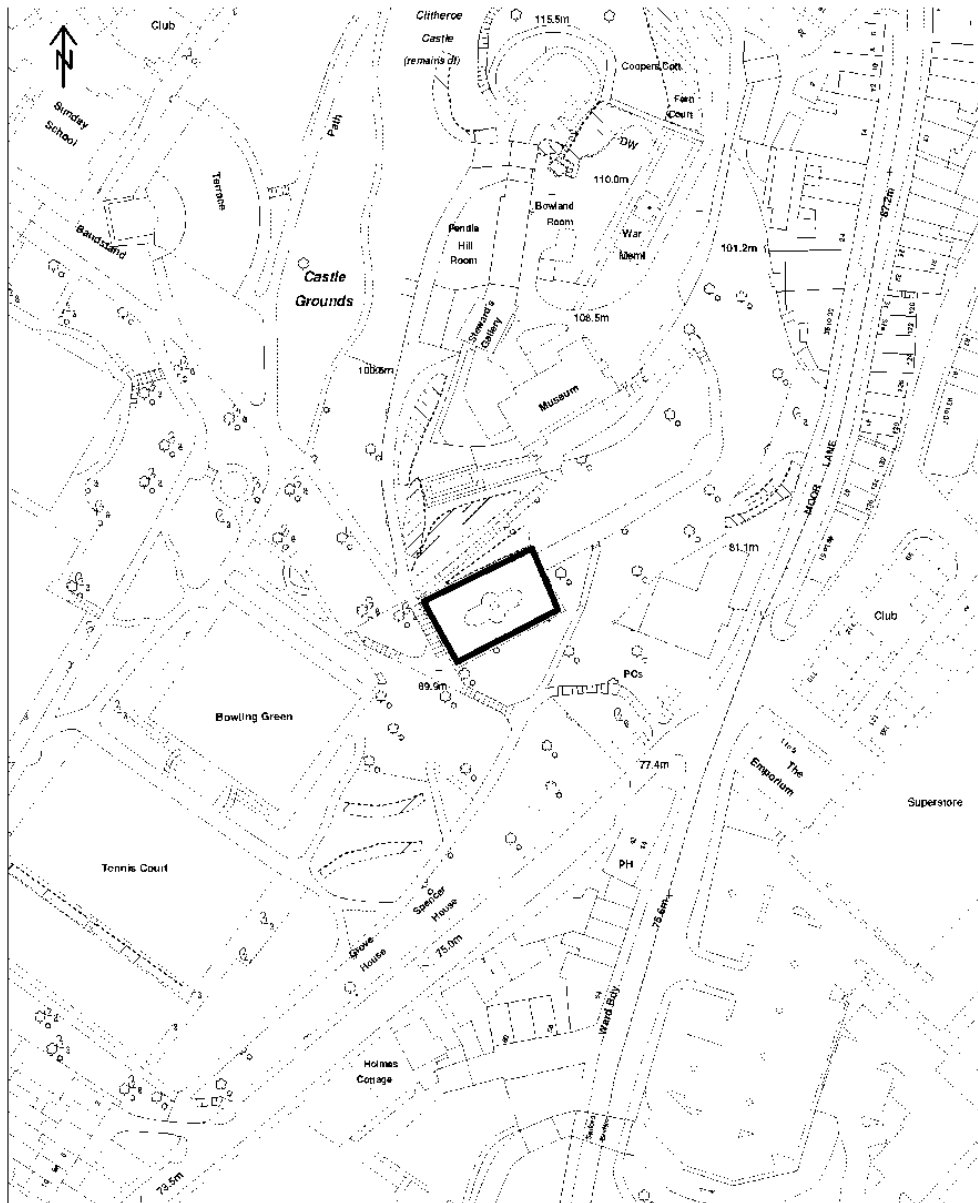
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0910](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0910)

APPLICATION REF: 3/2018/1027

GRID REF: SD 374244 441693

**DEVELOPMENT DESCRIPTION:**

PROPOSED MEMORIAL PLAQUE AT THE PINNACLE CLITHEROE CASTLE GROUNDS



The Pinnacle. Clitheroe Castle Gardens, Clitheroe BB7 1AZ

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**CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

**TOWN COUNCIL:**

No observations received at time of preparing this report.

**HISTORIC ENGLAND:**

No need to comment.

**SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:**

No observations received at time of preparing this report.

**ANCIENT MONUMENTS SOCIETY:**

No observations received at time of preparing this report.

**COUNCIL FOR BRITISH ARCHAEOLOGY:**

No observations received at time of preparing this report.

**20<sup>th</sup> CENTURY SOCIETY:**

No observations received at time of preparing this report.

**VICTORIAN SOCIETY:**

No observations received at time of preparing this report

**GARDEN HISTORY SOCIETY:**

No observations received at time of preparing this report

**ADDITIONAL REPRESENTATIONS:**

None.

1. **Site Description and Surrounding Area**

1.2 The Pinnacle is located in the gardens of Clitheroe castle in the Pinnacle Garden.

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

2.1 Listed building consent is sought for erection of a plaque on the foot of the Pinnacle on the sandstone plinth. The plaque measures 200mm by 150mm and is bronze. It will be attached with 4.9mm fixing holes.

3. **Relevant Planning History**

3/2005/0187 - Dismantle stone turret and move to new location in park, re-assemble, undertake restoration work as required. Associated curtilage work. Walls, railings and copings. LBC granted 18 August 2005.

3/2018/0997-Application for a lawful development certificate to put a small cast bronze memorial plaque to the south west face of the plinth Required consent

4. **Relevant Policies**

Planning (Listed Buildings and Conservation Areas) Act 1990.  
National Planning Policy Framework (NPPF).  
National Planning Policy Guidance (NPPG) .  
Historic Environment Planning Practice Guide (HEPPG).

*Ribble Valley Core Strategy (Adopted Version)*  
Policy DME4 – Protecting Heritage Assets.  
Clitheroe Conservation Area Appraisal.

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The main consideration in the determination of the listed building consent application is the preservation ('keeping free from harm') of the listed building, its setting (and the setting of the scheduled monument and other listed buildings) and its features of special architectural and historic interest.

5.1.2 Section 16(2) (relating to listed building consents) and 66(1) (the 'General duty as respects listed buildings in exercise of planning functions') of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that *special regard* be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

5.1.3 It is the opinion that the plaque is of a modest size and given its location on the sandstone plinth and that it is a reversible addition that it would not have a detrimental impact on the structure to warrant a refusal.

5.1.4 In giving considerable importance and weight to the duties at section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and 'great weight' to the conservation of the designated heritage assets (NPPF paragraph 132), I would recommend that listed building consent be granted conditionally.

6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 Notification and referral to the Secretary of State: the referral to the Secretary of State if all Local Authority own applications for planning permission for demolition in a Conservation Area or for Listed Building Consent has now been streamlined. This means that only where Historic England or a National Amenity Society has been notified of the application; has given a written notice to the authority setting out the reasons for objecting to the application and stating that the application should be referred to the Secretary of State; and the authority doesn't propose to refuse the application – then it will be referred to the Secretary of State.

6.2 Therefore, in giving considerable importance and weight to the duties at section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in giving 'great weight' to the conservation of the designated heritage assets (NPPF paragraph 193) and in consideration to Key Statement EN5 and Policies DME4 and DMG1 of the

Ribble Valley Core Strategy, it is recommended that listed building consent be granted conditionally.

**RECOMMENDATION:** That the application be DEFERRED and DELEGATED to the Director of Economic Development and Planning for approval subject to the following and any additional conditions or changes to proposed conditions resulting from outstanding consultee responses:

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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The permission shall relate to the development as shown on Plan Reference CCS 2018.11.11 Rev B.

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

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F1027](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F1027)

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	Awaiting Decision Notice
3/2018/0500	Land to East Clitheroe Road Barrow	1/11/18	10	With Planning

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Time from First Going to Committee to Decision</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2018/0008	Peel Park Avenue Clitheroe	4/10/18	3 weeks	34	Decision 30/10/18

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2018/0917	Application for the discharge of condition 2 (external extraction, air conditioning and ventilation equipment) from planning permission 3/2017/0268	Holmes Mill Greenacre Street Clitheroe, BB7 1EB
3/2018/0939	Non-material amendment from planning permission 3/2018/0088. The proposed side elevation is to be amended; the wall is to be shortened in order to eradicate need of moving the existing gas meter from the inside of the building to the outside	1 Queen's Drive Longridge PR3 3JF
3/2018/0945	Single storey extension to rear 7.8m long, 2.6m high (max), 2.35m to eaves	38 The Rydings Langho, BB6 8BQ
3./2018/0809	Proposed outbuilding – garden store and garden room	10 Risedale Drive Longridge, PR3 3SA

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, procedure changed to Hearing	09/10/18	Appeal Dismissed 14/11/2018
3/2017/1139 Conditions disputed	13/08/18	Sands Cottage The Sands, Whalley	WR		Appeal Allowed 25/10/2018



<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>
3/2017/0857 R	13/08/18	Lowood, Whins Lane Read	WR		Appeal Dismissed 25/10/2018
3/2018/0113 Conditions not discharged	13/08/18	102 Lowergate Clitheroe	WR		Appeal Allowed 25/10/2018
3/2018/0217 linked with 3/2018/0218 R of prior approval	29/08/18	Eastham House Fm Clitheroe Road Mitton	WR		Appeals Dismissed 07/11/2018
3/2017/0961 R (Variation of S106 Ag)	Awaiting start date from PINS	Land at Chapel Hill Longridge	Hearing (to be confirmed by PINS)		
3/2017/0962 R	03/10/18	land off Sheepfold Crescent, Barrow	Hearing	Wed 16/01/2018 Cttee Rm 1 booked	Awaiting Hearing
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		Awaiting Decision
3/2018/0537 R	28/09/18	Wiswell Brook Farm, Moorside Lane BB7 9DB	WR		Awaiting Decision
3/2018/0079 R	23/07/18	New Ings Farm Hellifield Road Bolton by Bowland	WR		Awaiting Decision
3/2018/0480 R	12/11/18	The Tythe Bar Station Rad Rimington	WR		Statement due 17/12/2018
3/2018/0474 R	Awaiting start date from PINS	Great Mitton Hall Mitton Road, Mitton	HH appeal procedure 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)		
3/2018/0447 R	Awaiting start date from PINS	Eatoughs Barn Fleet Street Lane Ribchester	WR (to be confirmed by PINS)		
3/2018/0435 R	Awaiting start date from PINS	32 Hall Street Clitheroe	WR		