

<u>INDEX OF APPLICATIONS BEING CONSIDERED</u> <u>MEETING DATE: THURSDAY, 24 SEPTEMBER 2020</u>						
<u>Application No:</u>	<u>Page:</u>	<u>Officer:</u>	<u>Recommendation:</u>	<u>Site:</u>		
A APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS:						
				NONE		
B APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR APPROVAL:						
<u>3/2020/0315</u>	1		LE	AC	Langho Football Sports & Social Club Dewhurst Road, Langho	
<u>3/2020/0424</u>	10		LE	AC	Parsons Croft, Slaidburn Rd Waddington	
<u>3/2020/0640</u>	18		SK	AC	Tom's Table Lee Carter House Lowergate, Clitheroe	
C APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR REFUSAL:						
				NONE		
D APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING BEING SATISFACTORILY COMPLETED						
<u>3/2019/1104</u>	25		LE	DEFER	Land off Hawthorne Farm Hawthorne Place, Clitheroe	
<u>3/2020/0309</u>	38		LE	DEFER	Spout Farm, Preston Road Longridge	
E APPLICATIONS IN 'OTHER' CATEGORIES:						
				NONE		

LEGEND

AC Approved Conditionally
R Refused
M/A Minded to Approve

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

LE Laura Eastwood
RB Rebecca Bowers
SK Stephen Kilmartin

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No 5

meeting date: THURSDAY, 24 SEPTEMBER 2020
title: PLANNING APPLICATIONS
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

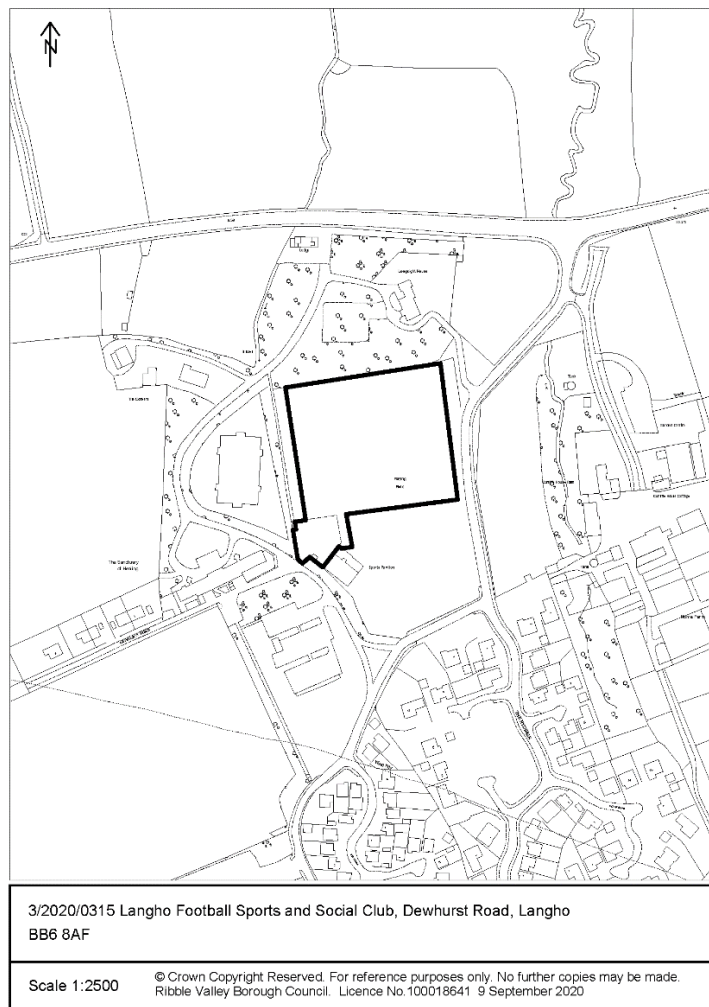
PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION REF: 3/2020/0315

GRID REF: SD 36972 34193

DEVELOPMENT DESCRIPTION:

CONSTRUCTION OF AN ALL WEATHER FOOTBALL PITCH WITH BOUNDARY FENCING AND FLOODLIGHTS AND AN EXTENSION OF AN EXISTING CAR PARK. LANGHO FOOTBALL CLUB, DEWHURST ROAD, LANGHO, BB6 8AF



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No response

RVBC LEGAL SERVICES:

Draws the developer's attention to a covenant restricting the use of the land.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

No objections subject to conditions.

SPORT ENGLAND:

Initially issued a holding objection as the policy exception requires any artificial surface to be of sufficient benefit to sport to outweigh the loss of natural turf playing field. Following additional information being submitted justifying the proposal, the objection has been withdrawn subject to conditions.

UNITED UTILITIES:

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Conditions have been suggested.

ADDITIONAL REPRESENTATIONS:

21 letters of objection have been received.

5 Letters of support have been received from local football clubs.

1. **Site Description and Surrounding Area**

1.1 The site is an existing football club with grass pitches, car parking and pavilion located on the Rydings to the south of the A59 Longsight Road. The application site relates to the largest of the 3 grass pitches and adjacent car park. The grassed pitch is adjacent to the Rydings which leads to Dewhurst Road and the access to the car park. There are residential developments around the site largely to the to the south, along with Kemple View rehabilitation centre, the sanctuary of healing is adjacent on Dewhurst Road and Longsight stables lies to the west.

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

2.1 The application seeks consent to upgrade the existing turf pitch to an all-weather pitch with fencing and lighting.

3. **Relevant Planning History**

3/1998/0520 – Proposed erection of sports club and changing facilities – Granted 5 November 1998.

3/2012/0225 – Proposed all weather football pitch with associated works – Granted 22 June 2012.

4. **Relevant Policies**

Ribble Valley Core Strategy

Policy DS1: Development Strategy

Policy DS2: Sustainable Development

Policy DMG1: General Considerations

Policy DMG2: Strategic Considerations

Policy DMG3: Transport and Mobility

Policy DME1: Protecting Trees and Woodlands

Policy DME2: Landscape and Townscape Protection

Policy DME3: Site and Species Protection and Conservation

Policy DME6: Water Management

Policy DMB1: Supporting Business Growth and The Local Economy

Policy DMB2: The Conversion of Barns and Other Rural Buildings for Employment Uses

Policy DMB3: Recreation and Tourism Development

Policy DMB4: Open Space Provision

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Technical Guidance to National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 Planning permission was originally granted in 1998 for a football club and changing facility at the site. In 2012 permission was granted for the construction of an all-weather pitch. The football club now say that they require a new full-size all-weather pitch to support the continued expansion of the club.

5.1.2 The site is located outside any defined settlement boundary and is therefore in open countryside. The immediate surrounding area has been developed for housing on the grounds of a former hospital and there is development on 3 sides bounded by the A59 to the North. It is not within the AONB or close to any heritage assets. It is considered to appropriate to locate this type of use in this area particularly as it is expanding an existing facility and therefore is considered to accord with core strategy policy DMB3.

5.1.3 Policy DMB3 of the core strategy supports the expansion of recreational and leisure facilities and it is apparent that this is a successful club for which a full-size all-weather pitch would be an asset. It would improve the existing facilities on the site of an existing pitch within the confines of the club site and therefore is considered to be acceptable in terms of DMB3.

5.1.4 NPPF para 97c states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. This is echoed by core strategy policy DMB4. Therefore, in order for the proposal to be acceptable the applicant will need to submit a robust assessment to prove that the loss of the open space is justified because of the social and economic benefits it would bring to the community.

5.1.5 Sport England initially submitted a holding objection pending further information on this matter. In principle the proposal is for an alternative and potentially better quality provision and there is clearly support for it from a number of local clubs. Furthermore, the football foundation has implied that they are broadly in support as there is a shortage of 3G facilities in the area. However; to demonstrate that the proposal accords with Sport England's exception policy more information as to the nature of the use and technical specifications was requested and subsequently submitted. Sport England have reviewed this information and confirmed that the proposal now broadly meets para 97c of the NPPF and Exception 5 of their playing fields policy subject to conditions.

5.1.6 Whilst a private issue which would have to be resolved separately to the planning application; it should also be noted that there is a covenant on this land that requires it to be kept available as a community open space and for recreation purposes.

5.2 Impact upon Residential Amenity:

5.2.1 The site is approximately 22 metres from the nearest dwelling known as Longsight House to the North but between the two sites is a thick belt of mature trees. To the East at an approximate distance of 35 metres, is Cunliffe House Farm adjacent to Longsight stables and garden centre. To the south are properties on The Rydings, the nearest being 55 metres away.

5.2.2 The proposal incorporates floodlights which are included to enable to pitch to be utilised to its maximum potential. A lighting assessment has been submitted with the application which demonstrates that there will be virtually no light spillage from the floodlights outside the site. Whilst the lights will be visible from nearby dwellings they will not result in light spillage into surrounding properties that would have a detrimental impact on amenity. Furthermore, a condition will be imposed in line with the smaller all weather pitch that the lights shall not be used after 10pm on weekdays including Saturdays or 8pm on Sundays.

5.2.3 Surrounding residents have expressed concerns that the intensification of the use will result in additional noise and disturbance, littering and antisocial behaviour as well as increased traffic and inconvenience for residents. It is accepted that the intention of the proposal is to provide an all-weather pitch that will allow more games to be played and reduce the number of cancellations due to bad weather and waterlogged pitches. As such there is likely to be an increase in activity but this is not unacceptable in principle as the expansion of a successful recreational facility is supported by local and national planning policies. The club is already able to operate within the hours proposed. There will be planning conditions imposed

to control the hours of use in line with the smaller pitch. The car park is to be expanded to accommodate the expected increase in demand. As such in terms of the material planning consideration with respect to residential amenity, the development is acceptable. Other issues that might arise may be dealt with through other legislation or be a responsibility for the club operator.

5.3 Visual Amenity/External Appearance:

5.3.1 It is accepted that the fence and lighting poles will enclose an open green space and will have some visual impact, however this is in the context of the surrounding use of the land as a football club. The impact will be mitigated to some extent by the green finish to the fence which is mesh and will allow some views through it. In addition to this, two sides are bounded by trees. The site is not in the AONB or conservation area so not subject to any special protection. As such the visual impact is considered to be acceptable to allow the club to improve its facilities.

5.3.2 In respect of the Lighting as discussed above a lighting assessment has demonstrated that there will be limited light spillage outside the site and whilst the lighting columns and some illumination will be visible, it will be directed onto the pitch and subject to operating hours restrictions. Again, when balanced with the merits of the proposal the visual impact is considered acceptable.

5.4 Highway Safety and Accessibility:

5.4.1 There is no objection to the proposal from the LCC highway officer on highway safety grounds but they would like a condition requiring a construction method statement to be submitted to ensure that there is no adverse impact on the highway network during the construction phase.

5.5 Landscape/Ecology:

5.5.1 The site is not located on a site of ecological importance but it is noted that wildlife has been observed on the site. The pitch itself will be enclosed but the adjacent pitches and tree belts will not so it is considered that some wildlife connectivity will be maintained in the vicinity of the site.

5.5.2 An arboricultural constraints appraisal has been submitted and shows that trees will be retained and protected during the construction phase, which is acceptable.

5.6 Drainage and Flooding:

5.6.1 United Utilities have raised no objection to the proposed scheme providing that proper drainage is provided. It is noted that there are local concerns regarding flooding, this may not be directly attributed to this site, however the new pitch should be drained properly so as not to increase the risk of flooding or pollution elsewhere and conditions will be imposed to ensure this.

5.7 Other Matters:

5.7.1 Notwithstanding the outcome of the planning application there are covenants in place on the land which will need to be dealt with separately to this planning application which can only consider the material planning issues.

5.7.2 The Section 52 Planning Agreement dated 23 April 1990 which still binds the whole site of The Rydings and The Dales Housing Development binds the land the subject of the Planning Application as a Community Public Open Space.

5.7.3 Covenants at 2(h) of the Agreement: The Transfer Deed, dated 11 February 1994 (which transferred the Land from Kilncross Limited to RVBC) also contains covenants not to use or permit or suffer the Property to be used for any purpose other than recreation.

5.7.4 The Land is Leased by RVBC to the Trustees of Langho FC Sports and Social Club; consent would also be needed under the terms of the Lease to any development.

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

6.1 The agent has provided the information requested to justify the loss of the turf pitch. The proposal is not considered to accord with local and national planning policy and therefore, it is recommended for approval accordingly.

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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.

Approved plans

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

505/2827/01
HLS1257

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

Materials

3. The materials to be used on the external surfaces of the development as indicated within the submitted details shall be implemented in accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality and respond positively to the inherent character of the area.

Floodlighting

4. The all weather pitch and associated floodlighting hereby approved shall only be operated between the following hours:

09:00 to 22:00 Monday to Saturday

10:00 to 22:00 Sundays and Bank Holidays

REASON: In the interests of protecting the residential amenities of nearby residents and visual amenity.

Trees protected

5. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standard.

REASON: To protect trees/hedging of landscape and visual amenity value on and adjacent to the site or those likely to be affected by the proposed development hereby approved.

Highways

6. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted information shall provide precise details of:
 - A. The siting and location of parking for vehicles of site operatives and visitors
 - B. The siting and location for the loading and unloading of plant and materials
 - C. The siting and locations of all site cabins
 - D. The siting and location of storage of plant and materials used in constructing the development
 - E. The siting and locations of security hoarding
 - F. The siting location and nature of wheel washing facilities to prevent mud and stones/debris being carried onto the Highway (For the avoidance of doubt such facilities shall remain in place for the duration of the construction phase of the development).
 - G. The timings/frequencies of mechanical sweeping of the adjacent roads/highway
 - H. 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)
 - I. The highway routes of plant and material deliveries to and from the site.
 - J. Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
 - K. Days and hours of operation for all construction works.
 - L. Contact details for the site manager(s)

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

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

- 7 Details of any external source of lighting other than that expressly granted by this permission shall be submitted to the local planning authority prior to its installation. Any lighting shall be effectively screened from the view of a driver on the adjoining public highway

REASON: In the interests of amenity and to avoid glare, dazzle or a distraction to passing motorists

- 8 The parking areas hereby approved shall be implemented and made available for use prior to first use of the all-weather pitch hereby approved and thereafter retained.

REASON: In order that the Local Planning Authority may ensure that adequate dedicated parking provision is provided on site to serve the development hereby approved.

Surface water

9. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

- 10 Foul and surface water shall be drained on separate systems.

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

Design and Layout of the All-Weather Pitch

11. No development shall commence until details of the design and layout of the all-weather football pitch have been submitted to and approved in writing by the Local Planning Authority. The Artificial Grass Pitch shall not be constructed other than in accordance with the approved details.

REASON: To ensure the development is fit for purpose and sustainable.

Community Use Agreement

12. Prior to the first use of the all-weather football pitch hereby approved a community use agreement shall have been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the all-weather pitch and include details of pricing policy, hours of use, access by users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

REASON: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport.

INFORMATIVE

PLEASE NOTE: The community use agreement will need to be prepared in consultation with Sport England and agreed with Sport England prior to its submission to the Local Planning Authority.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2020%2F0315

APPLICATION REF: 3/2020/0424

GRID REF: SD 372658 443997

DEVELOPMENT DESCRIPTION:

DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT DWELLING, RESUBMISSION OF 3/2019/1099. PARSONS CROFT, SLAIDBURN ROAD, WADDINGTON, BB7 3JQ



3/2020/0424 Parsons Croft, Slaidburn Road, Waddington BB7 3JQ

Scale 1:2500

© Crown Copyright Reserved. For reference purposes only. No further copies may be made.
Ribble Valley Borough Council. Licence No.100018641 9 September 2020

CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Waddington Parish Council strongly object to the proposal

- The size of the proposed two-storey dwelling is out-of-scale in terms of other properties in the locality;
- The size is unsuitable in terms of size and mass – it seems to be twice the size of the building it would replace;
- There seems to have been an inadequate archaeological survey conducted;
- The design and appearance of the replacement dwelling is in a style which is not in keeping with the character of the village and its Conservation Appraisal; the zinc cladding is inappropriate;
- As a result of this large-scale dwelling there would be a detrimental effect on the conservation area as effectively the site will have been over-developed if permission is granted;
- Neighbouring properties will suffer both a loss of light and privacy;
- The planned build would have an adverse visual impact on the village landscape and locality;
- There are associated issues regarding highway safety for vehicles on Slaidburn Road.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

No objections.

ADDITIONAL REPRESENTATIONS:

13 objections from 13 addresses

- The new dwelling will not be in keeping with the character of the area.
- It is excessive in scale and is overdevelopment and over dominant.
- There will be loss of view and outlook.
- Loss of light and privacy.
- Harmful to the character of conservation area, setting of listed buildings and possible archaeological remains.
- Disruption and highway safety implications.

13 letters of support from 13 addresses

- The existing dwelling is unattractive and in need of renovation.
- A modern eco-friendly dwelling would be an asset to the village
- The redevelopment may improve flooding issues in the area.
- A Ward Councillor has asked that the application is determined by the planning committee due to the concerns of local residents.

1. Site Description and Surrounding Area

- 1.1 The application site lies outside the settlement boundary for Waddington and is therefore in open countryside. It is also within Waddington Conservation Area and the Forest of Bowland AONB.

- 1.2 The existing dwelling on the site is a two-storey linear building finished in a grey coloured render, the site was formerly occupied by a stable block but was renovated in the 1980s to form the dwelling that exists today.
- 1.3 The site lies between the vicarage and Glebe House which is Grade II listed as is Ivy Cottage, which lies opposite the site.
- 1.4 Whilst the dwelling is of no particular architectural merit it is simple in form and unobtrusive in the street scene and remains subservient to Glebe House. It sits in roughly in line with the properties are either side and set back from the road frontage.

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

- 2.1 Consent is sought for the demolition of the dwelling known as Parsons Croft and the construction of a new dwelling. This is a resubmission of a previous application for a replacement dwelling which was refused.

3. **Relevant Planning History**

1983/0277 - Conversion of stable to dwelling – Granted

1983/0431 - Extensions to stable and conversion to dwelling – Granted

2019/1099 - Demolition of existing dwelling and erection of replacement dwelling - 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 H1 – Housing Provision

Key Statement H2 – Housing Balance

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME2 – Landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME6 – Water Management

Policy DMB5 – Footpaths and Bridleways

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Technical Guidance to National Planning Policy Framework

5. **Assessment of Proposed Development**

- 5.1 **Principle of Development:**

- 5.1.1 Historic OS maps show that a building of a similar footprint existed on this site in 1908, although older OS maps submitted as part of the heritage statement show an L shaped building. It is understood that the site was formerly occupied by a stable block associated with Glebe House but the physical association has long since been severed. Planning permission was granted in 1983 for the renovation of the site to form a 2-storey dwelling house. This permission has been implemented largely as approved and it is understood that it involved some extensive rebuilding.
- 5.1.2 The site is also in a conservation area and close to listed buildings so the impact on them need to be assessed before it can be determined whether the principle is acceptable in terms of policies EN4 and DME4.
- 5.1.3 Notwithstanding the heritage considerations the site is outside the settlement boundary and within the AONB. It is however located in an existing cluster of dwellings and is not in an isolated position in the landscape. Therefore, a replacement dwelling would not conflict with policy DMH3 in principle.

5.2 Heritage Assets:

Impact upon Character/appearance of Conservation Area:

- 5.2.1 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty in respect of conservation areas. In the exercise of a Local Planning Authority's planning functions with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.2.2 It is accepted that the dwelling in situ is of no merit and it is not disputed that it appears of low significance given the losses and alterations that have taken place or that its value is not readily visible. The previous application was refused in part due to the lack of investigation that had taken place to determine what, if any original fabric remained and assessment of its significance.
- 5.2.3 It is known that the site was previously occupied by a building which was a stable block ancillary to Glebe House. That building existed in some form since 1908. There were applications in the early 80s for the construction of the dwelling which is in situ today. This was described as a conversion but there is evidence to suggest that it is in fact a rebuild. The submitted heritage statement says that recent investigations have found that the dwelling as exists incorporates only minimal elements of the previous stable block including a short run of stonework to the front elevations. It occupies the footprint and possibly the foundations of the older building but is essentially a rebuild. There is no reason for the LPA to dispute this claim having researched the planning history of the site.
- 5.2.4 Therefore, the building as it stands makes no contribution to the significance of the conservation area or setting of listed buildings and is of no architectural merit. In principle the demolition and redevelopment of the site could potentially enhance the conservation area.
- 5.2.5 There are a number of basic design features which are characteristic of the village where properties are generally pitched roof robust dwellings with a simple form.

The design has been simplified and whilst it incorporates some modern design features and materials it respects the vernacular.

5.3 Impact upon Listed Building(s) and Setting:

- 5.3.1 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty as respects listed buildings in the exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.3.2 There are two listed buildings in close proximity to the site. Parsons Croft has historical associations to Glebe House but as aforementioned was converted and severed in the 1980s. There are still remnants of when they were connected such as the grand gateposts.
- 5.3.3 The impact on the setting of Ivy House which stands alone on the opposite side of the road will be lesser given the separation distance between them.
- 5.3.4 Advice from Historic England highlights that the setting of an asset is usually more extensive than its curtilage and generally relates to how people experience it. Most views within the conservation area and of listed buildings are from the highway and footpaths which flank the site. Currently the principle elevation of Glebe House is very visible on the approach from the village centre and it is considered that it is more dominant than Parsons Croft. It is accepted that there have been incremental changes to the setting over the years but the impact has been lesser as it has largely been contained within the footprint of the building.
- 5.3.5 The proposed building has been redesigned since the previous refusal so that it is set further back within the site, reduced in scale and simplified. It will remain subservient in scale to Glebe House and the front elevation of this property will which will maintain the historic relationship and preserve the setting of the listed building.

5.4 Impact upon Residential Amenity:

- 5.4.1 The proposal will introduce additional built form along the boundary of the property with Glebe House which is overlooked by the principle elevation of this property. It has been significantly reduced in scale from the previous application. The elevation facing Glebe House would not include any habitable room windows. The facing distance between the front elevation and the side of the proposed dwelling would be approximately 15 metres at the closest point and 19 at the furthest point due to the slightly oblique angle between the two. This is not considered to be unacceptable.
- 5.4.2 The concerns raised by the neighbours are noted and it is accepted that the construction of the dwelling would alter the view from their property. However, the loss of a view is not a planning consideration and the facing distances are adequate so there would be no overshadowing. The architects have submitted some supplementary comments in response to objections demonstrating that the

shadow cast by the new dwelling would affect Glebe House less than the existing situation.

5.5 Visual Amenity/External Appearance:

5.5.1 Notwithstanding the proposal's impact on heritage assets discussed above the proposal is for contemporary and unique dwelling which does take some reference from traditional design features in the area. The more modern materials are located to the rear overlooking the garden with more traditional materials fronting the road.

5.5.2 The applicant has noted the previous reasons for refusal and the scale has been reduced in response. The new dwelling has also been moved further back in the plot with more of the bulk of the building accommodated at the rear so that the front elevation is in a similar position to the existing dwelling. The frontage remains now maintains when approaching from the village. It is not considered that the revised proposal would be an over dominant feature in the street scene.

5.6 Highway Safety and Accessibility:

5.6.1 There is no net increase in the number of dwellings served via the access and the plans indicate that there will be adequate turning and secure parking within the site. Therefore, the proposal will have little impact on the highway network. The LCC highway officer has also confirmed that they have no objection to the proposal. The concerns with regard to construction traffic are noted but any disruption due to this is likely to be short lived and is not a reason to refuse planning permission.

5.7 Landscape/Ecology:

5.7.1 The site is within the AONB but is not in an isolated area, being located within a small cluster of dwellings on the edge of the village. As such it is not considered that the proposal would have a significant impact on landscape character.

5.7.2 There are no protected trees on the site nor is this within an area of ecological importance however the proposal does involve demolition of Parsons Croft. A bat survey has been submitted which concludes that there is no evidence to suggest that bats are roosting within the building. They recommend that two bat boxes should be installed on trees within the garden and this can be secured with a condition.

5.7.3 It also is noted that the building on the site is outdated and therefore the replacement with a modern dwelling could bring environmental benefits through improved energy efficiency and flood resilience.

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

6.1 The applicant has responded positively to the planning authority's previous concerns and it is considered that the reasons for refusal of the earlier planning application have been overcome. Therefore, it is recommended accordingly.

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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. 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:

Location Plan 1833 - EX00
Existing Site Plan 1833 – EX01
Existing Floor Plans 1833 – EX02
Proposed Site Plan 1833 – PL10
Proposed Floor Plans 1833 – PL11
Proposed Elevations 1833 – PL12
Context Elevations 1833 – PL13

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

3. Notwithstanding the submitted details, precise specifications and samples of walling and roofing materials including details of all proposed window and door surrounds, jambs, mullions, sills and heads to be implemented within the development hereby approved shall have been submitted to and approved in writing 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 materials to be used are appropriate to the locality and respond positively to the inherent character of the area.

4. Precise specifications, locations and the timings for the installation of 2 bat boxes on trees within the garden as recommended within the submitted preliminary Bat Roost Assessment Report dated 13.5.2020 and indicated on the approved site plan shall have first been submitted to and approved by the Local Planning Authority prior to the commencement of any development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal.

The development shall be carried out in strict accordance with the approved details including the agreed timings for installation and duration for retention of the bat box provision.

REASON: To ensure the protection of species/habitat protected by the Wildlife and Countryside Act 1981 (as Amended) and in the interests of biodiversity and 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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (Schedule 2, Part 1, Class A-E) or any

subsequent re-enactment thereof no development normally permitted by these provisions shall be constructed without express planning permission first being obtained.

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

6. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standard.

REASON: To protect trees/hedging of landscape and visual amenity value on and adjacent to the site or those likely to be affected by the proposed development hereby approved.

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

REASON: In order to protect the amenities of existing residents and land uses.

BACKGROUND PAPERS

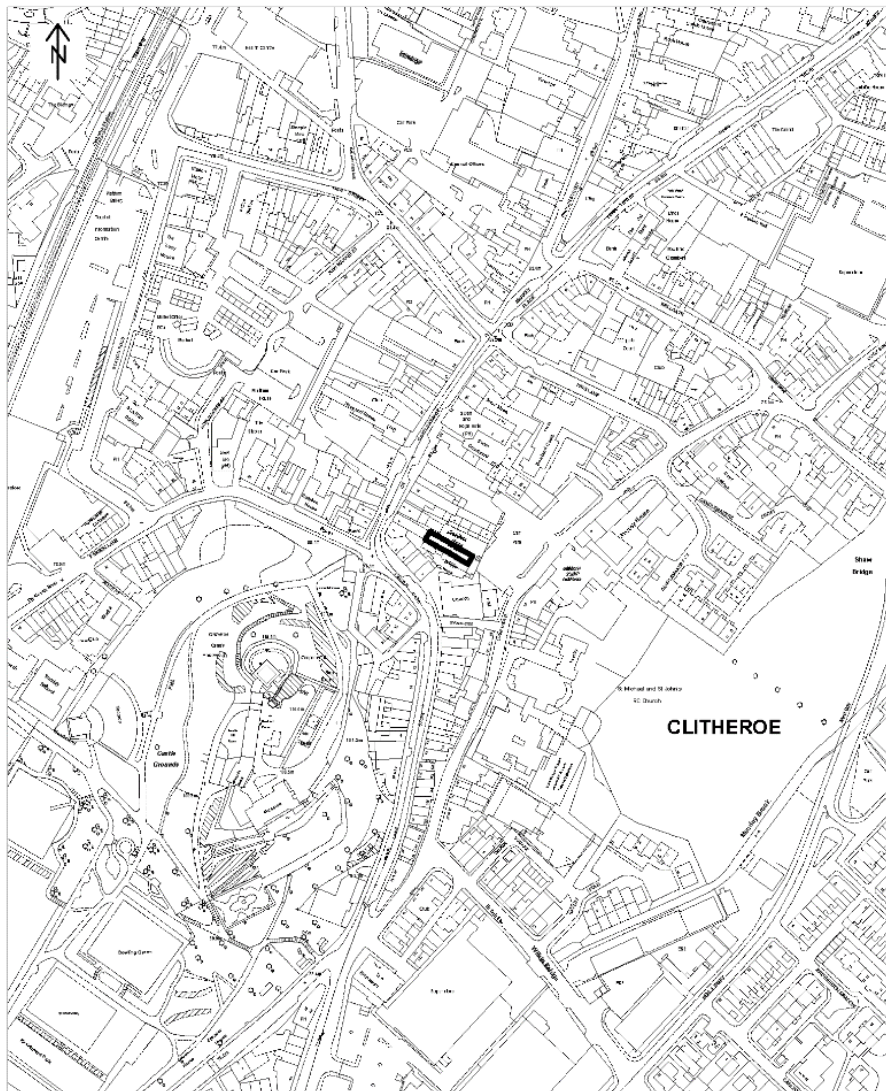
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2020%2F0424

APPLICATION REF: 3/2020/0640

GRID REF: SD 374344 441761

DEVELOPMENT DESCRIPTION:

PROPOSED CHANGE OF USE FROM RETAIL (USE CLASS A1) WITH ANCILLARY CAFE (USE CLASS A3) TO RESTAURANT AND CAFE (A3) (NEW CLASS E). OPENING HOURS 9.00 AM TO 10.30 PM TUESDAY TO SATURDAY AND 9.00 AM TO 5.00 PM SUNDAY TO MONDAY. TOM'S TABLE, GROUND FLOOR, LEE CARTER HOUSE, LOWERGATE CLITHEROE BB7 1AD



3/2020/0640 Tom's Table, Ground Floor, Lee Carter House, Lowergate,
Clitheroe BB7 1AD

Scale 1:2500

© Crown Copyright Reserved. For reference purposes only. No further copies may be made.
Ribble Valley Borough Council. Licence No.100018641 9 September 2020

CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

CLITHEROE TOWN COUNCIL:

No representations received in respect of application.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

LCC Highways have raised no objections to the proposal.

CADENT GAS:

Cadent Gas have identified that there is a low or medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity).

ADDITIONAL REPRESENTATIONS:

A number of letters of representation from 4 individuals have been received objecting on the following grounds:

- Inadequate access
- No access for those that are mobility impaired
- Noise and disturbance
- Loss of Privacy
- Area not appropriate for a commercial use
- Odours being of detriment to nearby residential amenity
- The proposal will have a detrimental impact on other established businesses in the area
- The proposed use will change the quiet nature of the courtyard
- Proposal will be of detriment to the Conservation Area

3 letters of representation have also been received supporting the proposal.

1. Site Description and Surrounding Area

- 1.1 The application relates to Lee carter House located off Lowergate and Saddlers Mews Clitheroe. The site is located within the Main Centre Boundary of Clitheroe within close proximity but outside of the designated Principal Shopping Frontage. The building is located within the defined Conservation Area of Clitheroe.
- 1.2 The building is bounded to the north and north-west by a number of residential properties that also front Saddlers Mews Courtyard with the building being bounded to the east by an existing car-parking area.

2. Proposed Development for which consent is sought

- 2.1 The submitted details seek consent for change of use from retail (use class A1) with ancillary cafe (use class A3) to restaurant and cafe (A3) (New Class E). opening hours 9.00 am to 10.30 pm Tuesday to Saturday and 9.00 am to 5.00 pm Sunday to Monday.
- 2.2 The submitted details do not propose any exterior alterations with the only internal physical alterations proposed being that of a removal of an internal wall to facilitate the creation of

an extended kitchen and servery area. It is proposed that the existing ground floor A1 retail area will be utilised as a dining area with the first-floor ancillary café (A3) area also accommodating dining areas associated with the proposed A3 use.

3. **Relevant Planning History**

3/2020/0502 - Prior Notification of a change of use from shop (use class A1) to restaurant (A3) to allow use of the ground and first floor as a restaurant for three years. (Withdrawn)

3/2015/0151 - Non-material amendment to planning permission 3/2014/0941/P. Amended roof pitch to the SW elevation (retaining existing/approved ridge level), amended window arrangement to bathroom/circulation area, amended window arrangement to bedroom (NE elevation). (Approved)

3/2014/0941 - Extension to second floor living accommodation. (Approved)

3/2013/0374 - Construction of a roof garden. (Approved)

3/2012/0683 - First floor space - previously gym and office usage, - proposed change to offices and art gallery/studio (painting). Open to the general public for art sales and marketing business. (Approved)

3/2008/0858 - Proposed change of use from gymnasium and retail to office and domestic with additional retail. (Approved)

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement DMI2 – Transport Considerations

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EC1 – Business and Employment Development

Key Statement EC2 – Development of Retail shops and Community facilities

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMB1 – Supporting Business Growth and the Local Economy

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 relates to the change of use of part of an existing commercial premises located within the defined Main Centre Boundary for Clitheroe, being located outside of but within close proximity of the defined Principal Shopping Frontage.

- 5.1.2 In this respect Key Statement EC1 states that development that *'promotes town centre vitality and viability will be supported in principle'* with further clarity on the matter being provided within Key Statement EC2 which states that *'development that supports and enhances the vibrancy, consumer choice and vitality and unique character of the area's important retail and service centres of Clitheroe, Longridge and Whalley will be supported in principle'*. With Policy DMB1 providing further support for proposals that are intended to support business growth and the local economy.
- 5.1.3 In this respect, notwithstanding other development management considerations, the proposal is considered to be in broad alignment with the adopted development plan insofar that it will result in creation of a main town centre use within the defined Main Centre Boundary for Clitheroe and will contribute and enhance the viability and vitality of the town centre.

5.2 Impact upon Residential Amenity:

- 5.2.1 The property to which the application relates has a direct relationship with a number of existing residential properties, namely numbers 1 – 5 Saddlers Mews, with the aforementioned properties and application property directly fronting the Saddlers Mews courtyard.
- 5.2.2 Given the site's proximity to existing residential receptors, due consideration must be given to the potential for the proposal to result in undue impact upon existing residential amenities.
- 5.2.3 The application has been accompanied by the submission of an acoustic environmental survey. In respect of the findings of the report, RVBC Environmental Health have raised no objections to the proposal subject to the imposition of conditions relating to noise levels, hours of operation and the limiting of times within which refuse can be disposed of and when deliveries can be received.
- 5.2.4 It is noted that a number of objections have raised concerns in respect of noise spillage and detrimental impact upon residential amenity by virtue of the likely increase in activity within the courtyard area. In respect of the former, the councils Environmental Health department have raised no concerns in respect of the submitted noise survey and have suggested the imposition of planning conditions that will limit noise levels at the nearest residential receptors.
- 5.2.5 In respect of the concerns raised regarding the impacts of increased activity in and around Saddlers Mews, it is accepted that the proposed change of use is likely to result in additional footfall within the courtyard and therefore an increase in human activity. However, given the sites location within the main centre boundary of Clitheroe and its proximity to the defined Principal Shopping Frontage it is not considered that this, in isolation, would warrant the refusal to grant planning permission.
- 5.2.6 The courtyard at present experiences unrestricted pedestrian through-traffic during the day. In this respect, whilst it is accepted the use will result in an increase in activity within the vicinity, such an increase could occur in any case, in the absence of the use being active, without control or limitation being imposed.

5.2.7 As such, taking account of the modest size of the premises, the limited hours of opening (09:00 to 22.30 Tuesday to Saturday and 09:00 to 17:00 Sunday to Monday) and in the absence of an objection having been raised by the Environmental Health Department, it is not considered that there are any material measurable and quantifiable reasons to withhold the granting of planning permission.

5.3 Matters of Design/Visual Amenity:

5.3.1 The submitted details do not propose any external alterations to the fabric of the building. As such, it is not considered that the proposal will have any additional or undue impact upon the character and visual amenities of the area.

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

6.1 Taking into account the above matters, it is considered that the proposal represents an appropriate form of development that responds positively to the character of the area, having direct synergy with the identified Principal Shopping Frontage and being located within the defined Main centre boundary of Clitheroe.

6.2 It is further considered, subject to adherence to the imposed planning conditions, that the proposal will not result in any significant nor measurable detrimental impact upon existing residential amenity. It is further considered that the proposal is in broad alignment with the economic aspirations of the adopted development plan insofar that it will contribute to the enhancement of the local economy and promote town centre vitality and viability.

6.2 It is for the above reasons and having regard to all material considerations and matters raised that the application is recommended for approval.

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

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 by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- Location Plan 29/06/20
- Ground and First Floor Proposed

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

3. The use hereby approved shall only be operated between the following hours:

09:00 to 22.30 Tuesday to Saturday
09:00 to 17:00 Sunday to Monday

There shall be no business operated from the premises or site outside the stated operating hours.

REASON: To comply with the terms of the application and in the interests of protecting the residential amenities of nearby residents.

4. Refuse such as bottles shall not be disposed of in any external area of the premises outside the hours of 09.00 to 18.00 on any day.

REASON: To protect the residential amenities of nearby residential occupiers from undue disturbance.

5. No deliveries shall be received or dispatched from the site outside the hours of 09.00 to 18.00 nor at any time on Sundays, bank or public holidays.

REASON: To protect the residential amenities of nearby residential occupiers from undue disturbance.

6. The development hereby permitted shall not cause light intrusion into the windows of any sensitive premises exceeding 10 Lux before 23.00 and 2 Lux after 23.00 (Environmental Zone 3), as described by the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light, version GN01:2011.

REASON: To protect the residential amenities of nearby residential occupiers from undue disturbance and light intrusion.

7. The noise levels from use of the building, including the playing of live/pre-recorded music, shall not result in noise levels outside any noise sensitive premises exceeding 50dB LAeq during operational hours of the business.

REASON: To protect the residential amenities of nearby residential occupiers from undue disturbance and noise intrusion.

8. There shall be no external dining or consumption of alcohol associated with the use hereby approved undertaken on land adjacent or adjoining the premises to which the application relates.

REASON: To protect the residential amenities of nearby residential occupiers from undue disturbance and noise intrusion.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2020%2F0640

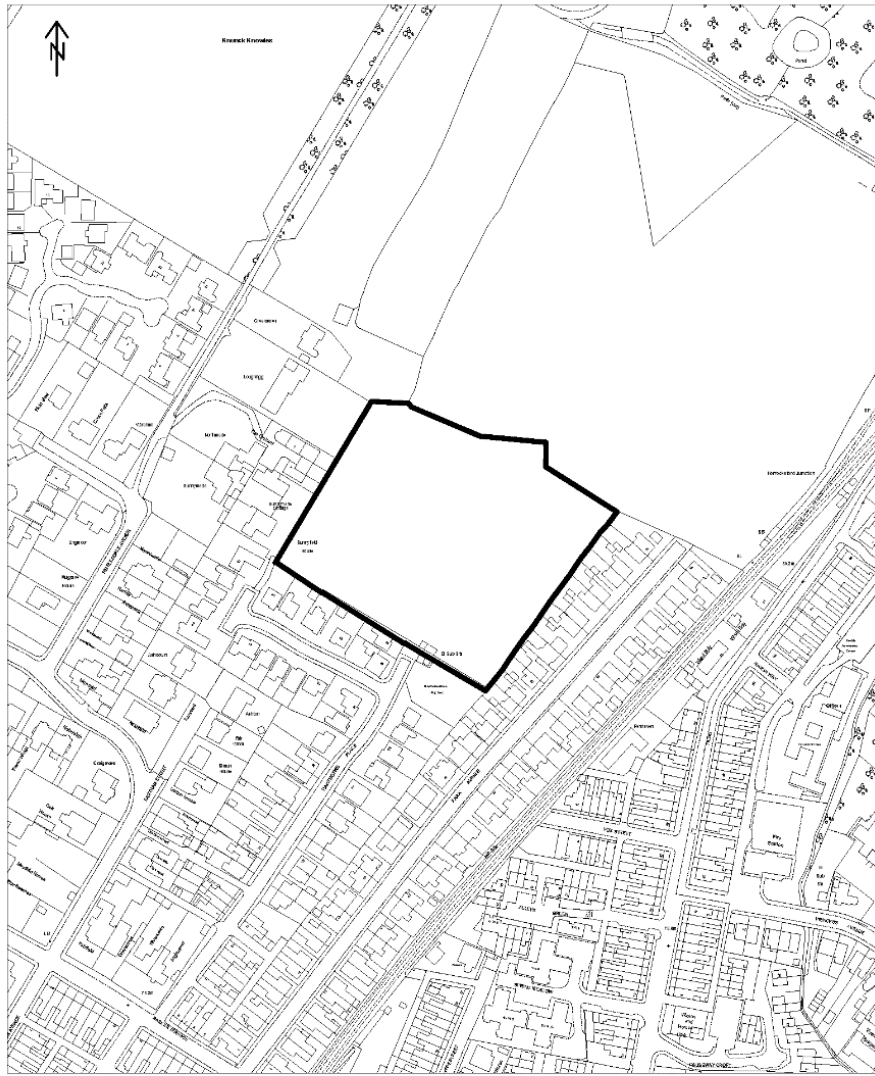
D APPLICATIONS ON WHICH COMMITTEE 'DEFER' THEIR APPROVAL SUBJECT TO WORK 'DELEGATED' TO THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING BEING SATISFACTORILY COMPLETED

APPLICATION REF: 3/2019/1104

GRID REF: 374343 442743

DEVELOPMENT DESCRIPTION:

ERECTION OF 58 DWELLINGS (INCLUDING 30% AFFORDABLE) WITH OPEN SPACE, INFRASTRUCTURE AND ASSOCIATED WORKS. LAND OFF HAWTHORNE FARM, HAWTHORNE PLACE, CLITHEROE BB7 2HU



3/2019/1104 Land off Hawthorne Farm, Hawthorne Place, Clitheroe BB7 2HU

Scale 1:2500

© Crown Copyright Reserved. For reference purposes only. No further copies may be made.
Ribble Valley Borough Council. Licence No.100018641 12 August 2020

CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

TOWN COUNCIL:

Clitheroe Town Council object to the proposal for the following reasons:

1. The Town Council notes that in July 2018 RVBC's Planning Committee chose 3 sites in Clitheroe, one of which was Hawthorne Place, for the 'Additional Housing Land Allocations.' This was to be part of the NPPF buffer over and above the 5-year land supply. It was suggested the site could take around 40 dwellings but this application puts the figure at 58.
2. The Town Council notes that, according to the County's Highways Engineer:
 - The garage dimensions fall below the accepted 6m x 3m minimum dimensions and therefore cannot be considered as bona fide parking spaces. This being the case, the parking provision would fall below expectations.
 - Driveway parking spaces should be of adequate length to avoid vehicles overhanging the footway and wide enough to allow pedestrians (wheelchairs and pushchairs included) to gain access to the front door. Advice on parking space width is a width of 2.6m – 3.2m depending on layout.
 - The Town Council also notes that the size of the affordable houses is below recommended standards. Combining these three issues the Town Council therefore objects to the development on grounds of density.
 - Furthermore, the Town Council notes that the Transport Statement was written in October 2018 and therefore considers this to be out of date. The Town Council thinks that, due to the ongoing development in the Waddington Road area and Clitheroe in general, the Highways impact of the development can only properly assessed with an up to date Transport Statement with a traffic survey carried out on a day when local schools are open.
 - Finally, if Planning Committee is minded to approve the application, the Town Council would respectfully ask for a condition that helped alleviate flooding under Waddington Road bridge: likewise, one that saw the adoption of the stretch of road from Milton Avenue past Cowper Avenue and underneath the middle railway bridge; that wheel washes are used for all vehicles leaving the site and that the developer makes good any damage to Hawthorne Place and surrounding roads by construction traffic.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

The Highway Officer raised the following concerns on the originally submitted scheme however the proposed plans have been amended to address these:

Transport Statement

Personal Injury Accident- The transport statement identifies the occurrence of 1 injury accident in the vicinity of the site (on Waddington Road near Brungerley Avenue). Since the report was compiled there has been a further injury collision reported involving a vehicle emerging onto Waddington Road from Eastham Place resulting in a slight injury. There are no collisions reported on Hawthorne Place or at its junction with Waddington Road.

Proposed Access Arrangements- To ensure that the proposed visibility splays are appropriate for this section of highway appropriate evidence in the form of an 85th percentile speed survey carried out over a period of 7 days is required.

Car Parking- It is unclear from the submitted documents whether or not the garages for part of the provision calculations or not. If they are then they should have a minimum internal dimension of 6m x 3m.

Driveway parking should be of sufficient length to accommodate the required parking scenario without any part of the vehicle overhanging the footway. Care will also need to be taken to ensure that the opening / closing of any garage door is not compromised by the parking.

Servicing- Details of the swept path analysis for refuse vehicle access is required

Sustainable Transport

Walking- It is recommended that the various routes into the town centre be audited and improvements identified where necessary. The area of this review should be Waddington Road and routes along Railway View Road to the bus interchange and rail station as well as crossing opportunities to the town centre.

Cycling- It is suggested that the applicant provides suitable storage opportunities for each residential unit either within the garages provided (taking into account the required minimum dimension for garages previously mentioned) or within garden sheds / purpose built cycle shelters.

Public Transport- The applicant has failed to identify the travel opportunities afforded by the proximity of the bus interchange (600m)

Rail- The nearest rail station is located adjacent to the bus interchange and offers an alternative transport opportunity, but the same pedestrian constraints will also be applicable (as identified above) and need to be addressed.

Electric vehicles- It will be necessary for each dwelling to have the facilities required to charge electric vehicles.

Trip Generation- The impact of the development traffic on the Railway View Road / Waddington Road junction is required.

Proposed Layout- Whilst generally acceptable, with the caveat regarding the swept path analysis for refuse vehicles being provided, there are a number of issues that will need attention.

- 1 There is no turning head provided for the cul-de-sac serving properties 41 – 46
- 2 There is no turning head provided for the cul-de-sac serving properties 37 – 40
- 3 The layout shows 2 types of junction splays being provided, radius and angular.

The preference is for the use of radiused throughout the development

EAST LANCASHIRE HOSPITALS NHS TRUST:

The NHS have requested a contribution of £38,754 to provide increased capacity for acute and planned health services within the Trust's Area for the first year of occupation.

LCC EDUCATION:

There is a requirement for a financial contribution in respect of 14 primary school places and 6 secondary school education places.

LANCASHIRE FIRE AND RESCUE:

No objections but gave advice with respect to access for fire appliances and water supplies that the development must adhere to satisfy building regulations.

CADENT GAS NETWORKS:

No objection but request that an informative is added regarding the presence of pipelines within the site boundary.

ADDITIONAL REPRESENTATIONS:

143 objections have been received with the concerns raised summarised as:

- Questions regarding the quality of the house builder.
- Increased traffic, congestion and demand for parking.
- Flood risk
- Lack of local need for housing
- Inadequate infrastructure and services to support additional housing.
- Loss of open fields
- Destruction of trees and wildlife.

1. Site Description and Surrounding Area

- 1.1 The application site is a roughly square and relatively flat parcel of land located at the end of Hawthorne Place. It is bounded on three sides by residential development with open land to the North.
- 1.2 Hawthorne Place leads directly to the site access and branches off to the West before terminating in a cul-de-sac. Hawthorne Farm is now surrounded by residential development constructed presumably on its former farm land. The existing dwellings close To Waddington Road date from the mid to late 20th century with more modern dwellings surrounding Hawthorne Farm.
- 1.3 There is a single point of access onto the wider road network via a priority junction onto Waddington Road. Hawthorne Place currently serves a residential development of approximately 55 properties.

2. Proposed Development for which consent is sought

- 2.1 The application site lies within the settlement boundary of Clitheroe.

3. Relevant Planning History

None.

4. **Relevant Policies**

Ribble Valley Core Strategy
Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement H1 – Housing Provision
Key Statement H2 – Housing Balance
Key Statement H3 – Affordable Housing
Key Statement EN4 – Biodiversity and Geodiversity
Key Statement DMI1 – Planning Obligations
Key Statement DMI2 – Transport Considerations
Key Statement DMG1 – General Considerations
Key Statement DMG2 – Strategic Considerations
Key Statement DMG3 – Transport and Mobility
Key Statement DME2 Landscape and Townscape Protection
Key Statement DMH1 Affordable Housing Criteria
Key Statement DMB4 – Open Space Provision
Key Statement DME3 — Site and Species Protection and Conservation
Key Statement DME6 — Water Management
Key Statement DMB5 — Footpaths and Bridleways

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

5. **Assessment of Proposed Development**

5.1 **Principle:**

- 5.1.1 The site proposed for development lies within the identified settlement boundary of Clitheroe. Clitheroe is one of the principal settlements for new housing development as identified within policy DS1 of the Core Strategy. Growth in this location accords with the strategic considerations as per DMG2 of the Core Strategy subject to the development being appropriate to the scale of and in keeping with, the existing settlement.
- 5.1.2 The site proposed for housing development is also one which has been identified by the authority for housing by virtue of its inclusion in the Housing and Economic Development DPD (HED DPD site MM2/HAL4). The examination hearings of the HED DPD were held between 27th November 2018 and 24th January 2019 and the inspector's final report was issued on 10th September 2019. The inspector concluded in his report that the main modifications put forward by the Authority (Including the application site) were sound and meet the tests of compliance.
- 5.1.3 The development of this site would effectively infill a gap and round off the extent of existing developments on Ribblesdale Place and Park Avenue; it would form a logical boundary of development with the open land to the North.
- 5.1.4 The development proposes a housing mix and affordable housing which would meet the requirements outlined in policy H1 and H3 of the Core Strategy. The provision of affordable housing would be secured via a legal agreement.
- 5.1.5 Therefore, the principle of development of the site for housing is acceptable however consideration still needs to be given to all other development management issues which are discussed below.

5.2 Highway Safety and Accessibility:

- 5.2.1 The site is located within a central position of Clitheroe with close access to public transport links and local amenities. The site is located at the end of Hawthorne Place and would be a natural extension of this existing highway.
- 5.2.2 LCC highways have provided detailed comments on the proposal and have no objections to the principle of development but sought some additional information further to the submitted transport assessment and amendment to the internal layout of the site. They did not feel that sufficient assessment of the impact of the development on the local road network, in particular the Railway View Road and Waddington Road junction, has been fully assessed and a sufficient level of evidence produced to support the applicant's assumption that the proposed development will have no material impact.
- 5.2.3 Further traffic surveys have not been possible over recent months due to the current pandemic and significant reduction of vehicular traffic as a result. However the matters raised have been discussed with the applicant and an addendum to the traffic survey has been submitted. The highway officer has been forwarded this information and their comments and any suggested conditions have been requested. It is recommended that members assess the application on the basis that there are no objections to the principle of development on highway grounds but any suitable conditions or further clarification would be sought before the application is determined.
- 5.2.4 The applicant has confirmed that the driveway lengths will meet current standards. Current advice is that parking spaces should have a width of 2.6m – 3.2m depending on layout. The proposed driveway lengths vary between min. 5.5m to 19m length, depending on the layout, and as such vehicle overhang onto footways will not occur. Driveway widths vary between min. 3.1m (single drive with separate access path to property) to 5m width, depending on the layout, and therefore comply with Building Regulations to allow passage of wheelchairs. For properties with parking spaces (not driveways), the private shared paths are separate from the parking to allow access for wheelchairs, again to comply with Building Regulations.
- 5.2.5 The garages previously fell short of the minimum recommended dimensions of 6x3 metres and were not large enough to accommodate an average car and storage. Given the density and layout of the site and likelihood that larger properties may have more than two cars there were concerns about the lack of parking and that any additional parking demand could not easily be accommodated on the street. This would have been likely to result in additional pressure for parking on surrounding streets which would cause inconvenience for existing residents and road users and potential highway safety issues. Therefore; confirmation was sought as to whether the parking provision met the requirement of:
- Single bed house – 1 car spaces per unit
 - bedroom house – 2 car spaces per unit;
 - bedroom house – 2 car spaces per unit and;
 - 3+ bedroom house – 3 car spaces per unit.

The applicant has responded to this request by providing a detailed breakdown of the number of spaces for each plot. There have also been some minor plot substitutions to facilitate the parking requirement. Those dwellings with internal garages now meet the recommended internal garage dimensions of a minimum of 3 x 6 metres.

The highway officer has offered no further comment on the revised drawings. However it is considered that they overcome the previous concerns and the parking provision is now acceptable.

5.3 Layout / Density:

5.3.1 The density is slightly higher than other comparable developments within the Ribble Valley however the development represents an efficient use of the land in a sustainable location and does not appear out of place visually. At a national level the Framework advocates housing densities which enable the optimal use of the land. The applicant has also now demonstrated that the site can accommodate a sufficient level of off-street parking. The mix of house types includes rows of smaller properties which have a smaller footprint than those on developments surrounding the site; many of which are substantial properties with small gaps between them. The scheme includes a reasonable amount of public and private greenspace and landscaping to break up the built form.

5.4 Design:

5.4.1 The scheme presented is a fairly typical modern housing design consisting of a mixture of two storey dwellings arranged around cul-de-sacs. Properties are oriented so that there are no blank gables on the street frontages. The surrounding area is characterised by a mixture of modern and older properties in a variety of styles and materials. The site is not within a conservation area or within the setting of any listed buildings so the design is considered acceptable in this locality. Details of the exact choice of materials will be reserved by condition.

5.5 Residential Amenity/ Noise:

5.5.1 The proposal is for a residential development in a residential area, so there are no conflicts in principle with regard to the land use. The proposed layout and position of windows is such that it meets adequate facing distances to both existing dwellings and between the new dwellings proposed. Boundary screening will ensure privacy for ground floor windows and private gardens at the rear with the principle elevations to the street being more open. The proposal does not raise any concerns with regard to overlooking or overshadowing.

5.6 Drainage / Flooding:

5.6.1 There have been concerns raised by a number of objectors with regard to flooding. It is evident that this field is poorly drained and collects surface water, particularly during recent flood events. A proper drainage system will be put in place as part of the development to ensure that the new properties are properly drained and the Lead Local Flood Authority (LLFA) have raised no objections. Furthermore, whilst a private matter, the drainage scheme has been amended following discussions between the developers and an adjacent land owner who were concerned about

the impact on the drainage from their industrial premises and this issue has been resolved between the parties involved whilst also satisfying the requirements of the LLFA.

- 5.6.2 Concerns have also been raised with regard to localised flooding on Waddington Road where the railway passes over the highway. Whilst it is acknowledged that this does occur, there is no evidence to suggest that this housing development would have a direct impact on or exacerbate this situation.

5.7 Trees and Wildlife

5.7.1 The application is accompanied by an arboricultural impact assessment, which identifies those trees which are to be removed and retained. Those to be removed are identified as poor quality and there is no objection to their removal, the site will be landscaped and new trees and bushes planted which will ensure tree coverage is maintained. The ones identified for retention will be protected during development and includes so groups around the site boundaries which will soften the impact of the development.

5.7.2 There are some hedgerows within the site, those which are to be removed must be replaced with one of equal or greater length and native species are proposed to be planted to attract a variety of wildlife to provide a net gain for biodiversity. Bat and bird boxes should also be incorporated into the development and a condition requiring details of this will be imposed.

5.7.3 The requirement to adhere to the recommendations within the Arboricultural and Ecological Surveys will be controlled by condition.

5.8 Financial Contributions:

Affordable housing:

5.8.1 The proposal is for 58 dwellings comprising 4 x 2 bed, 30 x 3 bed, 13 x 4 bed and 11 x 5 bed (5 of which are 4/5 bed). The affordable housing offering is 30% as required by policies H3 and DMH1 of the Core Strategy and will be of the following type and tenure

- 4 x 2 bedroom affordable dwellings for over 55s
- 5 x 3 bedroom open market dwellings for over 55s
- 6 x 3 bedroom rented affordable dwellings
- 7 x 3 bedroom intermediate dwellings.

5.8.2 The developer was requested to provide some bungalows as it is considered that there would be a demand for this type of accommodation in this area. However the developer has responded by saying that the dwellings proposed are fully compliant with building regulation M4(2). These ensure that dwellings are accessible and adaptable. They incorporate features which mean they are suitable for a wide range of occupants including elderly people and those with reduced mobility. Features include:

- Step free access into the building and associated parking.

- Step free access between the WC, living area, kitchen and eating areas on the entrance story of the house.
- Wider staircase to allow stair lift be fitted, should it be required.
- Provisions made so that level access showers can be fitted within the bathrooms.

5.8.3 The developer also considers that they have responded positively to preapplication advice in respect of this issue. Therefore, whilst bungalows would be desirable, the scheme presented complies with adopted core strategy policies and therefore it is not considered that refusal of permission would be justified on this issue alone.

Education:

5.8.4 A financial contribution towards education provision within the borough has been requested as follows:

Primary places:

£16,050.54 x 14 places = £224,707.56

Secondary places:

£24,185.16 x 6 places = £145,110.96

is required.

This was calculated based on the original layout and may be subject to change following re-consultation.

Off-site recreation:

5.8.5 A contribution which is likely to be used for Clitheroe Castle Grounds and Park will be sought of £216.90 per person based on the following occupancy ratios

1 bed unit – 1.3 people

2 bed unit – 1.8 people

3 bed unit – 2.5 people

4 bed unit – 3.1 people

5+ bed unit – 3.5 people

5.8.6 These contributions will be secured through a Section 106 agreement which is currently being drafted.

6. **Conclusion**

6.1 The planning issues raised by objectors are discussed in the appraisal above. However, the proposal would contribute to housing supply in a sustainable location within the district. The applicant has responded to officer requests to improve the layout and the scheme presented is now considered to be an acceptable form of development in accordance with core strategy policies. Therefore, it is recommended accordingly.

RECOMMENDED: That the application be DEFERRED AND DELEGATED FOR APPROVAL subject to the following conditions AND ANY ADDITIONAL CONDITIONS DEEMED NECESSARY FOLLOWING FURTHER CONSULTATION 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 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Plans

Location Plan -HTF-L01

Planning Layout – HTF-PL01 Rev G

Boundary Treatment Plan – HTF-BTP-302

Boundary Wall Details – SDW08/04

Fence Detail – SDF05

Knee Rail Detail – SDF12

Drainage and Levels Layout – C2091 – P03

Housetypes

Alnmouth – 2 Bed

Barton – 3 Bed

Burnham – 4 Bed

Coniston – 4 Bed

Danbury – 3 Bed

Delamere – 3 Bed

Holywell – 5 Bed

Lockwood – 3 Bed

Marston – 4/5 Bed

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

Materials

3. Prior to the commencement of above ground construction of the development hereby approved full details of the external materials and surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be constructed in accordance with the approved materials.

REASON: To ensure that the appearance of the development is appropriate to the character and setting of the area.

Residential Amenity

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

REASON: In order to protect the amenities of existing residents and land uses.

Highways

Construction Plan

5. No development shall take place until a Construction Method Statement 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 location and nature of wheel washing facilities to prevent mud and stones/debris being carried onto the Highway (For the avoidance of doubt such facilities shall remain in place for the duration of the construction phase of the development) and the timings/frequencies of mechanical sweeping of the adjacent roads/highway
 - F. 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)
 - G. Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

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.

6. Each dwelling shall have been provided with an electric vehicle charging point in a location suitable to enable electric vehicles to be charged at the dwelling prior to its first occupation.

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.

7. All car parking and manoeuvring areas, shown on the approved plans, shall be marked out and made available for use before each dwelling, to be served by such areas, is brought into use. The approved parking and manoeuvring areas shall be permanently maintained as approved thereafter.

REASON: To allow for the effective use of the parking areas.

8. The garage(s) hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability for their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

REASON: To ensure that adequate parking provision is retained on site that limits the visual impact of the parked motor-vehicle upon the street scene/area.

Ecology and trees

9. The development hereby approved shall be carried out in complete accordance with the recommendations and ecological enhancement measures detailed within Section 5 of the submitted Ecological Survey and Assessment (Ref: 2019-283 - September 2019).

REASON: In the interests of biodiversity and to enhance opportunities for species of conservation concern and reduce the impact of development.

10. No above ground level works shall commence or be undertaken on the construction of any dwelling until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites have been submitted to, and approved in writing by the Local Planning Authority.

For the avoidance of doubt the details shall be submitted on a dwelling/building dependent bird/bat species site plan and include details of plot numbers and the numbers (there shall be at least 1 nest brick/bat tile per dwelling) of artificial bird nesting boxes and artificial bat roosting site per individual dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated into those individual dwellings during construction and be made available for use before each such dwelling is occupied and thereafter retained. The development shall be carried out in strict accordance with the approved details.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and protected species.

11. All trees identified to be retained within the submitted Arboricultural Impact Assessment Ref: P1239.19 September 2019, drawing P1239.19.01/02 shall be enclosed with temporary protective fencing in accordance with BS5837:2012 [Trees in Relation to Demolition, Design & Construction]. The fencing shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place within such protective fencing during the construction period.

REASON: To ensure that existing trees are adequately protected during construction in the interests of the visual amenity of the area.

12. 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 and no nesting birds are present. The up-dated pre-clearance check shall be submitted to the Local Planning Authority prior to the removal of any trees and/or hedges.

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.

13. No above ground works shall commence on site until details of a scheme for any external building or ground mounted lighting/illumination, has been submitted to and approved in writing by the local planning authority.

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 shall be implemented in accordance with the approved details and retained as approved

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.

14. Notwithstanding the submitted details, prior to any dwelling being occupied, details/elevations at a scale of not less than 1:20 of the proposed boundary walling, gates and fencing shall have been submitted to and approved by the Local Planning Authority and these details shall identify the measures to be taken to encourage habitat connectivity throughout the site. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality and to enhance biodiversity.

Landscaping

15. Within three months of commencement of development on site, a scheme/timetable of phasing for the approved landscaping areas shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the duly approved timings and phasing's and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

REASON: To ensure the proposed landscaped areas are provided on a phase by phase basis.

16. Prior to occupation of the first dwelling, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas (other than within curtilages of buildings), shall be submitted to and approved in writing by the Local Planning Authority. The site thereafter shall be managed and maintained in accordance with the approved plan for a minimum period of 25 years.

REASON: To ensure the proper long-term management and maintenance of the landscaped areas in the interests of visual amenity and biodiversity enhancement.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F1104

APPLICATION REF: 3/2020/0309

GRID REF: 360283 436019

DEVELOPMENT DESCRIPTION:

**ERECTION OF 34 DWELLINGS AND ASSOCIATED WORKS. SPOUT FARM, PRESTON ROAD
LONGRIDGE PR3 3BE**



3/2020/0309 Spout Farm, Preston Road, Longridge PR3 3BE

Scale 1:2500 © Crown Copyright Reserved. For reference purposes only. No further copies may be made. Ribbles Valley Borough Council. Licence No.100018641 9 September 2020

CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

TOWN COUNCIL:

Longridge Town Council would like to see all the existing hedgerows retained. They would also like to request any additional contribution for the wider benefit of the community of £20,000 for open spaces towards the completion of the Longridge Loop.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

The highway officer has no objection in principle subject to conditions

EAST LANCASHIRE HOSPITALS NHS TRUST:

The NHS have requested a contribution of £ 47,058.00 to provide increased capacity for acute and planned health services within the Trust's Area for the first year of occupation.

LCC EDUCATION:

There is a requirement for a financial contribution in respect of 10 primary school places and 4 secondary school education places.

LANCASHIRE FIRE AND RESCUE:

No objections but gave advice with respect to access for fire appliances and water supplies that the development must adhere to satisfy building regulations.

PRESTON CITY COUNCIL:

No objections raised.

UNITED UTILITIES:

No objections in principle but in accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The request that conditions are imposed to ensure the proper drainage of the site.

ADDITIONAL REPRESENTATIONS:

6 objections from 6 addresses

The concerns raised by objectors relate to highway safety and loss of habitat.

1. Site Description and Surrounding Area

- 1.1 The proposal site is located on land previously associated with Spout Farm Nursery which has been used more recently as both an area for the storage of plant machinery in association with a tree-clearing business and for the growing of Christmas trees for sale within the adjacent nursery.

- 1.2 The site currently fronts Preston Road, being well sheltered by substantial existing boundary tree and hedgerow planting. The site is bounded to the north and east by the Alston Wetland Nature Reserve which is also an identified Biological Heritage Site. The site is located outside the currently defined settlement boundary of Longridge being located within the defined open countryside.

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

- 2.1 The application seeks consent for the construction of 34 dwellings.

3. **Relevant Planning History**

3/2018/0428 - Application for the discharge of condition 5 (boundary treatment), 6 (hard and soft landscaping scheme), 11 (construction method statement) and 17 (ecological mitigation measures) from planning permission 3/2016/0580 – Approved with conditions - 13/07/2018

3/2016/0580 - Proposed residential development to provide 34no new dwellings and associated works - Approved Subject to Legal Agreement - 02/05/2017

3/2013/0782 - Development of 32 dwellings including affordable housing and alterations to existing access following site clearance - Approved Subject to Legal Agreement - 16/01/2014

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement H1 – Housing Provision
Key Statement H2 – Housing Balance
Key Statement H3 – Affordable Housing
Key Statement EN4 – Biodiversity and Geodiversity
Key Statement DMI1 – Planning Obligations
Key Statement DMI2 – Transport Considerations
Key Statement DMG1 – General Considerations
Key Statement DMG2 – Strategic Considerations
Key Statement DMG3 – Transport and Mobility
Key Statement DME2 Landscape and Townscape Protection
Key Statement DMH1 Affordable Housing Criteria
Key Statement DMB4 – Open Space Provision
Key Statement DME3 — Site and Species Protection and Conservation
Key Statement DME6 — Water Management
Key Statement DMB5 — Footpaths and Bridleways

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

5. **Assessment of Proposed Development**

- 5.1 **Principle:**

- 5.1.1 The site has benefited from two previous consents for 32 dwellings in 2014 and 34 in 2017, whilst a 3-year period has recently lapsed since the grant of the most recent permission it is not considered that there have been any material changes in the circumstances of the site and the proposal does not conflict with the Development Strategy for the Borough as embodied within key Statement DS1 and Policy DMG2 of the Ribble Valley Core Strategy.
- 5.1.2 The principle of this development is acceptable given its location within the key settlement of Longridge. There are recent housing developments close to the site including one under construction directly opposite.
- 5.1.3 Both Key Statement DS1 and DMG2 of the Core Strategy, when taken together, permit development proposals in the Principal Settlements, including Longridge, 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 site is therefore regarded as a sustainable location and members should note that the principle of development has been accepted by the grant of two previous approvals.
- 5.1.5 However, consideration still needs to be given to all other development management issues along with any other material considerations which are discussed below.

5.2 Highway Safety and Accessibility:

- 5.2.1 This site was previously granted planning permission in 2017 under application number 2016/0580. Although the current application has a revised internal layout the quantum of development remains the same i.e. 34 residential units. The current application differs from the previously approval in a number of ways most notably in respect of the site layout. The current application layout has been the subject of pre-application discussions with the applicant and a number of amendments have been agreed. Previously there was a desire to create a pedestrian route in the North West corner of the site and provide a new bus stop.
- 5.2.2 However, as a planning requirement of the nearby Keir housing development a new bus stop and shelter has been installed south of the current application site. It is therefore proposed to utilise this stop for the residents of this development and the applicant has proposed, with the agreement of the highway authority, to construct a footway along the grass verge on the easterly side of Preston Road linking the site to the new bus stop.
- 5.2.3 It is understood from the pre-application discussions that it is the intention of the applicant for the estate roads to be adopted by the highway authority in the absence, at this stage, of the appropriate s38 drawing for approval some minor amendments may be required in order to comply with the highway authority requirements.
- 5.2.4 The applicant has submitted a revised Construction Management Plan as part of the documentation for approval, which would avoid the requirement for a pre-commencement condition. This should avoid a scenario of workers and delivery

vehicles parking or waiting on Preston Road and it is a condition of the approval that this is complied with.

5.2.5 On the basis of the information submitted the highway officer raises no objection to the proposal on highway grounds however they request that several highway conditions be attached to any positive recommendation.

5.3 Layout / Density:

5.3.1 The density is similar to other comparable developments within the Ribble Valley and previous approvals on the site. The previous approval was in a horseshoe arrangement but this proposal is a fairly standard layout of houses arranged around cul-de-sacs. The scheme includes a reasonable amount of soft landscaping to break up the built form.

5.4 Design:

5.4.1 The scheme presented is a fairly typical modern housing design consisting of a mixture of two storey dwellings and bungalows arranged around cul-de-sacs. Properties are oriented so that there are no blank gables on the street frontages. The surrounding area is mixed in character with the farm / garden centre adjacent, Alston Reservoir as well as a mixture of modern new builds and older properties in a variety of styles and materials.

5.4.2 The site is not within a conservation area or within the setting of any listed buildings so the design is considered acceptable in this locality. Details of the exact choice of materials will be reserved by condition.

5.5 Residential Amenity/ Noise:

5.5.1 The proposal is for a residential development and there are other residential properties in the immediate vicinity, so there are no conflicts in principle with regard to the land use. The proposed layout and position of windows is such that it meets adequate spacing distances to both existing dwellings and between the new dwellings proposed. Boundary screening will ensure privacy for ground floor windows and private gardens at the rear with the principle elevations to the street being more open. The proposal does not raise any concerns with regard to overlooking or overshadowing.

5.6 Drainage / Flooding:

5.6.1 A suitable drainage system will be put in place as part of the development to ensure that the new properties are properly drained and United Utilities have requested conditions to ensure that the development is drained on separate systems with surface water being dealt with in the most sustainable way to accord with the NPPF and NPPG.

5.7 Biodiversity:

5.7.1 The site lies adjacent to Alston Wetland which is a biological heritage site (BHS) on the site of the former Alston No3 reservoir. The submitted ecological appraisal is out of date and does not take into consideration the sites importance as an

undisturbed breeding ground for an array of wildlife including a number of endangered species. The construction of residential development adjacent to the site is highly likely to have a direct impact on this site including the introduction of domestic cats into the area which could be a threat to the wildlife within the BHS. As such the developer is requested to provide a contribution towards a predator fence encircling the whole site, which they have agreed to.

5.7.2 Some concerns have been raised by neighbours with regards to loss of hedgerows. The landscaping plan shows that the majority of the hedgerow to Preston Road will be maintained and additional planting will take place within the site. It shall be a condition of the approval that this planting scheme is implemented and maintained.

5.8 Infrastructure Requests

5.8.1 A number of infrastructure requests have been received in respect of the proposed development as follows and assessed in more detail below.

5.9 Affordable housing:

5.9.1 The proposal is for 34 dwellings comprising 5 x 2 bed, 16 x 3 bed, 23 x 4 bed; 5 Bungalows are proposed within this total. The affordable housing offering is 30% as required by policy DMH1 and will be of the following type: 3 x 2 bed bungalows, 2 x two bed houses, 3 x 3 bed houses 2 x 4 bed houses.

5.9.2 The developer asked if the affordable housing can be secured through a condition rather than a legal agreement as they are reliant on securing a grant from Homes England to fund this. However, the LPA is not agreeable to this as grant funding should not be applied to market housing sites. The affordable housing is an infrastructure requirement derived from the new development. The developer states that they are keen to progress the application to a decision and therefore have agreed to secure this through a legal agreement.

5.10 Education:

5.10.1 Lancashire County Council have requested a financial contribution towards education provision within the borough towards

- £16,645.01 x 10 primary places = £166,450.10
- £25,080.90 x 4 secondary places = £100,323.60

5.10.2 The applicant objects to this figure; they consider there is a fall-back position with respect to the 2016 application which they say is extant. They argue that they should only be required to pay the amount secured through the 2016 approval and states if they are required to pay the full contribution requested the development would be unviable, particularly as they can no longer pursue grant funding for the affordable housing.

5.10.3 The 3-year period within which the 2016 approval should have commenced expired on 2nd May 2017. The applicants have not explained what works have taken place that would constitute a commencement of development. Officers have visited the site recently and it would appear the site is still in its original use/ state. It is noted however, that an application to discharge all of the pre-commencement

conditions was approved in 2018. Whether the application is extant would have to be determined through an application for a lawful development certificate.

- 5.10.4 As there is the need for an education contribution to be provided LCC is, in effect, objecting to the application. A developer contribution, including indexation will, in most cases, overcome the objection. If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue LCC's request on its behalf, they cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance from their home, so the development could be considered to be unsustainable. Furthermore, if the planning application is approved without the required education contribution LCC would request that the local planning authority confirm how the shortfall of school places, resulting from the development, will be addressed.
- 5.10.5 The previous application 3/2016/0580 has a legal agreement mitigating some of the development impact. LCC claimed for 8 primary places to mitigate the 2016 application, however only 1 primary place was secured in the s106, due to the impact of the, then extant, 2013 application that has now since expired and resulted in no education contributions required.
- 5.10.6 Therefore, there is currently a 2016 development, if deemed extant, only mitigating a very small part of its impact through the s106 Agreement. As aforementioned the applicant asserts that this development is extant and therefore could be implemented.
- 5.10.7 However, if 3/2020/0309 comes forward in place of 3/2016/0580 then the full impact of the new development will need to be mitigated. With the new dwelling mix, there is a primary impact of 10 primary places and 4 secondary places.
- 5.10.8 The contribution falls well short of what is required to mitigate the development and LCC consider their request to be CIL compliant as is it directly related to the development. Without the required contribution the development is unsustainable.

5.11 Off site recreation:

- 5.11.1 Policy DMB4 of the Adopted Core Strategy states that the Council should seek to secure an off-site contribution towards provision for sport and recreational facilities or public open space within the area from such development. A financial contribution would be required of £216.90 per occupant based on the following occupancy rate:

1 bed unit - 1.3 people
2 bed unit - 1.8 people
3 bed unit - 2.5 people
4 bed unit - 3.1 people

- 5.11.2 Consequently, a contribution in lieu of on-site open space of £21,321.27 will be sought.

5.12 East Lancs NHS Trust:

5.12.1 The NHS have requested contributions towards acute health care services in the East Lancashire trusts area however, paragraph 56 of the NPPF states that Planning Obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

5.12.2 It is not considered that the request would meet these tests as it is not demonstrated which specific providers would benefit or how the contribution would be directly related to this development.

5.13 Biodiversity mitigation measures:

5.13.1 A contribution of £17,000 is requested for the predator fence discussed above.

5.14 Longridge Loop:

5.14.1 The Town Council has requested that a contribution made towards the completion of the Longridge Loop which is a circular multi user route around the town.

5.14.2 However it is unclear how such a request would meet the CIL tests, set out above, in respect of how the contribution would be directly related to this development.

5.15 Viability:

5.15.1 The applicant asserts that they are reliant upon there being no increase in Section 106 contributions and capital grant funding arising from Homes England for the affordable homes element to achieve a profit margin of 20% - being the normally accepted minimum margin. If affordable homes are required through the s.106 and hence grant funding is not available this erodes the profit margin to 17.25% (marginally viable). If the increased s.106 contributions are included this erodes profit margins to 14.06% and the scheme becomes unviable and funding will not be provided. The on and off-site infrastructure requests are as follows:

- 30% affordable housing (on-site)
- Education contribution towards both primary and secondary school places
- Off-site recreation
- NHS request
- Biodiversity mitigation measures
- Longridge Loop

5.15.2 Viability is a material planning consideration. Paragraph 173 of the National Planning Policy Framework (the Framework) states:

137. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards,

infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

- 5.15.3 A viability appraisal has been submitted with the application and is currently being assessed externally on behalf of the Council. The applicant states that this demonstrates that the development cannot deliver the policy requirements and create sufficient land value to meet the Framework test [paragraph 173].
- 5.15.4 The developer has submitted an assessment of the viability of the scheme which shows the projected profit margin based on 3 separate scenarios

Scenario	GDV	S106 Contribution	Total Cost	Profit	%
No Grant, Existing S106	£ 10,723,906	£ 13,750	£ 9,145,803	£ 1,578,103	17.25%
No Grant, Proposed S106	£ 10,723,906	£ 266,773	£ 9,402,017	£ 1,321,889	14.06%
With Grant, Existing S106	£ 10,973,906	£ 13,750	£ 9,138,797	£ 1,835,109	20.08%

- 5.15.5 The developers advise that capital funding for the whole scheme is being provided by Homes England under its Home Building Fund, and the land value has been independently confirmed by Savills on its behalf.
- 5.15.6 In March 2014 the government launched its Planning Practice Guidance (PPG). As set out above Section 173 of the Framework establishes that viability should consider competitive returns to a willing landowner and willing developer to enable the development to be deliverable. The PPG advises that this competitive return will vary significantly between projects to reflect the size and risk profile of the development and the risks to the project. A rigid approach to assumed profit levels should be avoided and comparable schemes or data sources reflected wherever possible.

- 5.15.7 The PPG makes specific reference to a land owner's competitive return in paragraph 24:

'... A competitive return for the land owner is the price at which a reasonable land owner would be willing to sell their land for the development. The price will need to provide an incentive for the land owner to sell in comparison with the other options available. Those options may include the current use value of the land or its value for a realistic alternative use that complies with planning policy'

- 5.15.8 The applicant is willing to provide the following infrastructure resulting in a profit margin of 17.25%:
- The infrastructure provision based on the section 106 agreement, agreed as part of the 2016 approval.
 - Education contribution of £13,474.43
 - Affordable housing contribution of 30%
 - In addition to this they have agreed to contribute £17,000 for the installation of a predator fence to protect the Alston Wetland breeding ground.

- Off site recreation contribution of £21,321.27

5.15.9 Extensive testing of the viability appraisal will take place on behalf of the Council along with consideration of the implementation of an overage/clawback clause in the Section 106 legal agreement associated with any permission linked to the profit ultimately made by the developer from the development of the land. If more profit is made than envisaged by the viability appraisal submitted with the application then the Council will receive the difference in the increase, to go towards education, up to the limit of what should have been paid by the developer if the scheme had been fully policy compliant when submitted.

6. **Conclusion**

- 6.1 The principle of residential development on the site has previously been established and notwithstanding the current negotiations with regard to financial contributions, the proposal would represent an acceptable form of development in a sustainable location.

RECOMMENDED: That the application be DEFERRED and DELEGATED to the Director of Economic Development and Planning for a decision following the submission of satisfactory viability appraisal, negotiation on the level of infrastructure which can be secured from this development and the imposition of appropriate conditions within 3 months from the date of this Committee meeting or delegated to the Director of Economic Development and Planning 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:

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

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

Approved Plans

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

Location Plan 2586-100
 Proposed site plan 19-133-0001-E
 Hard Landscape Plan – UG-487-LAN-HL-DRW-02
 Soft Landscape Plan - UG-487-LAN-SL-DRW-03
 General Arrangement - UG-487-LAN-GA-DRW-01

HOUSE TYPES

New 2 Bed Bungalow – 19-133 HT2BB
 New 4 Bed Detached – 19-133 HT4BD
 New 4 Bed Detached 1646sqft – 19-133-HT1646 Rev E
 New 4 Bed Detached 1998sqft – 19-133-HT1998 FP Rev D
 New 4 Bed Detached 1998sqft – 19-133-HT1998 E Rev D
 New 4 Bed Detached 1703sqft – 19-133-HT1703 FP1 Rev D
 New 4 Bed Detached 1703sqft – 19-133-HT1703 FP2 Rev D

New 4 Bed Detached 1703sqft – 19-133-HT1703 E Rev D

New 3 Bed Bungalow – 19-133 HT3BB Rev E

Churchtown 19-133 CHU Rev C

Scorton – 19-133 SCO Rev C

Sowerby – 19-133 SOW-FP Rev D

Sowerby – 19-133 SOW-E Rev D

Rawcliffe – 19-133 RAW-FP Rev A

Rawcliffe – 19-133 RAW-E Rev B

Warren - 19-133 WAR-FP Rev D

Warren - 19-133 WAR-E Rev D

Stalmine – 19-133 STA-FP Rev B

Stalmine – 19-133 STA-E Rev B

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

Materials

3. Prior to the commencement of the construction of the development hereby approved full details of the external materials and surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be constructed in accordance with the approved materials.

REASON: To ensure that the appearance of the development is appropriate to the character and setting of the area.

Highway conditions

4. The development shall be carried out in strict accordance with the Construction Management Plan Rev 1.1 received on 16th July 2020 and there shall be no pedestrian access to the site office from Preston Road during the construction phase.

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

5. The new access junction into the site from Preston Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site. The access shall be completed in accordance with the Lancashire County Council Specification for Construction of Estate Roads prior to the occupation of the first dwelling hereby approved.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level.

The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the

continuation of the nearer edge of the carriageway of Preston Road to points measured 59m in each direction along the nearer edge of the carriageway of Preston Road, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme which has been submitted to and agreed in writing by the Local Planning Authority before development commences and completed in accordance with the approved details prior to occupation of the first dwelling.

REASON: To ensure adequate visibility at the street junction or site access.

7. 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 in writing by the Local Planning Authority. The site access and off-site works of highway improvement shall be implemented and completed in accordance with the approved details prior to occupation of the first dwelling hereby approved

REASON: In order to satisfy the Local Planning and Highway Authorities that the final details of the highway scheme/works are acceptable before work commences on site.

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

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

9. No residential unit hereby permitted shall be occupied until details of arrangements for the future management and maintenance of proposed carriageways, footways, footpaths, landscaped areas and bin storage areas not put forward for adoption within the site have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first residential unit on the site, the areas shall be maintained in accordance with the approved management and maintenance details.

REASON: To ensure that all private streets, landscaped areas and other communal spaces are appropriately managed and maintained to ensure the safety of all users.

10. Each dwelling shall have been provided with an electric vehicle charging point in a location suitable to enable electric vehicles to be charged at the dwelling prior to first occupation.

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.

Surface water

11. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment & Drainage Strategy Document (Ref No.:30429/SRG, Dated: March 2020) which was prepared by Ironside Farrar Limited. 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.

Foul water

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

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

Biodiversity

13. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites have been submitted to, and approved in writing by the Local Planning Authority.

The artificial bird/bat boxes shall be incorporated into the identified individual dwellings during their construction and be made available for use before each such dwelling is occupied and thereafter retained. The development shall be carried out in strict accordance with the approved details.

REASON: For the avoidance of doubt the details shall be submitted on a dwelling/building dependent species site plan and include details of plot numbers and identify the actual wall and roof elevations into which the above provisions shall be incorporated.

Landscaping

14. The landscaping proposals hereby approved (Drawing:UG_487_LAN_SL_DRW_03) shall be implemented in the first planting season following occupation of the first dwelling hereby approved 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.

All trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

REASON: To ensure the proposal is satisfactorily landscaped and trees/hedgerow of landscape/visual amenity value are retained as part of the development.

Tree Protection

15. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standard.

REASON: To protect trees/hedging of landscape and visual amenity value on and adjacent to the site or those likely to be affected by the proposed development hereby approved.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2020%2F0309

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>Costs app received</u>	<u>Date of Inquiry or Hearing if applicable</u>	<u>Progress</u>
3/2019/0262 R	22/01/2020	land at Hawthorne Place, Clitheroe	WR			Awaiting Decision
3/2018/0932 R (Enforcement appeal)	20/02/2020	Bolton Peel Farm Bolton by Bowland Road	WR			Awaiting Decision
3/2018/1105 R	09/01/2020	Bolton by Bowland Higher College Fm Lower Road Longridge	Hearing		17/03/20 Council Chamber	Hearing opened, then adjourned until after lockdown – no new date given yet. Appeal Dismissed 17/08/2020
3/2019/0777 R	24/03/2020	8 Back Lane Rimington	HH			Notification sent to interested parties. Awaiting Hearing. Appeal Dismissed 20/08/2020
3/2019/0448 R	28/04/2020	land at Wiswell Lane Whalley	Hearing		22/09/2020 with 23/09/2020 in reserve virtual	Notification sent to interested parties. Awaiting Hearing.
3/2019/0510 R	24/04/2020	Land SW of Clitheroe Golf Club Whalley Road Barrow	Hearing		15/09/2020 and 16/09/2020 virtual	Notification sent to interested parties. Awaiting Hearing.
3/2019/0975 R	22/05/2020	The White House Sawley Road Sawley	HH			Appeal Dismissed 20/08/2020
3/2020/0167 R	02/06/2020	2 Moorend Cottages Ribchester Road Langho	WR			Appeal Dismissed 25/08/2020
3/2019/0877 U	12/06/2020	Land at the junction of Chatburn Road / Pimlico Link Road Clitheroe	WR	Costs application made by appellant 06/08/2020		Awaiting Decision
3/2020/0114 R	28/07/2020	Barn at Crooked Field Chipping Road Chaigley	WR			Awaiting Decision

<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>Costs app received</u>	<u>Date of Inquiry or Hearing if applicable</u>	<u>Progress</u>
3/2020/0288 R	26/08/2020	Bay Gate Farm Barrett Hill Brow Bolton by Bowland	WR			Statement due 30/09/2020
3/2020/0329 R	Waiting for start date from PINS	Three Millstones Hotel Waddington Road West Bradford	WR (to be confirmed by PINS)			