

<b><u>INDEX OF APPLICATIONS BEING CONSIDERED</u></b>						
<b><u>MEETING DATE: 29 OCTOBER 2020</u></b>						
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<b>A APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS:</b>						
				NONE		
<b>B APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR APPROVAL:</b>						
<a href="#">3/2020/0315</a>	1			AC	Langho Football Club Dewhurst Road, Langho	
<a href="#">3/2020/0641</a>	10			AC	12 Wheatley Drive Longridge	
<a href="#">3/2020/0688</a>	14			AC	Unit 5 Stonebridge Mill Longridge	
<b>C APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR REFUSAL:</b>						
				NONE		
<b>D APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING BEING SATISFACTORILY COMPLETED</b>						
<a href="#">3/2020/0309</a>	20			DEFER	Spout Farm Preston Road, Longridge	
<b>E APPLICATIONS IN 'OTHER' CATEGORIES:</b>						
				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, 29 OCTOBER 2020  
title: PLANNING APPLICATIONS  
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

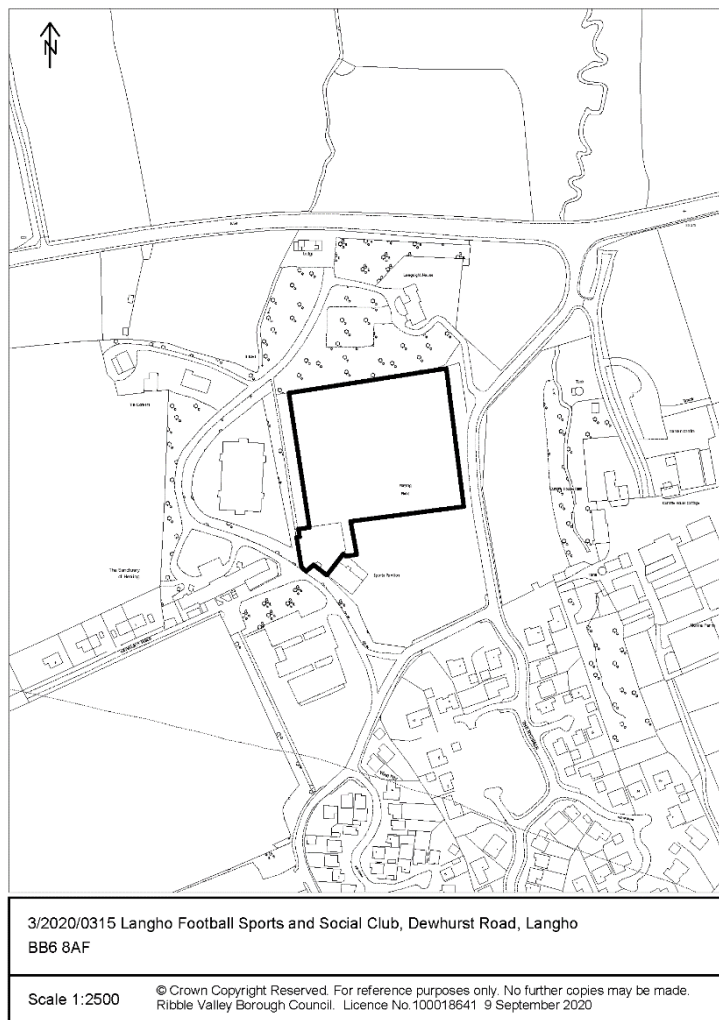
## PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

**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 now considered to accord with local and national planning policy and 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.

### *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 20:00 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 Artificial Grass Pitch*

11. No development shall commence until details of the design and layout of the Artificial Grass Pitch have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. 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. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the Artificial Grass 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.

#### UPDATE FOLLOWING 24 SEPTEMBER PLANNING AND DEVELOPMENT COMMITTEE MEETING:

On 24 September 2020 Committee were minded to refuse the application due to its harmful impact on the amenities of local residents and the visual quality of the area. A decision on the application was deferred to enable the Director of Economic Development and Planning to draft an appropriate refusal reason.

The recommendation remains that the application should be approved.

At the meeting of 24 September, Members were verbally updated on the further concerns raised by neighbours summarised as follows:

- Noise and disturbance, antisocial behaviour
- Light pollution, adverse impact on the appearance of the area
- Harm to wildlife and trees
- Lack of parking and highway safety
- Loss of community open space
- Poor drainage
- Whilst not material planning considerations, objectors also state that restrictive covenants on the land and terms of the lease would restrict the proposed development. Other alternative sites should have been considered.

Supporters of the proposal consider:

- Additional choice of all-weather pitches would be a benefit to recreation for the wider community as many football games are cancelled each season due to unplayable pitches.

There are no further updates to report at the time of writing.

Should Committee still be minded to refuse the application the following reason is recommended:

1. The proposal is considered contrary to Policy DMG1 of the Adopted Core Strategy. The proposed all-weather pitch due to the boundary fence, floodlights and intensification of the use will have a detrimental impact on the amenities of surrounding neighbours by reason of noise and light pollution as well as resulting in harm to the visual qualities of the area.

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2020%2F0315](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2020%2F0315)

**APPLICATION REF: 3/2020/0641**

GRID REF: SD 360820 437733

**DEVELOPMENT DESCRIPTION:**

**ERECTION OF GAZEBO IN REAR GARDEN (RETROSPECTIVE) AND ALTERATION TO FRONT DRIVEWAY TO CREATE ADDITIONAL PARKING AREA AT 12 WHEATLEY DRIVE, LONGRIDGE PR3 3TT**



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

### **PARISH COUNCIL:**

Longridge Town Council – Have confirmed that they have no comments to make on the application.

### **ADDITIONAL REPRESENTATIONS:**

One objection has been received from a neighbour on the basis of the excessive scale of the gazebo, inappropriate design, impact on their garden and the retrospective nature of the application.

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

1.1 The application property is a semi-detached dwelling in a residential street on the outskirts of Longridge. The dwelling has a rear garden which rises to the rear and adjoins several other properties.

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

2.1 The application seeks planning consent for the erection of a timber gazebo type structure in the rear corner of the garden and a formation of a driveway to the front. The application is part retrospective as the gazebo is in situ and works to form the extended driveway have commenced.

2.2 The application is brought before Members of the Planning and Development Committee as the applicant is an employee of Ribble Valley Borough Council in accordance with the Council's Scheme of Delegation.

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

None

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

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Policy DMG1 – General Considerations

Policy DME2 – Landscape and Townscape Protection

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 The proposal is for development for domestic purposes within the curtilage of a dwelling house which is not protected by virtue of it being a listed building, within a conservation area or the AONB. The principle of development is therefore acceptable subject to an assessment of the material planning considerations.

## 5.2 Impact upon Residential Amenity:

5.2.1 The application is in two parts. The formation of a driveway to the front is considered acceptable in terms of its impact on neighbours and will provide additional off-street parking thus reducing the pressure for on street parking.

5.2.2 The gazebo / outbuilding is in situ and exceeds the limitations for permitted development. as it is approximately 3 metres high at the highest point and within 2 metres of the boundary.

5.2.3 The garden adjoins numbers 10 and 14 Wheatley Drive at either side; 15 Springs Close at the rear and 1 Bowland Road at the side and rear. The structure abuts the boundary of number 14 Wheatley Drive in an elevated position due to the sloping land and projects above the height of the fence however the level of the adjacent land in the neighbour's garden is broadly the same. It also abuts the rear corner of the rear garden of 15 Springs Close.

5.2.4 The gazebo structure is open sided with two pitched roofs which project above the height of the boundary fence. Whilst visible from neighbouring properties it is not considered that it overshadows adjoining gardens to an unacceptable degree given that it is open sided and the roof slopes away from the boundary with number 14, it also lies to the west of number 14 which further reduces the impact in terms of the impact on light due to this orientation Some levelling / terracing of the garden has been carried out to form a level seating area but this has not significantly raised the land level above previous land levels and the seating area is screened from neighbouring properties by the existing boundary fences.

5.2.5 As such it is not considered that the development will result in a loss of amenity for neighbours through a significant increase in overshadowing or overlooking.

5.2.6 The gazebo does provide a sheltered area which may allow more use of this part of the garden than previously, however it remains a private domestic garden. Members should also consider that there is a fall-back position with regards to permitted development rights that would allow an outbuilding or shelter of up to 2.5 metres in height providing it does not cover more than 50% of the garden area.

## 5.3 Visual Amenity/External Appearance:

5.3.1 The proposed hardstanding to the front of the property will not have a detrimental impact on the character of the area.

5.3.2 The gazebo structure is timber framed and open sided with two pitch roofs which are covered in red roof tiles. The choice of timber is not uncommon for garden structures and the pitch and finish of the roof is in keeping with surrounding dwellings. Whilst it undoubtedly can be seen from neighbouring dwellings, the loss of a view is not a material planning consideration. The concerns raised with regard to the scale are noted, but it is not considered to be excessive or over dominant in this position.

5.3.3 As aforementioned a whole range of garden structures could be constructed in private gardens without the requirement for planning permission under permitted development rights. The structure is slightly larger than permitted development limitations and thus requires planning permission, but it is not considered to be excessive in scale or out of keeping due to its design or choice of materials. The structure is located in the corner of the rear garden and will not have a harmful impact on the visual quality of the surrounding area.

5.4 Highway Safety and Accessibility:

5.4.1 LCC highways have not been consulted on the application, however the provision of additional off-street parking will be beneficial by reducing the demand for on street parking. The driveway should be drained within the curtilage of the site to reduce surface water run off onto adjacent land.

5.5 Other Matters:

5.5.1 The material planning considerations have been assessed in the report. It is noted that the application is retrospective however this application seeks to regularise the situation. The retrospective nature of the application is not a reason to refuse consent if it is deemed acceptable in terms of the material planning considerations.

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

6.1 It is not considered that the proposal is harmful to the neighbour's amenities, visual amenity or highway safety and therefore it is recommended accordingly.

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

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

Location Plan

Site Plan to include driveway – received 12th September 2020

Photos – received 10th August 2020

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

2. The driveway hereby approved shall be hard surfaced, sealed and drained within the curtilage of the site or surfaced in a permeable material, prior to it first being brought into use and thereafter retained as such

REASON: To ensure that the proposal is properly drained and reduce surface water runoff onto adjoining land from the development.

BACKGROUND PAPERS

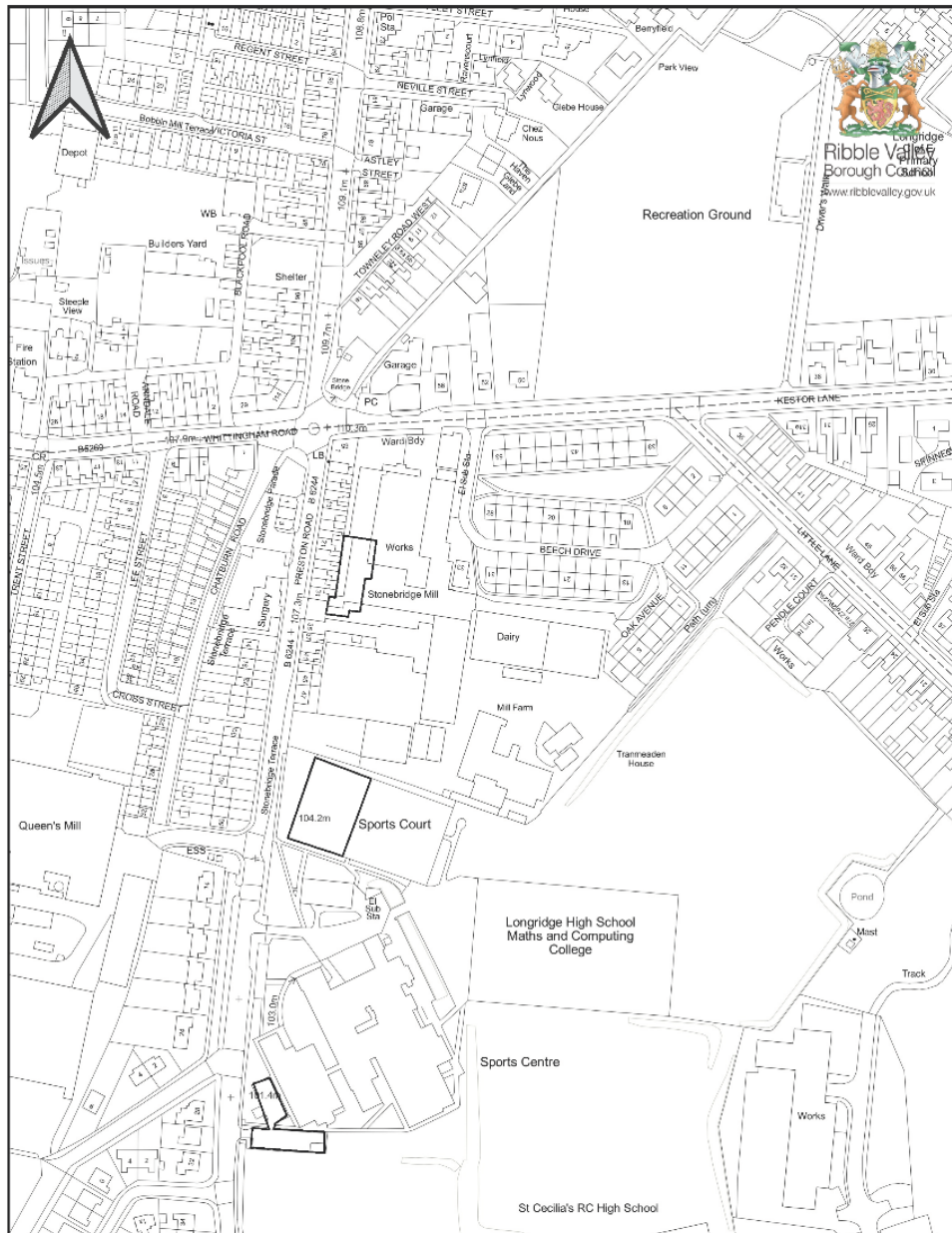
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2020%2F0641](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2020%2F0641)

**APPLICATION REF: 3/2020/0688**

**GRID REF: SD 360142 437068**

**DEVELOPMENT DESCRIPTION:**

**PROPOSED CHANGE OF USE FROM B2 INDUSTRIAL TO D2 LEISURE (NEW CLASS E) AND ALTERATIONS TO WINDOW TO CREATE DOOR AND FIRE ESCAPE AT UNIT 5, STONEBRIDGE MILL, PRESTON ROAD, LONGRIDGE PR3 3AN**



**3/2020/0688 Unit 5, Stonebridge Mill, Longridge PR3 3AN**

1:2393 © Crown copyright and database rights 2020 Ordnance Survey 100018641 Friday, 16 October 2020

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

### **TOWN COUNCIL:**

No objections and supportive of the parking arrangements.

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

Object and consider that the proposed parking shown is not close enough to be a viable proposition and the scheme would require 9 car parking spaces. Preston Road has a No waiting Order which further limits the availability of off street parking. Following receipt of Travel Plan still retain their objection.

### **ADDITIONAL REPRESENTATIONS:**

35 letters of support have been received making the following comments:

- Consider the facility and business to be an important asset to the local community.
- The distance to the car parking areas does not prevent people from walking to and from the car parking area.
- Helps people's health and wellbeing.

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

- 1.1 The application relates to a unit on the first floor of Stone Bridge Mill which is located in the Longridge Conservation Area. The site is located close to the main centre of Longridge which incorporates a mix of commercial and residential properties.

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

- 2.1 The submitted details seek consent for change of use from B2 Industrial to D2 Leisure (New Class E). The opening hours which are sought 9am to 9pm Monday to Friday and 8am to 2pm on Saturdays.
- 2.2 The submitted development details external alterations at the rear of the unit to include a new fire escape and alterations to a window to create a fire door. A dance studio has been operating from the unit for in excess of 18 months with different businesses and as such this application is submitted retrospectively.

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

3/2020/0198 - Proposed change of use from B2 industrial to D2 leisure- Withdrawn

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

Policy DMB3-Recreation and Tourism Development

Policy DME4- Protecting Heritage Assets

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 mill complex located on the edge of the Conservation Area.

5.1.2 Policy DMB1 of the Adopted Core Strategy provides support for proposals that are intended to support business growth and the local economy. Proposals for the development, redevelopment or conversion of sites with employment generating potential in the plan area for alternative uses will be assessed with regard to the following criteria:

1. The provisions of policy DMG1, and
2. The compatibility of the proposal with other plan policies of the LDF, and
3. The environmental benefits to be gained by the community, and
4. The economic and social impact caused by loss of employment opportunities to the borough, and
5. Any attempts that have been made to secure an alternative employment generating use for the site (must be supported by evidence (such as property agents details including periods of marketing and response) that the property/ business has been marketed for business use for a minimum period of six months or information that demonstrates to the council's satisfaction that the current use is not viable for employment purposes.)

5.1.3 Whilst the proposals result in the loss of B2 employment floorspace the loss is small scale and it is noted that the proposed development offers employment and economic benefits to the local economy.

5.1.4 Although the application is not supported by marketing evidence to demonstrate compliance with criterion 5 above it is proposed to attach a personal condition to the recommendation limiting the use to an established dance school within the area. The change of use will enable the dance school, which was previously located at Longridge High School, to continue to serve its students within Longridge however if the dance school vacates the premises the use will revert to B2. As such the development retains employment on the site and protects such a use in the long term.

5.1.5 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 the creation of an appropriate use within the defined

settlement boundary of Longridge and will contribute and enhance the viability and vitality of the area.

## 5.2 Impact upon Residential Amenity:

5.2.1 The property to which the application relates has pedestrian access from Preston Road and it is expected that there will be some additional pedestrian and vehicular movements as a result of this development. However, given the nature of the proposed use and the proposed opening hours it is not considered that this impact will be so harmful to warrant refusal.

5.2.2 The proposal includes a fire escape and doorway at the rear of the building which would look towards the rear of some dwellings and yard areas. Given the nature of this part of the development as a fire escape it is not considered that this would result in any privacy issues to the detriment of the neighbours' amenities.

## 5.3 Matters of Design/Visual Amenity:

5.3.1 It is considered that given the location of the fire escape at the rear of the mill complex and effectively screened from any vantage point that there is no significant visual impact. As the building is situated in the Longridge Conservation Area regard has to be given to the impact on the Conservation Area and its setting having regard to S66 of the Planning and Listed Buildings and Conservation Area Act 1990 it is considered that any harm is not significant and is outweighed by the public benefit.

## 5.4 Highways:

5.4.1 The Local Highway Authority objects to the proposal on the basis of insufficient parking and the submission of a Travel Plan does not alleviate these concerns.

5.4.2 There is no available parking within the immediate vicinity of the site although there is parking within the wider area. Given the proximity to the Town Centre this is considered to be a sustainable site with various options in respect of access, including walking and public transport, meaning that students do not have to be wholly reliant on the car to access the dance studio.

5.4.3 The submitted Design and Access Statement states that an arrangement has been entered into whereby the local high school (Longridge County High) has agreed to provide parking on their premises for up to 25 vehicles for patrons of the dance school. A copy of the agreement letter from the school head has been submitted. An agreement for a further 12 spaces has also been agreed.

5.4.4 As applicant has no control over the parking areas little weight can be afforded to the ability for people to use the car parking spaces. The applicant has submitted a Travel Statement which indicates that the users of the dance studio would be informed of the parking area and encourage to park sensibly or walk to the studio when practical area. Details of this information will be required by condition.

5.4.5 The concerns of highway authority are noted and in order to monitor the situation it is considered that a temporary consent for 2 years as well as the personal consent should be imposed.

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

- 6.1 Taking into account the above matters and recognising the concerns of the highway and on the understanding that a use of this nature has been operating without any significant issues for the past 18 months it is considered that a personal consent is appropriate to allow effective control of the use at this premises.

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

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

- Location Plan A3324/PL10
- Proposed Elevational Plan including Fire Escape and door A3324/PL04.
- Proposed Elevational Plan A3324/PL03
- Travel Plan received on the 6/10/20.

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

2. The use of unit 5 (first floor) of Stonebridge Mill as a dance school, hereby permitted, shall be occupied only by Sutcliffe School of Dance. In the event that Sutcliffe School of Dance vacates the unit the use shall be discontinued and the unit restored to its former condition/use in accordance with a scheme of work which has first been submitted to and approved by the Local Planning Authority. The unit shall thereafter be restored to its former B2 use in accordance with the approved details.

REASON: In order to safeguard residential amenities, in the interest of highway safety and to protect an employment generating premises.

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

- 0900 to 2100 Monday to Friday
- 0800 to 1400 Saturday

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. The temporary use of the building as a dance studio hereby permitted shall cease no later than the 31st of December 2022 unless a further application has been submitted to and approved by the Local Planning Authority.

REASON: To allow effective control of the proposal and to monitor highway safety issues.

5. The proposed fire escape and door alterations as shown on drawing A3324/PL04 shall be carried out to the satisfaction of the Local Planning Authority within 3 months of the date of this permission and retained thereafter.

REASON: In the interest of safeguarding amenity.

6. Within 3 months of this planning permission full details of the marketing documentation/ publications which relate to the location of available car parking within the vicinity of Stonebridge Mill and means of accessing the Mill other than by private car shall be submitted to and approved in writing by the Local Planning Authority. The information shall include an annotated plan detailing the location of car parking and detail how students/ parents visiting the dance studio will be encouraged to either utilise the available parking or access the premises by alternative measures. Thereafter the approved details shall be made available to view on Sutcliffe School of Dance social media platforms and/ or web-site.

REASON: In the interests of highway safety and neighbour amenity to ensure that users of the dance school are made aware of the lack of parking in the vicinity of the site and have all available options for travel clearly detailed.

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2020%2F0688](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2020%2F0688)

**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: 3/2020/0309**

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

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## **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, 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 education authority assess the required contribution based on the current need in order to be CIL compliant. However, 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 as it has commenced. 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 submitted some information to the LPA informally in May including a building regulations initial notice, a plan of the access to the site and photos of a construction vehicle adjacent to some ground works. An application to discharge all of the pre-commencement conditions was approved in 2018. They have asked the LPA to confirm whether the 2016 approval has

commenced. However, the only way to formally confirm this is through an application for a lawful development certificate or application to discharge the condition relating to the time limit for commencement and the applicant has been advised of this.

5.10.4 Notwithstanding the above, the Business and Planning Act 2020 makes provision for the time limit on commencement of certain unimplemented planning permissions which lapse in 2020 to be extended to 1<sup>st</sup> May 2021. In the case of the 2017 permission on this site, the extension of time would not be automatic and the applicant would need to apply for Additional Environmental Approval from the LPA.

5.10.5 As there is the need for an education contribution to be provided LCC is, in effect, objecting to the application if the required contributions are not secured. 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.

5.10.6 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.

5.10.7 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.

5.10.8 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.

5.10.9 The offered 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 a circular multi user route around the town. Whilst it is considered that the request meets the first two CIL tests it is unclear how the figure of £20,000 has been arrived at in respect of the scale of the development proposed. Based upon the scale of other housing developments in Longridge which contributed to the Loop a contribution of £3000 from this development of 34 dwellings would be fairly and reasonably related in scale and kind to the development.

5.15 Viability:

5.15.1 The applicant asserts that they are reliant upon there being no increase in Section 106 contributions over what was previously agreed 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. They state that 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 has been 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 has taken place on behalf of the Council. This report which was carried out by an independent assessor and concludes that the scheme is viable with the full contributions of

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

## 6. **Conclusion**

6.1 The principle of residential development on the site has previously been established and subject to a legal agreement being in place to secure the necessary financial contribution requirements based on current circumstances; 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 the satisfactory completion of a Legal Agreement, 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.

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 16<sup>th</sup> 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 estate road/access between the site and 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.

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

APPEALS UPDATE

INFORMATION
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<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			Appeal Dismissed 01/10/2020
3/2018/0932 R (Enforcement appeal)	20/02/2020	Bolton Peel Farm Bolton by Bowland Rd Bolton by Bowland	WR			Awaiting Decision
3/2018/1105 R	09/01/2020	Higher College Farm, Lower Road Longridge	Hearing		02/12/20 and 02/12/20 virtual	Awaiting Hearing
3/2019/0448 R	28/04/2020	land at Wiswell Lane Whalley	Hearing		22/09/20 with 23/09/20 reserve virtual	Appeal Dismissed 09/10/2020
3/2019/0510 R	24/04/2020	Land SW of Clitheroe Golf Club Whalley Road Barrow	Hearing		15/09/20 and 16/09/20 virtual	Awaiting Decision
3/2019/0877 U	12/06/2020	Land at the junction of Chatburn Road and 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			Appeal Dismissed 15/10/2020
3/2020/0288 R	26/08/2020	Bay Gate Farm Barrett Hill Brow Bolton by Bowland	WR			Awaiting Decision
3/2020/0329 R	28/09/2020	Three Millstones Hotel, Waddington Road, West Bradford	WR			Statement due 02/11/2020
3/2020/0058 R	Waiting for start date from PINS	Oxendale Hall Osbaldeston Lane Osbaldeston	WR (to be confirmed by PINS)			
3/2020/0057 R	Waiting for start date from PINS	Oxendale Hall Osbaldeston Lane Osbaldeston	WR (to be confirmed by PINS)			
3/2020/0669 R	Waiting for start date from PINS	3 Bradley Court Chipping	HH			