

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 14 JULY 2011
 title: PLANNING APPLICATIONS
 submitted by: DIRECTOR OF COMMUNITY SERVICES

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION NO: 3/2010/0881/P (GRID REF: SD 364664 437851)
 PROPOSED RETROSPECTIVE APPLICATION FOR ENGINEERING OPERATION TO FORM POND WITHIN INLET AND OUTFALL AND PLATFORM LANDING, INCLUDING CHANGE IN LAND LEVELS AT MOOR HOUSE FARM, CLITHEROE ROAD, KNOWLE GREEN

PARISH COUNCIL: Objects to this retrospective application. The Council is dismayed that the project has been undertaken in complete disregard to planning rules. The Council views the proposal as an unnecessary intrusion into open countryside. None of the reports submitted in support address the question as to the reasons for the construction of the pond. In particular the report from Bowland Ecology fudges the issue of need with more importance placed on the Great Crested Newts and other amphibians. The proposal as submitted would block public footpath number 6 although there is no mention of the footpath in any of the reports or submissions.

ENVIRONMENT
 DIRECTORATE
 (LANDSCAPE ARCHITECT): The County Landscape Architect has sent a somewhat lengthy and comprehensive response to our consultation on this application, the principal points of which are as follows:

- In addition to flowing water features, the landscape in this locality is also characterised by static water bodies such as field/marl ponds and reservoirs. The size of these water bodies varies considerably from small almost completely silted up ponds to the 600m long Alston reservoirs.
- The constructed pond that is the subject of this retrospective application is of a scale that is appropriate to the landscape. It is noted that the pond is considerably smaller than the reservoirs in the area. Its rounded shape is similar to other ponds in the area and, of course, it is a typical feature of the landscape character. The location of the pond near to the farm buildings establishes a functional relationship with them which aids its assimilation into the landscape. The field boundary hedgerows, woodlands and topography interrupt more distant views of the pond. In close up views impacts would be significant, but from more distant locations the pond would largely be seen as a minor feature in the landscape.

- Impacts on the Forest of Bowland AONB would be very minor and arguably beneficial since the pond adds a feature which is typical of the landscape character and the pond has the potential to enhance the areas biodiversity. In any event from view points along the edge of and from further within the AONB, the pond appears as a minor feature in the landscape.
- For these reasons it is concluded that the pond has landscape character impacts of slight significance and impacts of negligible/slight significance on the AONB. In some respects, as the creation of the feature typical of the landscape character and with the potential to enhance biodiversity, the pond can be regarded as a positive feature which enhances local distinctiveness and the character of the Undulating Lowland Farmland with Wooded Brooks landscape character type.

Set against these positive aspects, however, the County Landscape Architect expresses concerns about the appearance of the steep slope of the pond's south facing retaining embankment; the effects of the works on a number of existing trees (especially the Sycamore closest to the pond); and the fact that the pond cuts across the definitive route of public footpath number 6.

Notwithstanding these concerns, the County Landscape Architect is "satisfied that there are no significant landscape and visual impacts on the Forest of Bowland AONB and the reasons for its designation are not compromised by the development works".

ENVIRONMENT
DIRECTORATE
(ECOLOGIST):

Has commented that, because this is a retrospective application, and it appears that works were largely complete before the ecological assessment was undertaken, it is difficult to determine what ecological impacts there may have been during the development works. However, based on the ecological assessment undertaken, as well as records held by Lancashire County Council, it is considered that, provided that the recommendations given in the ecological report are fully implemented, it appears reasonably likely that any impacts there may have been would be off-set by the habitat creation opportunities provided by the pond. It is therefore recommended that the implementation of the recommendations given in 4.11 to 4.14 of the ecology report, under the supervision of an appropriately experienced ecologist, should be the subject of a planning condition in the event permission being granted.

ENVIRONMENT AGENCY: Has no objections in principle to the development, but make a number of comments that are summarised as follows:

1. Having reviewed the Flood Risk Assessment submitted with the application, they are satisfied that the development will not increase the risk of flooding in the locality.
2. With regards to biodiversity, the Environment Agency concurs with the findings and recommendations of the Ecological Survey Report submitted with the application; and comments, in particular that native planting is very important around the pond.
3. With regards to water resources/quality, the Environment Agency is satisfied that the applicant is not abstracting or impounding water from a water course and therefore an Environmental Permit from the Environment Agency would not appear to be required. There must be no contamination (eg by silt, oil, rubble or any other debris or pollutants) of the adjacent ditches, water bodies or drains as part of any subsequent development.

A copy of the Environment Agency's letter was sent directly to the applicant/agent.

ADDITIONAL REPRESENTATIONS: Two letters have been received from nearby residents at the same address who object to the application for the following reasons:

1. Obstruction of public footpath number 6 which seems to have been omitted from the application details. How can anybody be allowed to construct a lake/pond and then apply for permission to move the footpath which the lake/pond has been constructed over? The applicant was well aware of this footpath as it is regularly used and is well defined.
2. It is stated on the application form that there are no trees or hedges affected by the proposal. This is because trees and hedges were removed prior to the submission of the application.

Proposal

The application is retrospective. The works that have been carried out comprise the following:

1. The formation of a roughly oval shaped pond with approximate maximum dimensions of 46m x 15m with an inlet and outfall. There is a timber platform/jetty approximately 5m x 3.2m at the eastern end of the pond. The formation of the pond included the

construction of an embankment around its south and west edges that has a maximum height of 3.6m. The depth of the water is 1.2m.

2. Earth remodelling works generally in the form of cutting land away in an area to the north of the farmhouse and infilling land in an area close to the pond to the south of the farmhouse.

Site Location

Moor House Farm (a Grade II listed building) is located at the southern end of an approximately 200m long access track off the south side of Clitheroe Road, Knowle Green, approximately 100m to the east of its junction with Stoneygate Lane. The earth works that have been carried out relate to areas of land to both the north and south of the farmhouse, and the pond has been formed to the south of the farmhouse.

There is a barn to the north west of the farmhouse (in separate ownership) that is currently the subject of conversion works into a dwelling following the granting of planning permission 3/2010/0705/P. Other than this barn there are no other dwellings in the immediate vicinity of the development.

The access track forms part of public footpath number 6 which passes down the west side of the farmhouse and its definitive route then follows a southerly direction across the adjoining fields. The pond has been formed directly across the route of the footpath.

The is within with open countryside outside any settlement boundary but it is not within the Forest of Bowland AONB, although land on the northern side of Clitheroe Road is within the AONB.

Relevant History

There are no previous planning applications of any relevance to the consideration of this application.

Relevant Policies

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV2 - Land Adjacent to Area of Outstanding Natural Beauty.

Policy ENV3 - Development in Open Countryside.

Policy ENV10 – Nature Conservation.

Environmental, AONB, Human Rights and Other Issues

In a Design and Access Statement's pro forma submitted with the application, the applicant's agents state that the existing farmhouse was being damaged by water running down the slope from the north towards the building, and the failure of the land to drain properly. The ground remodelling works and the formation of the pond were seen by the applicant as a solution to this problem. Unfortunately, the applicant did not seek planning permission, nor did he seek any advice from the Council before carrying out these extensive works. It is also unfortunate that the pond has been constructed directly across the definitive route of a public footpath.

The carrying out of development, and then seeking planning permission retrospectively obviously cannot be condoned. Having said that, planning legislation does allow for such applications and they must be considered in exactly the same way as an application submitted prior to the development being carried out.

In this case, the development does not have any seriously detrimental effects on the level of residential amenity afforded to the future occupiers of the barn adjoining the site that is presently being converted into a dwelling; and there are no other dwellings close enough to be affected by the development. The development also has no implications on highway safety.

As stated previously, the blocking of the public footpath is unfortunate. The applicant applied for a temporary footpath diversion order. This was granted in the interests of public safety. The applicant understands, however, that he must apply for a permanent diversion order. His agent has explained that such an application has not yet been made because, if this planning application is refused, and the Council requires the removal of the pond and the reinstatement of the path on its definitive route, there would be no point in applying for a diversion that would then be irrelevant, as well as being extremely costly to his client.

A permanent footpath diversion order therefore must be obtained. The procedure for obtaining such an order can take many months (if not more than a year) and I am advised that, in this case, there is certainly no guarantee that an order will be granted. In the meantime, this planning application must be determined on its planning merits. The grant of planning permission would not in any way affect or undermine the footpath diversion procedure. Even if planning permission has been granted, if the footpath diversion order is refused, then there would still be enforcement powers available to ensure the reinstatement of the footpath on its existing approved route.

Having said that there are no detrimental effects on nearby residential amenity or highway safety, the other relevant considerations relate to the effect of the development on the local landscape, trees and ecology/biodiversity.

Whilst expressing a number of relatively minor concerns, the specialist consultees at the Environment Agency and the County Council have not expressed any objections in principle to the development with regard to these particular considerations. Indeed, the County Landscape Architect considers the pond to be an appropriate feature within the local landscape that contains the number of existing water bodies of varying sizes.

In response to the County Landscape Architect's concern about the appearance of the pond's embankment, the applicant's agent has stated that his client will "feather out" the embankment slightly so as to ease the severity of it, and also plant it up with grass/meadow seed in the first planting season.

With regards to the concern of the existing Sycamore tree, the agent has said that some of the compacted soil around this tree has been removed and some has been loosened. He says that his client will monitor the situation over the coming seasons. In a tree report submitted with the application, the qualified arboriculturalist recommends in relation to the Sycamore tree as follows:

"All material placed over the original ground levels should be removed back to the drip-line (this is a vertical line from the furthest point of the lateral branches to the ground). This will allow the original soils covering the roots to breathe and allow for the natural movement of rainwater to

dissipate through this vegetation layer. To further assist the tree with accepting changes outside the drip-line, the application of a slow release fertilizer to the area beneath the lateral branches is recommended. This will stimulate the roots and encourage goodly development. Caution must be taken, however, not to exceed the recommended dosage as too much could kill the tree."

The Council's Countryside Officer, whilst disappointed at the potential damage to existing trees by the as yet unauthorised works, does not object to planning permission being granted subject to appropriate conditions relating to the trees, and to the treatment of the embankment.

In the absence of any objections to the development in principle from the appropriate specialist consultees, when considered on its planning merits, I consider that planning permission should be granted subject to appropriate conditions. Informative notes should also be included on the decision notice in relation to compliance with the requirements of the Environment Agency and to make it clear that the granting of planning permission does not authorise the blocking, closure or diversion of a public right of way.

SUMMARY OF REASONS FOR APPROVAL

The development for which retrospective planning permission has been sought does not have any seriously detrimental effects upon the appearance and character of the adjoining AONB, the local landscape, ecology/biodiversity, the amenities of any nearby residents or highway safety.

RECOMMENDATION: That planning permission be GRANTED subject to the following condition(s):

1. This permission shall relate to the development as shown on drawing numbers 0382/93/01B, 05A, 10A, 20A, 30, 35, 40 and 45.

REASON: For the avoidance of doubt and to confirm that the development for which retrospective permission is granted is as shown on the submitted drawings.

2. The pond and the land surrounding it shall be treated in accordance with the recommendations at paragraph 4.11 to 4.14 of the Ecological Appraisal Report dated November 2010 by Bowland Ecology that was submitted with the application.

REASON: In the interests of ecology and bio diversity and to comply with Policies G1, ENV1, ENV2 and ENV10 of the Ribble Valley Districtwide Local Plan.

3. Within 2 months of the date of this permission, details of a scheme of landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. Specifically, this scheme shall include the retention of existing trees and details of measures to ensure their long-term health and stability; it shall show a reduction in the angle of slope of the embankment and the planting of appropriate native species upon it; and shall include a number of new trees in mitigation for the potentially harmful effects on existing trees by earthworks that have already been carried out. In more general terms, this scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscape, including details of any proposed changes of level or landform.

The landscaping scheme shall be carried out in the first planting season following its approval and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of visual amenity and to comply with Policies G1, ENV1, ENV2 and ENV10 of the Ribble Valley Districtwide Local Plan.

NOTE(S):

1. The applicant is advised that the requirements of the Environment Agency as set out in their letter dated 2 February 2011 should be strictly adhered to.
2. The granting of planning permission does not entitle a developer to obstruct a right of way and any stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act. Footpath number 6 in the Parish of Ribchester has been blocked by the development that is the subject of this retrospective planning application.

APPLICATION NO: 3/2011/0128/P (GRID REF: SD 377598 437271)
PARTIAL DEMOLITION OF VICTORIA MILL WITH RETENTION OF THE MILL CHIMNEY,
OFFICES AND SPINNING BLOCK (CAC) AT VICTORIA MILL, WATT STREET, SABDEN,
LANCASHIRE, BB7 9ED.

PARISH COUNCIL: Sabden Parish Council do not object to the development of the Victoria Mill site, but object to this application for the following reasons:

1. Proposed Number of Dwellings – Over intensification of the site that will destroy the character of the village.
2. Highway Safety – The proposal will generate more traffic and increase volumes emerging onto Whalley Road. Consideration must also be had to the previous schemes already approved on other nearby sites.
3. Infrastructure – Sabden is a Village with an infrastructure that can barely cope, e.g. sewers, telephone, broadband, and this proposal will seriously impact upon this.
4. Cumulative effect – The proposal should be looked at in conjunction with other recently approved developments at Cobden Mill and on Whalley Road. An overall impact of approximately 120 new houses will be significant.

COUNTY ARCHAEOLOGY: The proposal site contains two non-designated heritage assets, Victoria Mill, built in the 1840s, & Brook or Cobden Mill (Lancashire Historic Environment Record PRN 6168), built in the 1880s, little of which survives today. It is also thought that buried remains associated with the site's earlier use as a print works in the late 18th century (PRN 6167) might be encountered. The Heritage Statement and Archaeological Desk-based Appraisal that accompany the application acknowledge the local significance of the site and the need for the comprehensive record to be made of the standing buildings, as well as the need for archaeological investigation and recording of any below-ground remains that might also be encountered. LCAS is in agreement with the proposed mitigation strategy and as such recommend that such work is secured by means of a Condition.

ENGLISH HERITAGE: Following discussions with the Applicants following the previous application submitted in November 2010, English Heritage are pleased that the designs have been amended and developed in line with the advice given, with the issues raised being addressed. In their view, the revised layout/density, massing, scale, height and streetscape design would result in a development that will preserve the character and appearance of the Conservation Area subject to careful detailing and choice of materials. They are also satisfied that with the application of appropriate conditions, or clarification of detail prior to determination, that the requirements of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) can be satisfied. They are pleased that the chimney, office block and main Spinning block will be retained on site, however it is up to the Local Planning Authority (LPA) to determine whether the policy requirements of PPS5 HE9.2 (i) or (ii) have been met in relation to the other buildings on site.

ANCIENT MONUMENTS SOCIETY: We continue to object to the demolition of the historic buildings for the reasons below:

- The existing buildings make a positive contribution to the Sabden Conservation Area, partly due to the architectural significance but also due to the historical significance as part of the industrial heritage of the village and its connection with calico printing.
- In our view the retention of the chimney is mere tokenism and would offer no relevance in its divorced state from the original buildings to be lost through the development.

- If the Council is persuaded otherwise, we consider the design of the development to neither preserve or enhance the character of the Conservation Area, and makes no significant contribution to the continuation of Sabden's distinctive local character.
- We would encourage the Council to urge the developers to return to the approach of converting the buildings on site, but failing that transfer the site to someone who would adapt that approach.

**ADDITIONAL
REPRESENTATIONS:**

Five letters from five households within Sabden have been received in respect to this application, and the points of objection made have been simplified as follows:

1. Increase in the number of properties on the site,
2. increase in the height of the apartments facing Whalley Road,
3. Loss of light,
4. Visually intrusive,
5. Resembles a prison block,
6. Design is out of keeping with the village,
7. Impact on infrastructure,
8. Highway safety,
9. Impact on village life,
10. Lack of design and understanding
11. Significant impact on conservation area,
12. Why keep the chimney? Is this to offset the loss of other buildings?
13. Retention of the chimney will be a long time liability,
14. Over development of the site,
15. Significant increase in traffic,
16. Proposed houses are out of character and scale, and should be more traditional in nature,
17. Villagers are clearly against this type of urbanisation, why won't the Council listen?

Proposal

This application seeks permission for the demolition of a large portion of the buildings on the Victoria Mill Site, Watt Street, Sabden. The applications contains full details of the area of buildings to be demolished, including the weaving sheds and several outbuildings, with the former Spinning Mill and Chimney (as with previous proposals) retained as a symbol of the site's industrial past. The buildings accessed off Watt Street that were previously used as the main offices for Marbill, will also be retained on site. The remainder of the buildings on site are to be demolished and the site redeveloped in its entirety for housing.

Site Location

The site is located on the western edge of the village boundary of Sabden, which lies approx. 3m south east of Clitheroe. The site also lies within the recently adopted Conservation Area, and the Forest of Bowland Area of Outstanding Natural Beauty, as designated by the Ribble Valley Districtwide Local Plan. The site covers approx. 1.3 hectares and approx. 60% of the site is currently occupied by Victoria Mill itself and associated offices.

Relevant History

3/2011/0129/P - Proposed demolition of part of Victoria Mill and conversion of former Spinning Mill into 22no. apartments, conversion of former office building into 3no. townhouses, erection of 4no. affordable elderly care bungalows, 23no. other affordable dwellings, 18no. dwellings and the creation of a new pond – Report on this Committee Agenda.

3/2010/0845/P - Proposed demolition of existing mill, opening up of Sabden Brook, the erection of 46 dwellings (20 affordable), a new access road to Watt Street and retention of the mill chimney – Withdrawn.

3/2010/0844/P - Demolition of buildings at Victoria Mill, with retention of the Mill Chimney – Withdrawn.

3/2008/0622/P – Conservation Area Consent for the part demolition of Victoria Mill – Granted Conditionally.

3/2008/0621/P - Mixed use development comprising erection of general industrial unit (B2), 28no. houses and conversion/extension of mill building into 22no. apartments (Resubmission) – Granted Conditionally.

3/2007/1083/P – 1.23ha mixed use development comprising of the part conversion part extension of existing mill into 21no. apartments; the erection of 27 no. townhouses and 1858sq.m. of general industrial (B2) space. – Withdrawn.

3/2001/0125/P – Extension of the loading/unloading area – Granted Conditionally.

3/2000/0607/P – Use of first floor premises for the manufacture and sale of leather three-piece suits – Granted Conditionally.

3/1999/0006/P – Change of Use of industrial unit to form coach depot for six coaches including repair & maintenance facilities (Retrospective) – Granted Conditionally.

3/1997/0126/P – Outline Application for residential development (40 units) – Withdrawn.

3/1994/0092/P – Extension to engineering works – Granted Conditionally.

3/1990/0783/P – Change of use for land as storage for caravans and other vehicles – Granted Conditionally.

3/1990/0025/P – Change of use from industrial to offices – Granted.

Relevant Policies

Policy G1 - Development Control.

Policy ENV16 – Development in Conservation Areas.

Policy ENV18 – Retention of Important Buildings in Conservation Areas.

PPS5 – Planning for the Historic Environment.

PPS7 Sustainable Development in Rural Areas.

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Environmental, AONB, Human Rights and Other Issues

This application seeks Conservation Area Consent for the demolition of a large portion of the buildings on the Victoria Mill Site, Watt Street, Sabden, with the mill chimney, the former

spinning mill and the existing office buildings being retained. Upon completion of the demolition of the other buildings surrounding those to be retained, the applicant is proposing to create 70 dwellings on site, converting the spinning mill and the existing offices as part of the proposal. There have been a number of objections from neighbours, the parish council and statutory consultees, and in assessing this proposal these objections/issues will be answered/outlined throughout this report.

The Committee will be aware that planning permission and conservation area consent were granted in November 2008 for a mixed-use development on the site comprising the conversion and extension of the existing three storey mill building for 22 apartments, with the remainder of the buildings on site (not including the chimney) being demolished in their entirety in order for the site to be redeveloped with the erection of a general purpose industrial unit (B2) for use by the owner, Marbill Ltd, and the erection of 28 dwellings. The application also included 6 'Affordable Units'.

Within the Planning Statement submitted with the Application, it notes that at the time of this application being submitted, Marbill had hoped the previous consent would enable the Company to stay in Sabden within modern premises to accommodate the business' updated technological requirements, as the building in its current state is unsuitable for modern day industry. However, in order to safeguard the company's future and retain 30 jobs within the Ribble Valley, the decision was made to relocate the business away from this site, and as such, since the end of May 2011, they are now based full-time at Time Technology Park in Simonstone.

The current amended and proposed scheme has been the subject of lengthy negotiations between the Planning Department, the developer/agent and the Housing Association linked to the previous consent. The Housing Association were aware of the change in circumstances of Marbill, and sought the opportunity to provide additional affordable housing on the site, hence the amendments to the scheme and the significant increase in the number of affordable units proposed. Whilst the Planning Department are mindful that there is still a 'live' consent on this site for its development for housing, the previous proposal was linked closely to the retention of the existing industrial use on the site. Therefore, in assessing this proposal, consideration must be had in relation to the significant change in situation for the previous applicant (including their relocation), the current housing supply within the Borough and the increase in the number of affordable units proposed, as well as how the overall design of the scheme relates to the recently introduced National Planning Policy Document PPS5, which relates to development within the historic environment. The main objection to this application, and indeed the scheme as a whole, is the demolition of such a large proportion of the existing buildings on site that are considered to make such a positive contribution to the Sabden Conservation Area, partly due to the architectural significance but also due to the historical significance as part of the industrial heritage of the village and its connection with calico printing.

ASSESSMENT OF THE PROPOSAL

The site lies within the Sabden Conservation Area, which by virtue of the guidance provided in PPS5: Planning for the Historic Environment is considered to be a designated Heritage Asset. A Heritage Statement and Archaeological Desk-based Appraisal have all been submitted as part of the application, regarding the development of the site and the proposals overall effect on the designated Heritage Asset, as there is no question that the scheme proposed will have a significant impact on the Conservation Area (Heritage Asset). In line with PPS5, consideration of the scheme must be held in accordance with the following relevant Policies of this document:

- Policy HE7.1 states that ‘such identification and assessment of the particular significance of each element of the historic environment is fundamental to decision making’.
- Policy HE7.4 requires consideration of the sustaining and enhancement of the significance of heritage assets and of the consideration of the positive role of heritage assets in place-shaping.
- Policy HE 9.1 states that: “there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss is a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification”.
- Policy HE9.2 states that where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that:
 - (i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; or
 - (ii)
 - (a) the nature of the heritage asset prevents reasonable uses of the site;
 - (b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation;
 - (c) conservation through grant-funding or some form of charitable or public ownership is not possible; and
 - (d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use”.

In addition, Policy ENV18 of the Local Plan states that ‘There will be a presumption in favour of the retention of buildings which makes a positive contribution to the character or appearance of a conservation area. Consent to demolish any building in a conservation area will not be granted unless a suitable detailed planning application for the re-use of the site has been approved and a contract let for the carrying out of the works of redevelopment’’. This policy is intended to ensure that unlisted buildings that are important to the character of the conservation areas are not lost through demolition, or unsympathetically altered or repaired.

English Heritage have positively commented on the proposal, noting that in their view the revised layout/density, massing, scale, height and streetscape design would result in a development that will preserve the character and appearance of the Conservation Area subject to careful detailing and choice of materials. They are also satisfied that with the application of appropriate conditions, or clarification of detail prior to determination, that the requirements of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) can be satisfied. However, whilst they are pleased that the chimney, office block and main Spinning

block will be retained on site, they consider that the LPA must determine whether the policy requirements of PPS5 HE9.2 (i) or (ii) have been met in relation to the other buildings on site.

As noted above, Policy HE9.2 states that where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it the proposed development can demonstrate that it complies with sections (i) or (ii). The Agent has considered the scheme against Section (i), which asks whether “the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss”. In this case, a substantial level of information has been provided by the Agent within the documents supplied as part of the proposal, within the Employment Report, Planning Statement and Heritage Statement. They consider that given the ‘significant’ focal buildings being safeguarded and retained on site, the proposal would not only promote the long-term future and vitality of the majority of the significant buildings on site, but also facilitate and enable the delivery of a high proportion of new affordable homes (27 out of 70 – over 38%) targeted at locally defined needs. Therefore, this substantial public benefit is considered to outweigh the loss of the associated buildings on site. Moreover, the Employment Report submitted notes the challenge that the site presents in terms of achieving a viable ‘redevelopment’ opportunity for employment purposes and the extent of viable demand that would exist if a scheme was delivered speculatively, and that the proposal itself enables the existing business user to relocate to another suitable site and therefore retain valuable employment within the Borough. The proposals also facilitate the opening up of the site and the Brook into the public realm, enabling a wildlife corridor and associated ecological value, therefore delivering additional substantial public benefit.

Therefore, in line with Local Plan Policy ENV18 and the guidance provided within PPS5, and bearing in mind the following key points:

- The chimney as a focal point has been retained within the proposal.
- The mill building conversion scheme has attempted to retain the main features of the building during its conversion, and limit any additional additions to its structure.
- The proposed new dwellings fronting Watt Street and Whalley Road have been designed to match those properties opposite, in creating the impression of a terrace of two storey properties.
- The three storey properties in the centre of the site do not appear dominant due to the difference in ground levels, and as such have no visual impact.
- That the existing office buildings on site will be retained and converted in a sympathetic style and design reflecting the previous uses on site.

As such, it is considered the scheme complies with the relevant Policies as the wider benefit of redeveloping the site for a suitable residential scheme with affordable housing offers a more recognised regeneration benefit for not only Sabden but for the surrounding villages and towns. The proposal as a whole is considered sympathetic and sensitive to the character of the village of Sabden and will have an acceptable impact on the setting and character of the Conservation Area, and whilst I am mindful of the points of objection from nearby neighbours, I consider the scheme to comply with the relevant policies, and as such be recommended accordingly.

SUMMARY OF REASONS FOR APPROVAL

The proposal is considered to be sympathetic and sensitive to the character of the village of Sabden and will have an acceptable impact on the setting and character of the Conservation Area.

RECOMMENDATION: That planning permission be GRANTED subject to the following condition(s):

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

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The permission shall relate to the development as shown on Plan Drawing No 5808-PS01D.

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

3. The building(s) shall not be demolished before a contract for the carrying out of works of redevelopment of the site has been made, and planning permission has been granted for the redevelopment for which the contract provides.

REASON: To comply with Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan as the demolition of the building should only occur as and when development is imminent in the interests of visual amenity.

4. The phased development of the site shall be carried out in accordance with the details provided within the e-mail dated 21 of June 2011, and as follows:

- Phase 1 – Plots 4-30,
- Phase 2 – Plots 1-3 and 31-41, and
- Phase 3 – Plots 42-70.

REASON: In order to safeguard the development of the entire site and prevent the further deterioration of the original buildings proposed to be retained on site.

5. Prior to the commencement of the demolition works on site, a further full building condition survey relating to the buildings/structures to remain on site, namely the former office building, the chimney and the former spinning mill, shall be carried out by a qualified surveyor. Further surveys including a full, dimensional, verticality survey and a thorough, specialist structural survey, as indicated within the RSK Group plc Structural Condition Report dated February 2011, shall be carried out in relation to the chimney. The details, findings, a schedule of conditions and a proposed sequence of operations for the conversion of the two storey, office building located on the bank of Sabden Brook, shall all be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing.

REASON: In accordance with the requirements of Policy G1, H16, ENV16 and ENV18 of the Local Plan, and PPS5, in order that the Local Planning Authority may be satisfied as to the extent of necessary rebuilding works, and the manner in which it is to be carried out.

6. No site clearance, site preparation or development work shall take place until a scheme for the removal of the culvert has been submitted and approved by in writing by Ribble Valley Borough Council in consultation with specialist advisors. The approved scheme shall be implemented in full.

REASON: To ensure that the watercourse and associated species are adequately protected during this operation.

7. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of two programmes of work, one of building recording and analysis and another of archaeological. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure and safeguard the recording and inspection of matters archaeological/historical importance associated with the site in accordance with PPS5.

8. No development approved by this permission shall be commenced until a detailed management plan for the retention, conservation and maintenance of the chimney on site has been submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be implemented in accordance with the approved scheme.

REASON: To protect and conserve the existing chimney on site in accordance with Policies G1, ENV16 and ENV18 of the Local Plan, and to ensure its survival.

9. No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. the parking of vehicles of site operatives and visitors;
2. loading and unloading of plant and materials;
3. storage of plant and materials used in constructing the development;
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
5. wheel washing facilities;
6. measures to control the emission of dust and dirt during construction; and
7. a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: In the interests of residential amenity.

APPLICATION NO: 3/2011/0187/P

(GRID REF: SD 368342 437933)

DEMOLITION OF THE EXISTING DETACHED GARAGE AND REPLACEMENT GARAGE TO BE BUILT AND DRIVEWAY WITH TURNING AREA AT 10 THE DENE, HURST GREEN, LANCASHIRE, BB7 9QF.

AIGHTON, BAILEY &
CHAIGLEY PARISH
COUNCIL:

The Parish Council object for the following reasons:

1. Plan will increase the area of garaging and number of parking spaces for a site on which there are plans for a five-bed house.
2. Increase in vehicular movements on a minor road close to a narrow bridge.
3. Moving the garage will increase the footprint and be close to an existing conservatory.
4. Objections from neighbours need to be taken into consideration.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

No objections to the application in principle on highway safety grounds.

ADDITIONAL
REPRESENTATIONS:

Nine letters have been received from five different households, with a brief summary of the points of objection being raised outlined below:

1. Too close to the bungalow and it will obscure the view of the east-facing bank of Dean Brook.
2. The height of the garage would look out of place next to the 1950's bungalow.
3. No need for toilet/office in ancillary domestic building.
4. Increase in size of garage is unacceptable.
5. The present garage sits well on site at present and is adequate in size, the proposed design would make it stand out instead of merging into the landscape.
6. Increase in traffic will impact on vehicular and pedestrian safety at this location.
7. Will not fit in with the concept of an A.O.N.B.
8. Unacceptable difference between the design of the bungalow at 10 The Dene and the proposed garage.

9. Moving the garage serves no purpose for residents of The Dene.
10. Impact on Conservation Area.
11. The application is misleading as the land in question is now no longer part of 10 The Dene.
12. The completion of this sale has been delayed in order to help this application so this is no normal situation.
13. The 'current' owners of no. 10 The Dene are not aware of any proposals on this land.
14. Impact on residential amenity of nearby neighbours.
15. The new garage will no longer associated with 10 The Dene which surely not an acceptable outcome.
16. Surely this is just a pre-requisite for a future application for a full dwelling on this site?
17. Unsuitable site for development.
18. Detrimental visual impact on streetscene.
19. Development is intrusive, inappropriate and out of character with this area of Hurst Green.
20. Previous schemes on this site have been refused based on the impact on the A.O.N.B. and the Conservation Area, how is this different?

Proposal

This application seeks permission for the demolition of an existing detached garage at 10 The Dene, Hurst Green and its replacement with a slightly larger detached double garage with a driveway and turning area.

Site Location

The application relates to a detached bungalow that lies outside the village boundary of Hurst Green, but within the Hurst Green Conservation Area (adopted April 2007), and within the Forest of Bowland Area of Outstanding Natural Beauty, as defined by the Ribble Valley Districtwide Local Plan.

Relevant History

3/2009/0927/P – Proposed loft extension to the existing property and single storey extensions to the side and front with rooms in the roof space. Proposed dormer windows to the NE elevation

and a dormer window and a balcony to the NW elevation (Re-Submission) – Granted Conditionally.

3/2009/0380/P - Demolition of existing detached bungalow and erection of two-storey detached house (CAC) – Granted Conditionally.

3/2009/0379/P – Demolition of existing detached bungalow and erection of two-storey detached house – Refused.

3/2009/0378/P – Demolition of domestic double garage and erection of a detached two-storey holiday cottage (Re-submission) - Withdrawn.

3/2008/0892/P – Demolition of domestic garage and construction of holiday cottage in part of side garden – Withdrawn.

3/2008/0891/P – Demolition of conservatory, boiler house and detached domestic garage, and erection of 2-storey extension and alterations – Withdrawn.

Relevant Policies

Policy G1 - Development Control.

Policy H10 – Residential Extensions.

Policy ENV1 – Area of Outstanding Natural Beauty.

Policy ENV16 - Development Within Conservation Areas.

SPG – “Extensions and Alterations to Dwellings”.

Hurst Green Conservation Area Appraisal (adopted April 2007).

Planning (Listed Buildings and Conservation Areas) Act 1990.

PPS5 – Planning for the Historic Environment.

Environmental, AONB, Human Rights and Other Issues

This application seeks permission for the demolition of an existing detached garage at 10 The Dene, Hurst Green and its replacement with a slightly larger detached double garage with a driveway and turning area. This site has been subject to a number of applications in past years, however this current application must be treated on its own merits and as it has been submitted, which is a replacement garage for an existing dwelling (as per the submitted red edge plan and application form suggests). On this basis, the main considerations are the potential impact on the amenity of nearby neighbours, the potential impact on highway safety and the impact on the A.O.N.B. and Hurst Green Conservation Area by virtue of the suitability of the design, scale, size and massing of the proposed garage. This application was withdrawn from the June Committee Agenda to allow further clarification from the County Surveyor on a number of points.

IMPACT ON RESIDENTIAL AMENITY

In terms of the impact on nearby residential amenity, the Applicant notes that current position of the existing garage on site causes problems with access given it is less than 1m back from the highway. The proposed position of the new garage will be set approximately 7m back from the highway edge of The Dene, which will allow cars to pull fully off the highway and also turn on site to allow them to leave the site in forward gear. Given this improvement to the access to the site, and the reduction in the potential for cars to be sat waiting in the road before entering the garage, I do not consider that there will be any significant detrimental impact on the amenity of the occupiers of nearby dwellings by virtue of this proposal.

IMPACT ON HIGHWAY SAFETY

Whilst I note the points of objection from the nearby neighbours in respect of concerns regarding the proposals impact on highway safety, however the County Surveyor has considered the proposed and improved access with turning area, and notes that the design of the double garage satisfies the standard dimensions recommended by Lancashire County Council, 6.0m by 6.0m minimum and the driveway accessed from The Dene allows for manoeuvring to and from the highway in a forward gear, sufficient for four vehicles, and as such has no objections in principle to this proposal on highway safety grounds.

The County Surveyor stated in his first response to the proposed application that he has no objections in principle to this proposal on highway safety grounds, and following a request for clarification on an issue raised to Committee Members via an objector, he confirms that he has not received any information subsequently that would recommend a change in this view; indeed his initial comments noted the impact the proposed garage may have on a previous application, but did not raise any adverse comments concerning the siting, layout, construction or safe operation of the proposed garage.

On a separate issue, he notes that he is aware that there has been some question regarding the ownership of this property and that it has been suggested that the proposed garage may not be utilized by residents of 10 The Dene. Having discussed his revised comments he has noted verbally that while this would not have a direct impact on vehicular activity or the continuing suitability of the design of this application, if the garage were to be under separate ownership and out of formal control from the occupiers of number 10 The Dene, the nature of the pedestrian movements to and from this location as well as its use as a separate entity would have to be identified and considered, as there are no footways on The Dene and the carriageway is narrow (just over 3m wide immediately to the north of the property). As such, in order to control these issues, were it to arise, he has recommended attaching a specific condition to ensure the garage could not be separated from the ownership of number 10 without prior consent, in the interests of highway safety.

However, in its present form and for the purposes identified in the Application, he raises no objections to this proposal on highway safety grounds.

IMPACT ON CONSERVATION AREA AND A.O.N.B.

As with previous schemes at this site, given that Hurst Green Conservation Area has been recently granted this status (April 2007), long after the construction of this property, this site and indeed the property must have been thought to provide a positive contribution to it to have been included within the Conservation Area boundary. The Hurst Green Conservation Area Appraisal (adopted by the Borough Council on 3 April 2007) includes within the 'Summary of Special Interest' the Dean Brook, the wooded east bank of Dean Brook, and its rural setting within the A.O.N.B. and the Architectural and historic interest of the Conservation Area's buildings. The importance to the Conservation Area of the natural features of the Dean Brook (well treed steeply sloping east bank) are further emphasised in 'Green spaces, trees and other natural elements' and 'Hurst Green Conservation Area boundary'. However, the buildings on site are not mentioned, indeed the existing modern bungalow and timber garage (subject to this application) are of no interest. The house itself is relatively innocuous due to the height, size and location on site, however the garage sits reasonably prominent adjacent to the highway. As such, the question is whether or not the proposed new garage on site will protect, preserve or enhance the Conservation Area and the Forest of Bowland A.O.N.B.

Whilst the existing modern bungalow is of no interest, fortunately it is relatively innocuous due to its height, size, location on site and lack of address to the road, which results in only a minor interruption (along with the modern house immediately to the north) to the interest provided by the Conservation Area's buildings. The existing garage, on the other hand, sits immediately adjacent to the highway. The proposed new garage will be positioned 7m further from its existing location, and will be sited well within the site. Given the relative, and acceptable, increase in the size of the new garage (it will be 2m longer and 1m higher), I consider that the slight difference in land levels as you enter the site will ensure that the garage will be subservient to the main bungalow, meaning that the setting of the Conservation Area and the openness of the A.O.N.B at this location is considered to be preserved. The key elevation to the site will be the southeast elevation, which faces onto The Dene, and given the garage will be set back into the site, I am of the opinion that the scheme will not dominate this part of the Conservation Area/A.O.N.B. Bearing this in mind, the proposal is considered to comply with the relevant Policies and the SPG note 'Extensions and Alterations to Dwellings'.

OTHER ISSUES

There are a number of points of objection raised with regards to the application being misleading however, the forms and the correct Certificates have been signed so as submitted the Department consider that there is little wrong with the proposal. Other objection points note the inappropriate use of materials, however there are a mixture of house styles and materials in the nearby vicinity, including the garage for no. 5 The Dene which is also faced in stone. As such, I do not feel the materials proposed are out of keeping with the area.

Therefore, whilst I am mindful of the points of objection from nearby neighbours and from the Parish Council, I consider the scheme to comply with the relevant Local Plan Policies and the SPG note 'Extensions and Alterations to Dwellings', and as such be recommended accordingly.

SUMMARY OF REASONS FOR APPROVAL

The proposal is in accordance with the relevant policies and guidance relating to new residential development and would not have any seriously detrimental effects upon the character or appearance of the Conservation Area, upon visual amenity, the amenities of nearby residents or upon highway safety.

RECOMMENDATION: That planning permission be GRANTED 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.

2. The permission shall relate to the development as shown on Plan Drawing No. PA – 0078.

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

3. The proposed garage/car port shall be for private and domestic purposes only and no trade or business whatsoever shall be carried out from within the building.

REASON: In order to safeguard nearby residential amenities as provided for within Policies G1 and H10 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance "Extensions and Alterations to Dwellings".

4. The proposed garage shall not be used for any purpose (including any purpose ordinarily incidental to the enjoyment of the dwelling house as such) which would preclude its use for the parking of a private motor vehicle. Furthermore the proposed garage shall not be sub-divided from the property known as 10 The Dene.

REASON: In the interests of visual amenity and to facilitate adequate vehicle parking and/or turning facilities to serve the dwelling in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance "Extensions and Alterations to Dwellings".

5. This permission shall inure for the benefit of the owner of the property known as "No 10 The Dene" only, and not for the benefit of the land nor any other person or persons, whether or not having an interest in the land.

REASON: For the avoidance of doubt, and in the interests of highway safety. The separation of the garage from the dwelling creating the situation of two separately owned parcels of land with two separate vehicular access points to and from The Dene could prove injurious to highway safety and potentially to the amenities of neighbouring properties on The Dene. In this instance, the Local Planning Authority considers that this would require further consideration.

APPLICATION NO: 3/2011/0239/P (GRID REF: SD371839 435384)
PROPOSED DEMOLITION OF EXISTING SHEET METAL STORAGE SHED AND PROPOSED NEW BUILD BLOCK AND STONE BUILDING FOR GARDEN STORAGE, POTTING AND SEEDING AT LAND OPPOSITE 3 ELKER MEWS, BILLINGTON, BB7 9NF

PARISH COUNCIL: Objects to the proposal as the new building is larger than the existing building and the materials, design and construction would be more suited to a building than a garden shed.

Proposal

The proposal seeks to replace an existing corrugated steel shed with a building constructed of rendered block, finished with stone quoins with a blue slate roof. The building would have approximate dimensions of 14m x 4.3m x 3.6m to the ridge. A set of folding doors would be positioned on the north elevation, a single door is proposed on the south elevation and three windows would be inserted on the front, east facing elevation. The rear roof slope would have three roof lights. The proposed building would be 8.4m² larger than the existing building and the height would increase by 1.5m.

In light of the parish council's objections, the length of the building has been reduced by one metre and the orientation of the windows on the front elevation has been altered from horizontal to vertical.

Site Location

The land in question is situated within open countryside, as defined by the Ribble Valley Districtwide Local Plan, on land between the garages belonging to properties at Elker Mews and Whalley Road, Billington.

Relevant History

None.

Relevant Policies

Policy G1 – Development Control

Policy ENV3 – Development in Open Countryside

Environmental, AONB, Human Rights and Other Issues

The main issues in relation to this application are visual and residential amenity.

In terms of visual impact, the proposed building will not be seen from the main road as an established conifer hedge surrounds the site. In the event that this hedge were removed, the building would be located adjacent to the existing garage buildings that serve the Elker Mews properties and faced in materials to match these garage buildings, thus in terms of location the proposal would be well related to the existing built form. The amended plans, dated 17 June 2011, show the length of the shed reduced, the fenestration details made simpler and the roof lights moved to the rear roof slope of the building. These changes give the building more of a functional appearance than the previous plans and as a result I consider them to be appropriate to the locality. Furthermore, the demolition of the existing corrugated sheet building and its replacement would enhance the garden area. The roof lights on the rear roof slope will be concealed from view by the agricultural building sited on the adjacent land.

In relation to residential amenity, there would be no amenity issues caused due to the use of the outbuilding for gardening and the position of the building at the edge of the existing development.

I note the Parish Council's objections in relation to the size, design and materials of the proposed building. The applicants have altered the proposal to have regard to these concerns by reducing the length of the building by approximately one metre, changed the orientation of the window openings and repositioned the roof lights from the front to the rear roof slope. Taking into consideration these changes and the minimal increase in footprint of approximately 8.4m², I consider this proposal acceptable

SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity nor would it have an adverse visual impact.

RECOMMENDATION: That planning permission be GRANTED subject to the following condition(s):

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

REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990.

2. This permission shall be implemented in accordance with the proposal as amended by the plan received on the 17 June 2011, Drawing number Clarke 01. A-B.

REASON: For the avoidance of doubt since the proposal was the subject of agreed amendments.

3. The proposed garden building shall be for private and domestic purposes only and no trade or business whatsoever shall be carried out from within the building.

REASON: In order to safeguard nearby residential amenities as provided for within Policies G1 and H10 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance "Extensions and Alterations to Dwellings".

APPLICATION NO: 3/2011/0246/P

(GRID REF: SD 377170 438976)

PROPOSED EXTENSION TO THE NURSERY SLOPE AND NURSERY SLOPE TOW, ERECTION OF THREE NEW FLOODLIGHTS AND FORMATION OF NEW COUNTER SLOPE AT THE END OF THE MAIN SLOPE AT PENDLE SKI CLUB, CLITHEROE ROAD, SABDEN

PARISH COUNCIL:

Pendleton Parish Council comments that, when this application was considered by the Council, very strong feelings were expressed by Councillors about the lighting levels of the existing ski club development. The Councillors were concerned that the new proposal involved still more floodlights. The Parish Council would like a reassessment of the very great effect and extent of the lighting in this most prominent position on this special area of Pendle Hill

The Councillors do understand that powers are limited but wished their views to be known.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

Has no objections on highway safety grounds to this application.

ENVIRONMENT
DIRECTORATE
(LANDSCAPE ARCHITECT):

Commented initially on the application as follows:

The application site is situated on a prominent hillside within the Forest of Bowland AONB. Despite the presence of the existing skiing facility, the moorland landscape still provides a sense of windswept wildness and, as confirmed by Campaign for the Protection of Rural England's tranquillity work, landscape tranquillity in the area is relatively high. These characteristics and the simple uncluttered land cover of the large scale upland, highly prominent location and the near absence of other man influenced features indicate that the area has a high level of landscape sensitivity to built development. Planning policy such as PPS 1 and PPS 7 impose the highest tests on development in such a location (AONB) and require protection and enhancement of the landscape character.

The proposal to increase the area of ski slope and introduce additional lighting in such a location as that described above is a matter for concern. Additional development at the site in such a sensitive landscape could result in a loss of landscape character, landscape fabric, landscape amenity, landscape tranquillity and, of course, compromise the purposes of the AONB designation. However set against these concerns are the following considerations which are significant in terms of the beneficial mitigating effects they would have on the scheme's likely landscape and visual impacts:

- a) the proposed extension to the nursery ski slope would result in a relatively modest increase in the amount of skiing area *within the curtilage* of the application site.
- b) The closeness of the proposed and existing slopes would ensure that a good functional relationship between them was established; essential in such a landscape as described above.**
- c) The scale of the proposed nursery slope is appropriate for that of the wider landscape.
- d) No new buildings are proposed. Therefore the visible change would largely be at ground level only; the subtle hues of moorland grassland would be replaced with artificial ski slope surfacing.
- e) The proposed additional lighting would be comprised of just 3 columns. Since these would be seen within the context of the existing lighting scheme, it is unlikely that impacts on landscape tranquillity would be significant.

Overall I conclude that whilst there would be some loss of landscape fabric – 0.07 Ha of moorland grassland – and slight landscape tranquillity losses, the likely landscape and visual impacts of the proposed nursery ski slope and lighting would not be of moderate or major significance. In recognition of this it is appropriate to conclude that the purposes of the AONB designation would not be compromised by the proposals.

There would however be issues regarding the loss of moorland grassland in relation to the key requirements of RSS **Policy EM1 Integrated Enhancement and Protection of the Region's Environmental Assets**. In particular:

"Where proposals and schemes affect the region's landscape, natural or historic environment or woodland assets, prospective developers and/or local authorities should first avoid loss of or damage to the assets, then mitigate any unavoidable damage and compensate for loss or damage through offsetting actions with a foundation of no net loss in resources as a minimum requirement".

In addition sub-policy **Policy EM1 (A): Landscape** requires *"Plans, strategies, proposals and schemes should identify, protect, maintain and enhance natural, historic and other distinctive features that contribute to the character of landscapes and places within the North West".*

The applicant does not propose to mitigate/compensate for the net loss of moorland grassland nor are any landscape enhancements proposed within the site to offset this net loss. Until the applicant addresses this issue I cannot make a final judgement on the acceptability of the proposed nursery slope extension scheme.

In making my assessment of the proposed scheme's likely landscape and visual impacts I have tacitly recognised that the application site and wider landscape does have some very limited landscape capacity to accommodate additional ski slope development. However any further development would be of great concern as it would likely be beyond what could be considered appropriate for such a prominent upland site within an AONB.

Following discussions and negotiations between the County Landscape Architect and the applicants agent, an amended plan was received on 29 June 2011 on which an area of replacement grass planting is shown to the west of the existing car park. In accordance with the advice of the County Landscape Architect, this involves the translocation of the existing grassland in the area earmarked for the nursery slope extension into the area indicated on the amended plan. Subject to this translocation being carried out in the manner described on the amended plan, the County Landscape Architect, considers the landscape and visual impacts of the proposed counter slope and nursery slope extension to be acceptable.

ADDITIONAL
REPRESENTATIONS:

None received.

Proposal

The nursery slope at Pendle Ski Club is sited to the south of the main slope. As existing, the lower edge of the approximately 40m long nursery slope is approximately 75m away from the lower edge of the main slope. Permission is sought for the following:

1. An approximately 9.7m wide by 51m long extension to the nursery slope. This would include a link onto the main slope.
2. A corresponding extension of 51m to the nursery slope tow.
3. A 2m wide and a 0.6m high counter slope added to the end of the main slope (to meet current safety requirements).
4. Three additional 8m high lighting columns.

Site Location

The existing Pendle Ski Club is located in the Forest of Pendle Area of Outstanding Natural Beauty to the west of Clitheroe Road between Sabden and Pendleton. The site is adjoined by the Wellsprings Restaurant in an area that otherwise is undeveloped moorland.

Relevant History

3/85/0658/P – Extension to ski club. Approved.

3/90/0756/P – Alterations and extensions to the changing room facilities. Approved with conditions.

3/01/0923/P – Extension and improvement of ski slopes. Refused.

3/04/0483/P – Alteration to ski slope, extension to car park, extension to clubhouse and new floodlighting. Approved subject to conditions.

Relevant Policies

Policy G1 - Development Control.
Policy ENV1 - Area of Outstanding Natural Beauty.
Policy ENV10 – Nature Conservation.
Policy G5 - Settlement Strategy.
Policy RT1 - General Recreation and Tourism Policy.
PPS1 – Delivering Sustainable Development.
PPS7 – Sustainable Development in Rural Areas.

Environmental, AONB, Human Rights and Other Issues

In a “Justification Statement” submitted with the application, the agent explains that the purpose of the extension to the nursery slope is to advance the skill of novice skiers/boarders before they progress to the more demanding intermediate classes on the main slope. It is explained that the structure of the club is to have no more than 24 skiers at any one time on either the nursery slope or the main slope; that there will be no increase in the number of classes held per week and that, therefore, it follows that they do not anticipate an increase in the number of people using the slopes. It is stated that this element of the proposal is merely to add to the experience of learning to ski or board.

With regards to the relatively small counter slope to be formed at the bottom of the main slope, it is explained that this is required purely on safety grounds as the club has been advised that there should be some means of arresting the speed of any uncontrolled skier or boarder. They consider the construction of the counter slope to be the best way of achieving this objective.

There are no neighbouring residents to be affected by this proposal, and it does not have any implications for highway safety. The only consideration therefore relates to the effects of the proposal on the appearance and character of the Area of Outstanding Natural Beauty.

The existing long-established Ski Club and the adjoining Wellsprings Restaurant comprise what could be considered as incongruous features in this moorland location that is designated AONB. The proposed development must be judged within that context.

The main element of the proposal is the extension to the nursery slope. This does not involve any built development or significant alterations to the landform. It is simply a matter of putting the artificial surface on the ground (having first removed the existing grass for relocation within the site). As it would be immediately alongside, but shorter than the main slope, I do not consider that this element of the proposal would have any significant impact on the AONB.

The next element of the proposal concerns the erection of 3no 8m high lighting columns of the same type as the existing 18 lighting columns upon which there are 21 lights (three of the columns support two lights). The lights are designed to direct the light downwards and not to spread. Within the context of the existing lights, and as the three new lights will be on the lower ground, I do not consider that they would have any significant impact on the appearance of the AONB. Whilst noting the concerns of the Parish Council about the additional lighting, I consider it appropriate to note the comment of the County Landscape Architect that as “these would be seen within the context of the existing lighting scheme, it is unlikely that impacts on landscape tranquillity would be significant”.

The proposed counter-slope at the bottom of the existing main slope is a minor proposal that would have minimal impact within the context of the existing development, and the other elements of the development proposed by this application.

Overall, subject to the mitigation measures agreed in consultation with the County Landscape Architect, and as the County Landscape Architect does not express any objections to the proposal, I can see no objections to this application.

SUMMARY OF REASONS FOR APPROVAL

Within the context of the existing development, the proposal would have minimal effects upon the appearance and character of the Forest of Pendle Area of Outstanding Natural Beauty.

RECOMMENDATION: That planning permission be GRANTED subject to the following condition(s):

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

REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990.

2. This permission shall relate to the proposal as shown on the amended plan received by the Local Planning Authority on 29 June 2011 (drawing number 11/003/1C).

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

3. Prior to the commencement of development (including any ground clearance/preparation works) a Method Statement shall be submitted to and approved in writing by the Local Planning Authority in relation to the proposed translocation of the grassland from the area of the proposed nursery slope extension to the identified receiving area as shown on drawing number 11/003/1C. The Method Statement shall include the following:

- Confirmation/amplification of the details of the method of translocation as stated on Drawing No 11/003/1C.
- Details of a maintenance regime for the area of translocated grassland over a period to be specified/agreed with the Local Planning Authority.
- A timetable/order for the carrying out the required mitigation measures and the approved operational development (ie the formation of the nursery slope extension, the counter-slope and the erection of the three lighting columns).

The development shall be carried out strictly in accordance with the approved Method Statement.

REASON: In order to ensure appropriate mitigation against the effects of the approved development in the interests of nature conservation and the appearance and character of the Area of Outstanding Natural Beauty and to comply with Policies G1, ENV1 and ENV10 of the Ribble Valley Districtwide Local Plan.

APPLICATION NO: 3/2011/0359/P

(GRID REF: SD 360947 437554)

PROPOSED GABLE END SINGLE STOREY EXTENSION TO BE USED AS STORAGE FOR GOODS AT 53 HIGHER ROAD, LONGRIDGE.

PARISH COUNCIL:

No objection to the application – But wish to comment that the proposed development being up to the boundary of the site raises the question about the provision for accommodating waste disposal bins.

ENVIRONMENT
DIRECTORATE (COUNTY
SURVEYOR)

No objection to the application. Observations summarised as follows:

- The area of the proposed extension does not appear to be used for parking or loading at present.
- The recycling bins will have to be removed or relocated within the curtilage. This can be achieved on the area of hardstanding on the Higher Road frontage.
- From my observations delivery vehicles and customers tend to park entirely within the carriageway on Higher Road.
- Regarding visibility for vehicles exiting the driveway of 35 Green Lane. The proposed extension still leaves a distance of approx. 3.5m to the kerb line. I do not consider that the present visibility splay available will be adversely affected.

ADDITIONAL
REPRESENTATIONS:

Five letters have been received from neighbouring residents who wish to raise a number of objections, summarised as follows:

- Impact upon residential amenity –
 - Noise disturbance from vehicles, public use, construction works and youths. Increase in Litter
 - Loss of light and overbearing impact
 - Drainage Issues
 - Loss of view
 - Driveways obstructed by parked vehicles
- Visual Impact – Extension would appear tall and imposing.

- Impact upon highway safety –
 - Public footpath is on occasion impassable due to parked cars.
 - The loss of the only off road parking space to the side of the building will displace more vehicles, resulting in more congestion.
 - Development will greatly hamper visibility for all drivers using the junction.
 - Will impede visibility for access out of a driveway.
 - The entrance to the storage area would be very near the junction thus resulting in vans parking on top of an already busy junction.
 - Loss of storage area for large commercial bins resulting in them being re-located to the front of the shop further reducing parking provision.

Proposal

The original plans submitted sought permission for an 'l-shaped' extension to the southern gable elevation of the shop premises projecting a maximum of 4.4 metres from the gable elevation 8.2 metres in length and a maximum height of 7 metres to the ridge. Following a concern that the loss of the first floor window to the gable elevation serving the flat above would restrict light into the property, amended plans have been received. Permission is now sought for an extension measuring 8.2m x 3.5m x 5m in height with a hipped roof. The extension is to be used for additional storage only. The agent has confirmed that no other internal alterations are to be made to the building. Materials to be used in its construction are brickwork to the walls with a tiled roof to match the main premises.

Site Location

The proposal relates to an existing shop premises situated on a corner plot fronting onto the western side of Higher Road with Green Lane within the main settlement limit of Longridge. The building as a whole is utilised as both a shop with separate residential accommodation at first floor level.

Relevant History

None.

Relevant Policies

Policy G1 – Development Control

Policy EMP7 – Extensions/Expansions of Existing Firms

Environmental, AONB, Human Rights and Other Issues

Matters for consideration are the visual impact of the proposal and the potential impact on neighbouring residential amenity.

With regards to the visual impact of the proposal in the street scene I consider that the appearance of the amended extension will provide a visual improvement upon the initial

submission and will be viewed as a subservient addition to the main premises by virtue of the hipped roof design.

I consider that the proposed extension will not have a significant overbearing impact, nor result in significant loss of light upon neighbouring residents, in consideration of the reduction in width to the rear from the initial submission and the revised hipped roof design.

As the extension is to be used for storage purposes only (the use of which will be conditioned so as to control the expansion of the shop) I do not consider that the intensity of use to the site will significantly increase, so as to cause increased noise, parking or litter disturbance.

I note the concerns from neighbouring residents with regards to the impact of the proposal upon highway safety, in particular increased congestion, and decreased visibility at the head of the junction and from the driveway of a neighbouring property. The County Surveyor confirmed initially, that he had 'No Objection' to the application. In consideration of the objections raised by neighbouring residents with regards to highway safety clarification was sought from the County Surveyor that he was aware of the issues raised and the present situation at the site. His response has been summarised at the beginning of this report which confirms that he is satisfied that the removal of the area towards the southern gable elevation of the premises will not have a significant impact upon highway safety and that he has no objection to the storage of the bins to the front elevation of the premises. With regards to the impact upon existing sightlines for vehicles using the driveway to No. 35 Green Lane, the County Surveyor considers that the existing stone boundary wall currently causes some visibility problems and that the extension will not make the current arrangement significantly worse considering that there will remain a distance of 3.5m from the end of the extension to the kerb line, thus providing adequate sightlines.

I note that the storage bins are currently sited in the location of the proposed extension and that they will have to be moved. The agent has confirmed that the applicant wishes to re-locate them to the front elevation of the premises near to the door access and I am satisfied with this arrangement. The County Surveyor has confirmed (as outlined above) that he does not consider that this will have an impact upon highway safety and I have spoken to the Waste Management officer in the Engineers Department who would be satisfied with the applicant re-locating the Councils refuse bins to the front elevation of the premises.

I note the concern with regards to loss of view, however this is not classed as a material consideration in the determination of the application.

Therefore, in consideration of the above comments I do not consider this application would cause a significant detrimental impact on the visual amenity of the area or on the residential amenity of the occupiers of the surrounding properties. As such, the application is recommended accordingly.

SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity nor would it have an adverse visual impact.

RECOMMENDATION: That planning permission be GRANTED subject to the following condition(s):

1. This permission shall be implemented in accordance with the proposal as amended by plans received on the 29th of June 2011. Drawing No. 2562 01 B in relation to existing floor plans/elevations and the existing and proposed roof plan. Drawing No. 2562 02 B in relation to the proposed floor plan and elevations.

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

2. The proposed storage area shall not be used for any other purpose (including use as a shop floor area) without the formal consent of the Local Planning Authority.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan. The expansion of the shop floor area may have an impact upon the amenity of neighbouring residents.

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

APPLICATION NO: 3/2010/0719/P (GRID REF: SD 372930 441082)
PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 270 DWELLINGS, DOCTOR'S SURGERY, LANDSCAPE, OPEN SPACE, HIGHWAYS AND ASSOCIATED WORKS AT LAND OFF HENTHORN ROAD, CLITHEROE

TOWN COUNCIL: Object on the following grounds:

1. It contradicts Policy G2 which states that:
 - (a) Within the plan area developments will be mainly directed towards land within the main settlement boundaries.
 - (b) Clitheroe – consolidation and expansion of development and rounding off development. In all cases this must be on sites wholly within the settlement.
 - (c) Expansion – for the purposes of this plan it must be development which is in scale and keeping with the existing town.
2. The 1998 District Plan also excludes land off Henthorn Road from development under Policy ENV3.
3. Concerns regarding effects on the town's infrastructure as whilst the developer can be forced to take action regarding school places the geography of the town means that traffic is a major issue.
4. The site was not identified as one of RVBC's preferred options for development in its current LDF draft document.
5. Given the physical insularity of the site, it is unlikely to mix well with the rest of the community.

In response to the revision to incorporate a doctor's surgery, retain their objection and comments that this will be out on a limb from the Health Centre. Nor do they feel that this will have any effect on the provision of low cost property or starter homes.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

I refer to our previous correspondence, meetings and discussions concerning this application.

Further to our most recent meeting with representatives of Ashley Helme, I can confirm that I have no objections in principle to this proposal on highway grounds. However, this view is subject to the provision of a number of improvements to the highway infrastructure, deemed necessary and appropriate to facilitate the additional pedestrian and vehicular activity generated by the proposed development.

1. Bus Service Provision

The detailed Public Transport provisions will be resolved as part of a formal Legal Agreement. The provision of a new service will draw on the existing C1 service. However, while it may vary in detail, frequency and route, the agreed service will always serve the development site and Clitheroe Interchange. The bus service must be operating prior to the occupation of the 51st dwelling.

During construction and until such time as a permanent stop can be established, a temporary stop will operate from Henthorn Road at a location to be agreed.

The agreed funding measures will secure the service for a minimum five-year period, with additional measures being pursued that will require all fares collected during this period being reinvested into extending the service.

The formal Legal Agreement will detail the specific financial arrangements required to secure this additional provision.

2. Pedestrian/Cycle Link to Caravan and Camping access road

The proposed site requires a secondary pedestrian and cycle access to achieve a basic level of sustainability. The creation of such a route is proposed to tie in with an existing access from Edisford Road. This route is presently controlled by Ribble Valley Borough Council and offers access to the Edisford Caravan and Camping site.

Given the scale of the proposed development it is inappropriate to have all vehicular and pedestrian access available from a single point. This would be unsafe, impracticable or unsustainable.

Should it transpire that a formal agreement cannot be reached prior the granting of the formal planning consent, I have no objection to establishing a specific Condition, as part of such consent, requiring the completion of a shared pedestrian and cycle access.

3. Cycle Provisions

The developer will provide parking stands (2 sets for 4 cycles) within the development play area and in Clitheroe Town Centre, at location to be determined by the LCC Cycling Officer.

4. Traffic Measures on Woone Lane

Measures to improve the management of traffic flows on Woone Lane are necessary in order to minimise the detrimental impact of the anticipated additional movements directly attributable to the development. In considering the means available to achieve a successful outcome, an agreed scheme involving priority working and protected parking bays has been developed in discussion with Ashley Helme Associates.

I am satisfied that this proposal, as detailed on drawings (Drawing Numbers 1222/23 and 1222/SP/02), addresses the direct impact of the additional traffic generated by the proposed development, meets the existing demand for on street parking provisions, defines measures to secure managed speeds and secures accessible footways for pedestrians.

5. Off-Site Highway Works.

The provision of the following off site highway works can be achieved without reference to an Order making process and their introduction will be agreed and scheduled by means of the Section 278 Agreement.

- a. The provision of Toucan measures at the upgraded signal controlled crossing on Whalley Road, close to Turner Street. This will assist in managing vehicle speeds and will be of specific benefit to both cyclists and pedestrians.
- b. The provision of a zebra crossing on Henthorn Road, along the frontage with Henthorn Park to the north east of Siddows Avenue. Subject to agreeing a definitive position for the crossing, this may also involve some minor footway reconstruction at Siddows Avenue and Whipp Avenue. This will assist in managing vehicle speeds and will provide a safe pedestrian route to the various facilities within the town centre.

- c. In order to maximise pedestrian access between the proposed development site and the town centre, the provision of drop kerbs along the main pedestrian desire lines, improved surface materials and pedestrian signing to the town shall be reviewed.
- d. Lancashire County Council is pursuing a 20mph Speed Limit proposal that includes the Henthorn Road area. If successful, the extent of the measures will be altered to include the proposed development.

As this matter is being dealt with directly by LCC, there will be no obligation placed on the developer to contribute toward the costs of this scheme.

- e. The provision of new red surfacing measures at a number of junctions along Henthorn Road has been discussed. I refer to Drawing 1222/21 of December 2010. With the proposed introduction of the 20mph Speed Limit, these additional measures will not be required. However, the renewal of the existing junction measures should proceed.

6. Summary and Conditions

A. The Public Transport improvements and funding arrangements, along with the funding of subsequent cycle measures shall be secured through a Legal Agreement.

B. Subject to consent being granted for this development, a condition would be imposed such that no part of the approved development would commence until a scheme for the construction of the site access and the off-site works of highway improvement had been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. This is to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

C. The new estate road between the site and Henthorn 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. This is to ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

D. Before the development hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. This is to avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

COUNTY ARCHAEOLOGY: The archaeological assessment which accompanies the application has identified that the site lies within an area considered to have a high potential to contain archaeological deposits. Consequently LCAS would recommend that the site be subject to detailed archaeological investigation and that work should be secured by means of an appropriately worded planning condition.

COUNTY ECOLOGIST: The main ecological issues arising from the proposal include potential impacts on:

- non-statutory sites (River Ribble Biological Heritage Site);
- habitats of principal importance (hedgerows, grassland);
- species of principal importance and protected species (bats, otters, water voles, badgers, white clawed crayfish, breeding birds);

Provided mitigation and compensation can be secured through planning condition the proposals should be in accordance with the requirements of biodiversity planning policy, guidance and legislation.

LANCASHIRE COUNTY COUNCIL PLANNING CONTRIBUTIONS: Based upon the Policy Paper Planning Obligations in Lancashire the contribution request is as follows:

Transport

Based on the pre-application advice, and an accessibility score of 25, a sum of £1,550 was identified for each unit. Therefore, for 270 properties a highway contribution in the region of £418,500 would be sought.

Education

Using the LCC Planning Obligations Policy Paper, a yield of 0.35 primary and 0.25 secondary pupils per house has been used. Therefore, there is a possible yield of 95 primary and 68 secondary aged pupils.

Primary School Places

Whilst there are projected to be sufficient places in this area for the next 5 years, this does not take into account other developments which have been applied for but not yet received planning permission in the area.

Therefore the number of available places would be 102 less 33 = 69 places. Given that this development could yield 95 pupils, we would be seeking to make a claim in respect of the shortfall, ie 26 pupils.

Using the DCSF cost multiplier (£12,257 x 0.9) x 1.0733 per place = £307,837.

Secondary School Places

Whilst there are projected to be approximately 173 available places in 5 years, without the added impact of new housing developments coming forward, a number of recent housing developments seeking planning permission will already impact upon these schools. These developments (Victoria Mill, Primrose Mill, Former Cobden Mill, Calderstones, Barkers Garden Centre and Barrow Brook) are estimated to yield approximately 91 additional secondary pupils. The approval of all these sites will leave 82 places. Therefore, as this site is expected to yield approximately 68 pupils, we would not be seeking a contribution towards secondary places.

Please note that the number of school places in this area are under pressure from increased numbers of housing developments. If we are unable to secure this contribution for school places, Lancashire County Council will be unable to guarantee that children in this area will be able to secure a school place within a reasonable distance from their home.

Waste Management

The County Council makes vital major investments in waste management infrastructure for reasons of environmental protection and sustainability. Every district in the County is being provided with advanced treatment facilities to treat waste prior to landfilling, either directly or via purpose designed transfer stations. Since each and every new house, wherever it is in the County, has to be provided with this basic service and the Council has to comply with significant new requirements relating to the management of waste, it is considered that the Council is justified in requesting a contribution towards waste management. Based upon the Policy Paper methodology for Waste Management, the request is £129,600.

By way of summary, the likely planning contribution request for Lancashire County Council services is as follows:

Transport	£418,500
Education	£307,837
Waste Management	£129,600
<u>Grand Total</u>	<u>£855,937</u>

ENVIRONMENT AGENCY: The application is accompanied by a flood risk assessment. This has been reviewed and as submitted we are satisfied that the proposed development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. We recommend that any subsequent approval is conditioned appropriately.

UNITED UTILITIES: Have no objections to the proposal.

ADDITIONAL REPRESENTATIONS: A total of 164 letters of objection (including one with 10 signatures and a representation made on behalf of the Henthorn Housing Action Group) have been received to the application as originally submitted and revised to incorporate a doctor's surgery and off site highway works. Members are referred to the file for full details of these which can be summarised as follows:

1. Concerns over the application's relationship to the wider planning process. The application was submitted ten days before the beginning of the consultation period for the Ribble Valley Local Development Framework Core Strategy. The Core Strategy suggests three broad options for development in different proportions across Ribble Valley with an open fourth possible option for alternate suggestions. Because of the size of Gladman's proposed development (which is not a preferred option) to allow outline planning permission at this stage would pre-empt the community consultation taking place on the core strategy.
2. Landowners are attempting to by-pass the Core Strategy/LDF process by submitting planning applications for individual schemes which may result in uncoordinated and poorly planned development in Ribble Valley.
3. Although the application site has been included in the SHLAA it is important to note that this does not infer that this land will ever be developed even if it complied with all current or future plan policies. As stated in the SHLAA "*the SHLAA is not a statement of Council policy, nor does it allocate land or grant planning permission.*"

4. The Regional Spatial Strategy was revoked on 6 July and no longer forms part of the development plan.
5. Concerns over the inadequacy of the Gladman consultation process for the public exhibition prior to submission of the application.
6. PPS3 'Housing' requires housing developments to be built in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The site is not in a location which allows good access to the range of services referred to in the PPS. It also requires developments to be well integrated with neighbouring buildings and develop a mixed, sustainable community. The development will be located outside of the settlement boundary and not incorporated into any of the existing residential areas. It fails to meet essential sustainability criteria for schools, shops, health (doctors and dentists).
7. The site is outside the settlement boundary where Policy G5 states planning consent will only be granted for small scale developments. This site at 15.7 hectare cannot be considered small scale. Policy G5 recognises the need to protect the countryside from inappropriate development and therefore this large scale development should not be given planning consent.
8. The Districtwide Local Plan Section 2.1.6 states - *major expansion is not envisaged for the area, as it would not be consistent with the regional and local need to minimise unnecessary travel and protect the quality of the countryside.*

This development should be considered major expansion due to its size and scale. The Local Plan also states - *development should be directed to those parts of the area most capable of accommodating it on the basis of the need to redevelop/reclaim unused, unattractive or derelict land, the availability of public transport, the availability of existing infrastructure and services and the absence of environmental harm.* The proposed site is on greenfield land, the availability of public transport is unsatisfactory and environmental harm will be caused with loss of wildlife. Therefore as the development is not located in a suitable area an alternative should be sought.

9. Policy G8 and PPS7 seek to concentrate new housing on brownfield sites in preference to greenfield land. There are plenty of brownfield areas to build on.
10. The site lies beyond the urban boundary and will create urban sprawl.
11. It is important to retain the open spaces between the present town and river.
12. The development would detrimentally alter the area's character.
13. Policies G1, G2, G5, G8, H2, H8, H19, H21, ENV3, ENV6, ENV7, ENV9, T1 and T2 of the Districtwide Local Plan would preclude development of this site. The scheme is also contrary to the provisions of PPS1, PPS3, PPS7, PPS9, PPS13.
14. The area is Green Belt.
15. If housing is really needed then there are more appropriate sites such as the Grammar school land by Clitheroe Hospital and also opposite giving good access to the A59.
16. Building 270 houses on this site is excessive.
17. No plans to build shops or community facilities as part of the scheme.
18. There are many houses for sale so why do we need more.
19. Should we wait until the findings of the review into Government targets for housing are published.
20. Paragraph 3.2.7 of the Districtwide Local Plan states that proposals on sites covering open land in excess of 1 hectare will not be considered appropriate.
21. No information has been submitted in respect of a full survey of the extent of housing need and methods by which the accommodation shall be let/sold or managed and retained as suitable for its original purposes has been provided.
22. The majority of homes are three and four bed so not affordable.

23. The proposal amounts to 34% of the identified housing need in Ribble Valley for the next five years which is disproportionate.
24. There is no provision for the elderly or those with mobility problems.
25. The area is not sensible relative to the town's size and form, ie access to and from the site – only road is a cul-de-sac.
26. The site is remote from the A59 which is the main route across the Borough. A significant proportion of the road journeys to and from the site would involve the use of the A59 and access to the A59 from the site is extremely torturous via the town centre or the residential areas to the south and east of the town. This road network cannot cope with additional traffic.
27. The site is on the western side of the Ribble Valley railway line which is crossed by a level crossing at Thorn Street/Eshton Terrace which already causes bottlenecks on the road network when the gates/barriers are down.
28. 500 plus extra vehicles would add to existing traffic congestion.
29. Any public transport would have to travel back and forth along a road which, at present, causes problems for bus drivers.
30. The additional traffic would be dangerous for school children crossing the road near the park.
31. The only sensible highway option would be to build a branch road from Whalley Road straight across to Henthorn cutting out Greenacre Street and Woone Lane completely.
32. The proposed exit from the site onto the lane is not wide enough to take the extra traffic which will start to use the verges.
33. Traffic calming measures are needed on Henthorn Road.
34. The findings of the Traffic Assessment submitted in support of the application are questioned.

35. The traffic situation will be worsened by the closing of Petre Recycling Centre for which Henthorn is the recommended alternative.
36. The Travel Plan has no chance of working.
37. The development will lead to more congestion on the roads.
38. Henthorn Road is a popular route for dog walkers.
39. Pollution from the increased traffic levels.
40. The site is too far away from the railway station and primary bus stops.
41. The local bus service is not certain.
42. The proposed phased delivery of the site means that residents and construction traffic will be in conflict.
43. Increasing the housing stock without any increase in employment would in no way reduce the need to travel, quite the reverse – are we becoming a commuter town or have jobless people claiming benefit?
44. The cycle ways serve no useful purpose and are there to conform with a policy of national sustainable development.
45. The community park would not be accessible to all (as Gladmans claim) as those on Fairfield Estate would have to walk a mile to access it.
46. The community park and open space are to be sold to the Council and maintained by them. Is this not a heavy burden and unfair expense on ratepayers. This cost should be borne by the developer.
47. The play area is situated near the kennels and cattery and the dogs will be subject to noise disturbance which means they will bark and it will become more difficult for the owners of the kennels to keep within prescribed limited.
48. One of the play areas will result in noise disturbance – especially likely as it features a kick about area which is unnecessary as it is sited a matter of yards from current existing facilities.

49. The plans show a footpath to the football pitches and track to the caravan site – how soon before they build a road there instead?
50. No form of cycle path to the town.
51. Question whether the ecological appraisal is fully representative of the main varieties of wildlife supported within the site area throughout a yearly cycle.
52. The plan fails to adequately address the impact on the bat roost to the rear of Henthorn Farm and the colony of bats which can be seen every day behind Fairfield Drive – the developer has failed to commission a bat survey.
53. Newts are living in the waters on the proposed site.
54. Developing close to the river will have an adverse impact on its nature conservation value and effect the recreational area by it.
55. There will be a flood risk from developing close to the river.
56. The wildlife in the area would disappear.
57. The developers say they will retain hedges and trees but there will be some destruction for making way for roadways and access onto Henthorn Road with a disturbance of the root system of the trees some of which are over 100 years old.
58. Opening up the watercourse and creating ponds – will this not expose the site to potential flooding? The land already gets waterlogged after heavy rain and is slow to drain.
59. Open ponds – does this not expose children to enhanced dangers?
60. The agricultural land is not Grade 4 or 5 as Gladman's state but 3.
61. Building close to the river may cause health problems to future residents.
62. Consideration should be given to the farmer who currently uses the field and impact on his business.
63. Told that Radon gas might be in the area.

64. The developer outlined how additional funding would be directed to local schools but fails to provide sufficient consideration for medium to longer term. All the schools (5 primary and 2 secondary) are at capacity.
65. Object to the planned destruction and artificial channelling of culverts and the construction of a new culvert.
66. Question the Utilities Appraisal Report in terms of capacity issues to cope with this development – water supplies, sewage treatment, gas and electric services are at maximum capacity.
67. Hospitals are miles away placing a strain on the Ambulance service as well as Fire Brigade and Police.
68. We ought to be preserving our farmland and green countryside for future generations.
69. Daylight, sunlight and privacy concerns of adjacent residents.
70. Noise pollution.
71. Dust pollution.
72. Loss of views.
73. The campsite would be overlooked by houses which would discourage visitors.
74. Set a dangerous precedent.
75. Increase in pet numbers could impact on local wildlife.
76. The only people to benefit will be the builders with no benefit to the local community.
77. If land is needed why not use the desolated land near Primrose Lodge.
78. This is a moneymaking opportunity for people who have no regard for the area.
79. Although we need affordable housing, this is not the right place to build.
80. Concerns that the developer had modified the plans without public consultation.

81. With a doctor's surgery and pharmacy, it would become a mixed use site with different effects on existing communities.
82. The revised illustrative masterplan differs greatly from the original masterplan with an increase from 9 landmark buildings to at least 21 buildings of 2.5 storey height. Furthermore the majority of these are not proposed for the central part of the site inside the main road link as stated.
83. Questions over the doctor's surgery in terms of staffing and relationship with existing health centre. It is considered contrary to the provisions of PPS13.
84. Are Gladman's proposing to finance the cost of doctors/nurses/fitting out and maintain the building?
85. If planning permission is granted the developer will change the building dimensions to maximise their profit.
86. The Design and Access Statement does not take into account a non-residential use.
87. There do not appear to be any garages on the plans.
88. Reference to an application in 1979 to develop land on the southern side of Henthorn Road and reason for refusal was single access and exit into the development. Another reason was that development would constitute an undesirable extension of the built up area into the surrounding countryside to the detriment of the landscape amenity of that countryside. Surely this still applies.
89. The new location of the Spar shop changes the developer's assertion that a convenience store is within easy walking distance. The existing shop/newsagents on Henthorn Road is too small to be looked upon as a meaningful convenience store.
90. The late proposal for a doctors surgery/pharmacy has now been modified to just a surgery. It is noted that there appears to be no response from the PCT or other NHS body regarding the suitability of basing a single satellite facility on the site when a highly efficient comprehensive facility already exists within the town.
91. The revised site plan deletes the proposed access onto the playing field but it is still shown on the revised Design and Access Statement (pages 20, 29, 36, 38, 40 and 50).

92. Query the accuracy of the application form responses to questions 18, 19 and 20.
93. The creation of 2m parking bays instead of the agreed standard 2.4m bays would encourage parking on footways thus causing obstructions to pedestrians on Woone Lane. It is not acceptable for Mr Nugent to agree to a derogation of the agreed standard.
94. The creation of passing points on the modified two-way road would remove a significant number of parking places which are currently well used throughout the day. Their removal would incur the wrath of many local workers. A one way system would allow most parking to remain, without the need to park partly on the pavement as at present.
95. Question the swept path analysis of the non TRO proposal.
96. Given the uncertainty of obtaining a TRO this should be secured before the application be determined.
97. Even if a pedestrian/cycle link were created to reach Edisford Road the development would still only have a single vehicular access. If there was a blockage on the highway all vehicular access would be blocked.
98. The timing of highway provisions within the legal agreement by the time the 51st dwelling is occupied would not mitigate the effects created from the start of the development. Earlier provision of these contributions should be sought.
99. The highway scheme now put forward along Woone Lane does not address Martin Nugent's previous concern and will lead to longer delays, detours affecting other areas of the road network and potentially affecting emergency vehicle response times.
100. If 2 large vehicles meet at the passing places it will be very difficult to pas each other resulting in long delays.
101. The fallback position does not have any provision for cyclists.

Proposal

This is an outline application to develop a site for residential use including landscaped areas, open space, highways and associated works and as amended incorporates a doctor's surgery.

The site is greenfield and has an overall site area of approximately 15.7 hectare. Matters of access are being applied for at this time. The component parts of the application are as follows:

Residential (8.27 hectare)

The proposed development will comprise up to 270 dwellings on approximately 8.27 hectare of the overall site. With regards to a mix of dwellings, this had not been fixed at this stage but the Design and Access Statement submitted in support of the application, proposes a mix of dwelling types from 2 to 5 bedroom units, comprising a range of house types with predominantly semi detached and detached properties and also some terrace/linked mews cottages which would offer a mix of market housing from first time homes to larger family homes.

The proposed layout is a reserved matter for consideration at a later stage. However an illustrative layout has been provided which indicates the principle of the urban structure (ie the framework and the layout of the streets and routes) and the urban grain (ie the location, arrangement and design of the development blocks, plot arrangement and the green infrastructure). The plan provides an approximate location of buildings within the residential zone and how the built form could relate to the streets and the public realm. It shows vehicular access to the site via a realignment of Henthorn Road (details discussed under highway section) with this one primary access point looping around the core of the site. A lower density arrangement of Lanes will extend outwards from the loop to serve the north and northwestern sections of the overall site. The central loop has been designed to provide a strong sense of place with landmark (2.5 storey) buildings located at key junctions and arrival points. The layout of streets throughout would provide a well overlooked network of public spaces. The submitted Design and Access Statement refers to the indicative layout as a distorted grid which will allow for some block and building variation to create visual relief and variety within the street network.

The approach to site layout means that there will be a range of block densities from 30 to 40 dwellings per hectare. The average net density across the site is stated as 32.6 dwellings per hectare.

The scale of the built development would vary around the site. In general the lower density areas of the site's new properties would be two storeys in height (up to 9m maximum height) with some focal buildings of 2.5 storey (up to 10m maximum height) fronting a traditional street layout. The lower density areas would occupy the periphery of the site backing onto the existing residential edge and fronting onto peripheral landscape buffers and public open space. The principle is that both wide and narrow plan forms will be used to give variety to the streetscene. Wide plan dwellings are defined as having a wide frontage onto the street with a shallow depth. These will be between 7-15m in length with a building width (depth) of around 6-10m. Narrow plan dwellings are defined as having a narrow frontage onto streets. They will have a frontage which is between 4-6m in length with a building depth of around 11-15m.

Affordable Housing

In respect of the affordable housing element the overall housing mix will include up to 30% affordable housing which will be accommodated in small clusters and evenly distributed around the development.

The affordable units will comprise the following and be provided on a phased basis in relation to occupancy of the market dwellings on site.

Social rented housing 27 units	(6x2 bedroom dwellings) (6x3 bedroom dwellings) (5x4 bedroom dwellings) (10 bungalows)
Affordable rented housing 27 units	(9x2 bedroom dwellings) (9x3 bedroom dwellings) (9x4 bedroom dwellings)
Shared ownership 27 units	(6x2 bedroom dwellings) (6x3 bedroom dwellings) (5x4 bedroom dwellings) (10 bungalows)

Green Infrastructure/Community Park/Equipped Children's Play Space (7.33 hectare)

The illustrative masterplan shows a strong green framework of structural landscape and habitat areas on approximately 7.33 hectare of the overall site. As originally submitted the draft Legal Agreement made provision for this land to be transferred to Ribble Valley Borough Council with an ongoing maintenance contribution paid. However, this option has now been deleted from the Agreement with all green infrastructure/community parkland and equipped children's play space to be maintained by a management company. The details of this aspect of the proposal are as follows:

Community Park

Given the settlement edge character and existing playing field provision adjacent to the site no formal sports facilities are proposed for the development. Instead a new informal rural edge community park is proposed at the site's western extreme which will incorporate new footway connections to the riverside recreational areas. It would be a parkland with meadow and tree/woodland planting. There would be two water features for ecological enhancement and a balancing pond as part of the sustainable urban drainage proposals for the overall site.

Equipped Children's Play Space

Two local equipped areas of play are proposed offering toddler, child and teenage play provision. One of these is at the point where the community park meets the residential zone of the proposed development with the other to the northern tip of the site where it abuts a kennels and cattery facility and playing fields.

Green Infrastructure and Landscaping

The plans show strengthened landscape planting at the site boundaries and a green corridor running north/south through the central core of the site with ecological enhancement including a reinstated watercourse. There is to be another watercourse running north/south at the western extreme where the site borders a caravan site. In addition to the landscape buffer planting, there are small areas of general landscaped areas within the overall site and street scene that include both planting and balancing pond (4 in total) for the sustainable urban drainage system proposals.

Acoustic Measures

There is a kennels and cattery to the north of one of the proposed play areas and in order to mitigate any noise an acoustic fence is shown on the illustrative masterplan. At this outline stage, no precise details of this have been submitted.

Highways

Vehicular

It is proposed that vehicular access to the site is via a realignment of Henthorn Road south of the property named White House. The new alignment will provide a route into the application site and is to be designated a priority route. The existing length of Henthorn Road south west of the new site access alignment is to be realigned to form a priority (give way) control 'T' junction with the new site access road alignment. The internal road layout for the outline application is to be the subject of reserved matters application(s).

Pedestrian

Improvements to local pedestrian infrastructure are identified to be implemented with the underlying principle and objective being to achieve improvements to assist pedestrians at crossing desire lines from the site along the walk route of:

- Henthorn Road; and
- Garnett Road/Lancaster Drive (to Edisford Road).

Pedestrian improvement works will comprise:

- Reduce corner radii at junctions to reduce pedestrian crossing width.
- Introduce dropped kerbs on pedestrian desire line, ie shortest walk distance instead of expecting pedestrians to walk longer distance around corners, diverting from the crossing desire line.
- Introduce pedestrian refuges on roundabout arms.

In addition to these measures, further discussions between the applicant's highway consultants and the County Surveyor have led to the addition of funding for the introduction of improvements to assist pedestrian crossing movements as follows:

- Henthorn Road: pedestrian crossing assistance near the park entrance (zebra crossing) complimented by cycle signage. The precise location and details will be confirmed by LCC at the time when this is to be introduced.
- Whalley Road: existing pedestrian crossing just south of Greenacre Street to be upgraded to a Toucan crossing (ie pedestrians and cyclists).

The requirement of the developer in respect of these would be fully discharged by the entering into the appropriate legal agreement to make the required funding available. The responsibility for introducing the measures would rest with LCC.

Bus Service Provision

It is proposed that, as part of the proposed residential development, a new bus stop is introduced within the site, the detailed location to be agreed as part of the reserved matters application for the internal site road layout.

The applicants have undertaken investigations and made enquiries of various parties in respect of bus service provision. This included formal approaches to three bus companies with all three expressing interest in operating a replacement/extended C1 service. On the basis of this, the applicants undertake to make the following commitments:

- To fully fund for five years of operation a bus service based on the current C1 service, extended to serve the development with access via Henthorn Road.
- The details of the routing of the bus service will be determined by LCC, with the provisos that the service route must include the development's bus stop on every scheduled run, and that the route must operate between the site and Clitheroe town centre including a stop at the rail station.
- The bus service will operate through the day and in the evenings on Monday to Saturday and additionally a Sunday service at reduced frequency.
- The bus service must be operating prior to occupation of the 51st dwelling.
- 100% of the fare box revenues from the bus service funded by the developer are to be placed in a fund to be ring-fenced and retained solely for the purpose of providing further funding for the bus service to continue to operate when the five years funding provided by the developer ends. For the avoidance of doubt the developer commits to retaining none of the fare box revenue.
- A bus stop is to be provided on the development's internal road network prior to the occupation of the 51st dwelling. This is to be to the LCC bus stop quality standard, and the location is to be agreed with LCC.
- The carriageway width of the internal road layout, that remains to be approved as reserved matters, must be adequate to accommodate the bus service along the length of development road that it is to be routed.
- In the interim period between the occupation of the first dwelling and until the occupation of the 51st dwelling, a temporary additional bus stop, of a flag and pole type, is to be introduced on Henthorn Road near the development site access, the detailed location to be as required by LCC.

The applicant's traffic consultant concludes that the developer bus service is 100% guaranteed into the future for in excess of five years, for at least 7 or 8 years or perhaps even more.

Pedestrian/Cycle Link to Caravan Road

As stated the scheme provides cycleways and pedestrian links to the Ribble Way long distance footpath. Negotiations between the applicant's Highway Engineer and the County Surveyor have led to the submission of a detailed plan to indicate a 3m wide pedestrian/cycle link between the site and Caravan Road. Thence pedestrians and cyclists can traverse the tarmac surface of the Caravan Road to make their way to/from Edisford Road and various amenities.

Cycle Parking

Following negotiations, it is proposed to introduce cycle parking at the following locations:

- Development play area - parking stand to accommodate 4 cycles (developer to provide).
- Clitheroe town centre - parking stand to accommodate 4 cycles, location to be determined by LCC (developer responsibility fully discharged by entering into the appropriate legal agreement to make the required funding available). The responsibility for introducing the cycle parking resting with LCC.

Henthorn Road Traffic Management and Road Marking Scheme

The applicant will provide funding for a 20mph sign only scheme with complimentary road markings on Henthorn Road. A zebra crossing (referred to under 'pedestrian' sub heading) forms part of the Henthorn Road Traffic Management and road marking scheme. This has been secured through negotiations with the County Surveyor.

Woone Lane Traffic Management

As a result of extensive discussions between the applicant's traffic consultant and the County Surveyor it is proposed to introduce traffic management measures on Woone Lane.

The preferred option would be to introduce one-way operation on Woone Lane in an easterly direction from Eshton Terrace towards Moor Lane. Should planning consent be forthcoming LCC would pursue this, including consultations, Traffic Regulation Order (TRO) process and if the TRO is successful then implementation of the scheme. The funding for this would be secured fully from the applicant.

However, if the TRO process is not successful LCC will implement an alternative scheme which does not require any TRO and can be implemented within the powers of the highway authority. This scheme includes priority working on Woone Lane with the formation of kerbed build outs and raised tables. A 3.1m carriageway width will be formed along the length of Woone Lane with protected parking bays created.

Doctor's Surgery

The scheme has been amended since first submission to incorporate a doctor's surgery (PCT facility). This would be positioned within the central core of the development site as outlined on the illustrative masterplan and be a single storey building with pitched roof and approximately 125m² gross floor area. The draft Legal Agreement outlines that land for this facility would be reserved for a period of three years with a sum of £156,250 as a contribution towards the costs of constructing the PCT facility.

Phasing

It is proposed that the scheme be developed in three phases with an indicative plan submitted that roughly splits the site down as follows:

Phase 1 – 100 dwellings.

Phase 2 – 70 dwellings.

Phase 3 – 100 dwellings.

The provision of affordable housing would be incorporated into each phase with not more than 50% of the market dwellings of any phase being occupied until the affordable element for that phase has been completed ready for occupation (see separate section on Legal Agreement content under the issues section).

The provision of open space (formal laid out and informal incidental) will also be subject to phasing and this would be specified in a Legal Agreement.

The delivery of the community woodland would also be phased in accordance with details to be set out in a Legal Agreement.

Site Location

The site is located to the northwest of Henthorn Road. Rear gardens of properties fronting Fairfield Drive abut its north-eastern extreme; directly to the north are a kennels and cattery and playing fields; to the west Clitheroe Caravan and Camping Club and the Ribble Way long distance footpath alongside the river and to the south by Siddows Hall and agricultural land. The eastern boundary of the site to Henthorn Road dog-legs around the rear of Henthorn Farmhouse (a Grade II listed building), the White House and other properties fronting Henthorn Road.

The site is approximately 15.7 hectare in size, is greenfield and in agricultural use. It lies outside the settlement limit within land designated Open Countryside with the settlement boundary immediately abutting the rear garden boundaries of properties fronting Fairfield Drive ie the north eastern boundary of the site.

The site is roughly 'L' shaped in appearance. Its topography varies throughout with land rising away from Henthorn Road with the western field descending towards the river.

Relevant History

None.

Relevant Policies

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy G11 - Crime Prevention.

Policy ENV3 - Development in Open Countryside.

Policy ENV6 - Development Involving Agricultural Land.

Policy ENV7 - Species Protection.

Policy ENV9 - Important Wildlife Site

Policy ENV10 - Development Affecting Nature Conservation.
Policy ENV13 - Landscape Protection.
Policy ENV14 - Ancient Monuments and Other Important Archaeological Remains.
Policy ENV19 - Listed Buildings.
Policy H2 - Dwellings in the Open Countryside.
Policy H20 - Affordable Housing - Villages and Countryside.
Policy H21 - Affordable Housing - Information Needed.
Policy RT8 - Open Space Provision.
Policy RT18 - Footpaths and Bridleways - Improvements.
Policy RT19 - Development Which Prejudices Footpaths.
Policy T1 - Development Proposals - Transport Implications.
Policy T7 - Parking Provision.
Affordable Housing Memorandum of Understanding.
Policy DP1 – Spatial Principles – North West of England Regional Spatial Strategy to 2021.
Policy DP2 – Promote Sustainable Communities - North West of England Regional Spatial Strategy to 2021.
Policy DP7 – Promote Environmental Quality - North West of England Regional Spatial Strategy to 2021.
Policy L1 – Health, Sport, Recreation, Cultural and Education Services Provision - North West of England Regional Spatial Strategy to 2021.
Policy L4 – Regional Housing Provision - North West of England Regional Spatial Strategy to 2021.
Policy L5 – Affordable Housing - North West of England Regional Spatial Strategy to 2021.
PPS1 – Delivering Sustainable Development.
PPS3 – Housing.
PPS5 – Planning for the Historic Environment.
PPS7 – Sustainable Development in Rural Areas.
PPS9 – Biodiversity and Geological Conservation.
PPG13 – Transport.
PPG17 – Planning for Open Space, Sport and Recreation.
PPS22 – Renewable Energy.
PPS25 – Development and Flood Risk.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application are the principle of development, highway safety, infrastructure provision, ecological considerations, visual and residential amenity. For ease of reference these are broken down into the following sub-headings for discussion:

Establishing Whether the Principle of Residential Development is Acceptable on this Site/Prematurity/Applicability of RSS Housing Figures

The policy basis against which this scheme should be appraised is set out in the context of national, regional and local development plan policies. The site lies to the west of Clitheroe and is outside the existing defined settlement boundary as shown in the Districtwide Local Plan. The proposal represents a relatively significant amount of new development and the preference of the Council's Head of Regeneration and Housing would always be for schemes of this nature to be addressed through the current LDF process. The Council is at present seeking to progress its Core Strategy that will establish patterns of growth and locations where developments should be directed. It is anticipated that a preferred strategy will be published in

Autumn 2011 following the consultation undertaken. It is recognised however that the Council has to determine this application, taking account of existing policy provisions and that prematurity measured against the emerging LDF is not a reason in itself to refuse the application.

The current development plan comprises both the saved policies of the Districtwide Local Plan and the Regional Spatial Strategy (RSS). Whilst Government has stated its intention to abolish the RSS, formal revocation has not yet occurred, regard must therefore be given to the RSS policies as part of the assessment process. The Council has determined in June 2010 to continue to use RSS housing requirements for both determining planning applications and progressing the Core Strategy. As Members are aware work is being undertaken on a review of housing requirements but at present there is no alternative, evidenced and tested requirement, consequently the RSS position prevails.

It is important to bear in mind however that the Adopted Saved Local Plan was prepared in the 1990's against previous Lancashire Structure Plan policies that have been superseded by Policies of the RSS. RSS policies promote different levels of growth and planned for a period beyond that of the 2006 end date for the current Local Plan. Whilst policies have been saved, there have been no revisions of the old policies to reflect new growth and the need as a result to review settlement boundaries.

In relation to the current proposal, it should be judged in the first instance against requirements of Planning Policy Statement 3 – 'Housing'. It is also important to note that the provisions within PPS3 explicitly provide for its policies to supersede existing development plan provisions. The Council cannot demonstrate a five-year supply as it is required to do therefore the tests of paragraph 69 must be applied. The main element of principle therefore becomes one of whether the site is a suitable site for residential development. PPS3 creates a presumption in favour of residential development where the tests set out in the Statement are met.

The site would be an extension to the existing settlement – Clitheroe is the main settlement in the borough in the location where growth would be expected to be directed and that would ultimately require the change to the existing settlement boundary.

Whilst there are issues of infrastructure delivery to consider as in any such large scheme from such viewpoints as highway, education, health provisions and wider impact on the town centre, overall the Council's Head of Regeneration and Housing views the site as acceptable as a land use principle. He supports the proposal's inclusion of open space and recreational enhancement of the riverside and would want to ensure that infrastructure matters generated by the scheme were capable of being delivered in a timely manner. He has also commented that in his opinion it is a pre-requisite to any approval to have a robust mechanism incorporated into any approval to ensure any infrastructure delivery is both programmed and capable of being brought forward at the appropriate time. These matters are discussed elsewhere within this report.

Affordable Housing

In considering the affordable housing element of the proposal, it is important to have regard to Policies H20 and H21 of the Ribble Valley Districtwide Local Plan and the Council's Affordable Housing Memorandum of Understanding (AHMU). Policy H20 of the Plan identifies that on sites outside defined settlement limits, schemes should provide for 100% affordable needs. However, having regard to material considerations, namely PPS3 as outlined above, I am of the

opinion that as the scheme immediately abuts the saved settlement limit of Clitheroe a more relaxed approach is in order and that it is the requirements of the AHMU and Policy H21 that the affordable elements of the scheme should be assessed against.

In terms of assessing the development under the requirements of the AHMU a scheme outside defined settlement limits for three or more dwellings (or sites of 0.1 hectare or more) should provide 30% of the site for affordable provision. Policy H21 sets out the information to be submitted in support of affordable schemes in terms of who the accommodation is intended to be provided for and details of the methods by which the accommodation will be sold, let, managed and retained a suitable for its original purpose.

The scheme is made in outline for a maximum of 270 units. A draft Legal Agreement was submitted with the application and has been the subject of negotiations with the Council's Housing Strategy Officer in order to ensure that the scheme matches identified needs. Given the scheme is within the Clitheroe area, the approach taken is that development in this key service centre should meet housing needs expressed throughout the borough and not just those specific to the parish as is the case in the villages. The negotiations have secured revisions to the originally submitted agreement with the Legal Agreement content sub-heading later within this report providing specific details of the clauses covering the affordable elements. Given the overall scale of this development at 270 dwellings, it is likely that it will be sometime before the whole development is complete if undertaken by a single house builder. Indeed it has become apparent through discussions whilst progressing this application, that it is envisaged the scheme would be developed in three phases. Due to the amount of time it may take to bring the entire scheme forward, a wording is to be incorporated into the Legal Agreement that would mean the split of dwellings referred to earlier, that reflects current housing needs, is not specifically fixed but could, if agreed in writing, be revised subject to the proviso that it still consists of not less than 30% of the residential units. Details of the 'affordable housing scheme' would be required for further submission in terms of number, type, mix, tenure and location prior to occupation of the first market dwelling. Such an approach recognises that housing needs may change over the period of time that would be involved in the implementation of such a major scheme. This approach and the content of the draft Legal Agreement have been discussed by the Strategic Housing Working Group. Originally the Group had asked that the affordable units be delivered in advance of the market units on site. However, following the submission of an independent report focussing on the merit and feasibility of this option the Group have accepted the contents of the report which clearly demonstrate that such an approach would be unviable. The general phasing agreements as outlined are acceptable with a request that as part of the details of the 'affordable housing scheme' certainty is given as to which registered provider is to be used with copies of any agreements with registered providers provided to the Council.

Highway Safety

As Members will note from the description of the various aspects of the scheme, matters surrounding highway safety have been the subject of extensive discussions between the County Surveyor and the applicant's highway consultants in order to address concerns over pedestrian and vehicular movements. The revisions to the scheme as outlined earlier within this report are considered by the County Surveyor to satisfactorily address those concerns in relation to the bus service provision, pedestrian and cycle assistance, pedestrian crossings, pedestrian/cycle link to the caravan and camping access road, cycle parking and traffic impact on both Henthorn Road and Woone Lane. In reaching this conclusion he was made aware of the comprehensive highways objection received to the development by another highways consultant (Dennis

Wilson) but is satisfied that the approach and methodology adopted in assessing this scheme is reasonable in nature and robust in detail.

It is evident from the detailed observations submitted in response to the application and its amendments, that any concerns over highway safety matters that the County Surveyor may have originally expressed have now been addressed in an appropriate manner by the applicants. Members will note that reference is made under the proposals section of this report to the potential for one-way operation on Woone Lane but that the response from the County Surveyor focuses on the scheme for priority working arrangements along Woone Lane. The reason for this is that there is no certainty that a TRO can be secured for the one-way operation - it is subject to a process outside of the remit of planning. That process is subject to public consultation with no guarantee of the outcome. Thus the County Surveyor was focussed on securing a highway scheme that can be carried out without such consultation and can be appropriately conditioned under the scope of this planning application. Therefore, for clarity, when considering the highway safety implications of this development it is the scheme for the priority working, formation of kerbed build outs and protected parking that the County Surveyor has deemed acceptable in highway safety terms. Should Committee be minded to approve the application there is a suggested condition that requires submission of off-site highway works and in the event that a TRO was successful then either details of that or the priority arrangements outlined could be submitted to comply with the requirements of that condition.

Thus, on the basis of the detailed observations of the County Surveyor, it is concluded that the scheme in its revised form with the additional off site highway works would not prove significantly detrimental to highway safety.

Further details in relation to the additional survey relating to the impact on the Henthorn Road railway crossing will be reported verbally.

Play/Open Space/Community Woodland/Parkland

Policy RT8 of the Districtwide Local Plan requires residential sites over 1 hectare to provide adequate and useable public open space. The supporting text notes that community open space within new residential areas provides a useful informal recreational facility for residents of the neighbourhood and a particular requirement will be the provision of children's play areas.

The illustrative masterplan provides for both formal and informal areas of play/open space via the two designated play areas, green corridor and informal landscaped verges throughout the site and proposed parkland area. As stated previously, the submitted draft Legal Agreement originally had clauses to allow for the transference of the aforementioned areas to the Council with maintenance/management contributions. This was discussed with the Director of Community Services and the clauses were subsequently removed from the agreement. Thus responsibility for the management/maintenance of these areas will not sit with the Local Authority but suitable conditions can be imposed on any consent granted to ensure that the formal play areas are equipped in an appropriate manner with an appropriate maintenance regime.

It would be important to ensure that should consent be forthcoming the delivery of these areas was phased with the development of the overall site and this is a consideration for inclusion in any Legal Agreement. Indeed the applicants have suggested appropriate phasing and this is discussed later within this report under the Legal Agreement heading.

Whilst Policy RT8 does not set specific quotas for establishing the level of provision, I am satisfied that the details submitted would accord with the requirement for adequate and useable space.

In terms of the community parkland area, this is an informal area of open space and would again be phased with the delivery of housing on site. The Legal Agreement will have triggers at which point temporary footpaths, layout specification, landscaping and management plans will need to be submitted/provided with the park being laid out prior to occupation of the 151st residential unit. A new area of woodland planting is welcomed as part of this overall development.

Education

This is a subject raised by objectors to the development. As Members will see from the consultation response from the Planning Contributions Team at Lancashire County Council a sum of £307,837 is sought towards primary provision. They have commented that if this contribution were not secured they would be unable to guarantee that children in this area will be able to secure a school place within reasonable distance of their home. The applicant is aware of the contribution and has included provision for this within the draft Legal Agreement – the wording is specified later in this report and has been the subject of discussions with officers at LCC. In their opinion a financial contribution is the appropriate way forward to provide enhanced primary provision and Members should be satisfied that due consideration has been given to this matter in reaching that conclusion. Thus notwithstanding the concerns expressed regarding education provision an appropriate mechanism can be inserted into any Legal Agreement to ensure a financial contribution.

Flooding/Drainage/Water Supply

There have been objections on the grounds that there will be a flood risk from developing close to the river and questions raised over the utilities appraisal report in terms of capacity issues.

The application has been submitted with a flood risk assessment. The main area of the site where the development is proposed lies within flood zone 1 which is defined as having a low probability of flooding and the Environment Agency are satisfied with the details submitted. They have requested a condition to require the submission of a scheme for surface water drainage and attenuation for the site which is standard practice. Comments have also been made regarding land contamination with a request for a condition to specify that a desk top study to identify all previous site uses and potential contaminants prior to commencement of development be imposed should consent be forthcoming.

United Utilities were consulted on the application and as Members can see from their response, no objections are raised to the development.

Members will note that under the additional representation section of this report, objections have been raised to the planned destruction and artificial channelling of culverts and construction of a new culvert. The Environment Agency have commented in their response to the scheme that they support the proposals for de-culverting the watercourse that runs across the site. They have also commented that due to the overall size of the site and location in relation to the River Ribble, prior to commencement of development, they would visit the site and carry out pollution prevention advice with the developer/contractor.

Nature Conservation – Protected Species/Landscape/Trees

This is a greenfield site and there are trees and hedgerows that align the site's established field boundaries. As part of the application an arboricultural report has been submitted which was carried out to help inform initial design and sign layout considerations. The survey focuses on the major trees within the site and those adjacent to it which may be directly affected by the proposed development. A total of 25 individual trees and 3 groups of trees were surveyed as part of the assessment including several specimens located directly adjacent to the site boundary yet outside the ownership of the site. Trees present across the site are predominantly Common Ash with a small number of other species represented including Sycamore, Common Alder and English Oak. One specimen was assessed as needing to be removed and this is outside the site boundary within the grounds of the adjacent caravan park. The remaining trees in the main were classed as either low quality or moderate quality with two trees and one group of trees considered of high quality.

Construction of the development as per the illustrative masterplan would not result in the direct loss of trees. The layout for the residential parcels has been designed around the natural features of the site thereby maintaining the key hedgerows and trees contained within them.

The application is also accompanied by an ecological report with the findings of this assessed by not only the Council's Countryside Officer but an ecologist from LCC and the Environment Agency. Comments received confirm that the development has been designed to retain features of biodiversity value (trees, grassland, hedgerows) and that there is sufficient space within the proposed development to deliver effective mitigation/compensation for impacts on biodiversity. The River Ribble is designated as a County Biological Heritage Site and although the proposed housing development will not impact directly upon it (the community parkland being closest to it) it will be important that it is adequately protected during construction. In respect of protected species statutory consultees confirmed that significant impacts seem reasonably unlikely. According to the assessment, ponds in and adjacent to the application site are not suitable to support Great Crested Newts, surveys did not find evidence of roosting bats and it is recommended that should consent be forthcoming, conditions are imposed requiring repeat surveys or compensatory/mitigation measures. Subject to these safeguards it is considered that there is no justifiable reason to withhold consent on ecological grounds.

Noise

Reference has been made by objectors to potential noise issues associated with the play area that is adjacent to an existing kennels/cattery facility to the north of the site. In particular concern is expressed about noise from a kick about area and the relationship with the aforementioned commercial property. This relationship has been discussed with the Head of Environmental Health Services and whilst he has expressed some concern it is considered that the impact can be mitigated by the combination of the acoustic fence as shown on the illustrative masterplan and careful siting and choice of play equipment on this area. The draft Legal Agreement has clauses to ensure submission of details of on the on-site play areas and it can be ensured that no noise generating play equipment be permitted eg metal play walls in the area immediately adjacent to the kennels/cattery to the north and residential properties to the north east.

Layout/Scale/Visual Amenity

As stated previously, this is an outline application with the only detailed matter being applied for

at this time being the means of access. However there is a requirement for submissions to provide a basic level of information in respect of use, amount of development, indicative layout and scale parameters in order for a Local Planning Authority to make detailed consideration on the use and amount of development proposed.

An illustrative masterplan has been submitted to show how the scheme would fit into the immediate surroundings with built development along its north eastern boundary, a caravan site and river to its west and playing fields to it north. In visual terms, I am of the opinion that, notwithstanding comments received about the need to retain the open spaces between the present town and river, no significant detriment would be caused were the development to be approved. Reference has been made to urban sprawl and this scheme would extend the development edge of the town by approximately 250m beyond that of Fairfield Drive and 350m at the point that the residential development would join the caravan site. Clitheroe has grown incrementally over the years and I do not consider that the level of growth proposed here would be disproportionate in visual terms. The roughly 'L' shaped appearance of the site means that the housing is limited to a band that runs roughly parallel to the existing settlement limit following established field boundaries with the dog leg being part of the site that extends westwards towards the river. It is the latter that is to form the community park, thereby maintaining an open setting between the town's development edge and the riverside. The site rises and the parkland is on the ridgeline as viewed from Henthorn Road and such a use would not I consider significantly compromise the visual amenities of the area.

In respect of scale parameters the height limits of 9m and 10m would not I consider appear over-dominant. Committee should remember these are an indication of the upper height limits for 2 and 2.5m storey properties and further information will then be submitted at reserved matters stage to provide precise details of each unit in terms of scale and appearance. The site would be predominantly two storey in nature with the 2.5 storey units detailed at key junctions within the site (21 in total).

Objectors have commented that the plans show a footpath to the football pitches and track to the caravan site and question how soon it is before a road is built there instead. For Committee's information the footway link between the northern most play area and adjacent football pitches has been deleted from the scheme following discussions with the Director of Community Services. As for the footway link to the track leading to the caravan site, this has been the subject of negotiation with the County Surveyor in order to increase the accessibility of the site with plans to make this a cycleway. Committee should consider the scheme before them in its own merits and not speculate as to what may or may not come forward at a future date.

Comments have been made that building 270 houses on this site is excessive but PPS3 remarks that using land efficiently is a key consideration in planning for housing. Should 270 units be developed on this land that would represent a density of 32.6 dwellings per hectare and I do not consider that this would be out of keeping with the character of the immediately surrounding areas.

Residential Amenity

In considering residential amenity it is important to assess the relationship with properties outside of the site as well as that between units proposed as part of this scheme. To the east are properties that front Fairfield Drive and Fairfield Close with properties fronting Henthorn Road to the south east boundary.

Properties on Fairfield Drive would back onto the development with the illustrative masterplan denoting the rear elevation of properties facing onto these units at a distance of approximately 10m from the rear garden boundary. Given that the Fairfield Drive properties are set between 15m and 30m away from the site boundary I consider the relationship between built forms would be acceptable. The two end of cul-de-sac properties on Fairfield Close have their gables to this site boundary and whilst distance between properties here would be reduced this is still considered an appropriate relationship. Having regard to the properties that front Henthorn Road, again I consider the relationship shown on the illustrative master plan to be acceptable.

In terms of the actual scale of development on the areas of the site that abut existing residential areas, these dwellings would be two storey in nature at a maximum height of 9m. Notwithstanding concerns expressed about daylight, sunlight and privacy, I do not consider this would prove significantly detrimental to the residential amenities of properties bordering the site.

In respect of the internal relationship of the development site, the illustrative layout shows properties facing onto internal access roads or landscaped areas. From the submitted plan it would appear that the separation distance between facing blocks of development may be less than the 21m advocated in the Council's SPG on extensions and alterations to dwellings (distances of approximately 15m to 20m). However, it is important to remember that this is a new development and that potential purchasers will be fully aware of the relationship between various residential blocks prior to buying a certain property. It is also important to remember that this is an outline scheme with matters of layout reserved for future submission. Whilst details submitted set the broad parameters of development there would be scope for a minor repositioning of the blocks to achieve a greater separation distance.

Renewable Energy

Whilst this is an application made in outline, it is important to set out at this stage that the Local Planning Authority will be seeking a commitment towards renewable energy in line with Central Government guidance offered in PPS1 and PPS22. Indeed the applicants have submitted a Renewable Energy and Sustainable Resources Strategy and Building for Life Evaluation in response to the Council's requirement of a minimum of 10% of the energy requirements generated by the development to be achieved by renewable energy production methods. It is very difficult to demonstrate definitive compliance against such policy objectives at outline stage as meeting the standards concerned is inherently bound up with detailed design specification issues. Thus an appropriately worded condition should be imposed on any consent granted to require further submission of such details.

Doctor's Surgery (PCT Facility)

This was not included in the original submission but the applicant chose to engage in dialogue with the Primary Care Trust to assess the likely impact of this development on health services in the locality. It was following these discussions that the illustrative masterplan was revised to indicate a proposed PCT facility. It is not the intention that the applicant would built this facility (see Legal Agreement sub-heading within this report) and the offer made as part of this submission has been discussed with the PCT. They requested some revisions to the drafting of the Legal Agreement which have been secured.

Miscellaneous

There are a number of points raised by objectors that do not sit easily within the headings given to consider the main issues associated with this scheme. Some of the points raised are matters of opinion eg the consultation process for the public exhibition prior to submission of the application and that it is a money making opportunity for the people who have no regard for the area which are not matters for the Local Planning Authority to pass comment on. However, I shall attempt to address the other issues raised.

Objectors have questioned the need to develop the site for housing given the number of dwellings for sale in the area but the Council are required to have a five-year land supply. Thus new land for development within the borough needs to be sought out and permission granted should the scheme comply with plan policies that are in place at the time of determination.

In respect of the suitability of other sites for housing, Committee needs to treat each application on its own merits. It may be that the sites objectors consider to be more suitable may not be held to comply with policy.

The issue of loss of view has been raised but as Members are aware this is not a material planning consideration. As stated earlier the site lies within land designated open countryside and not green belt as some objectors believe. In respect of Radon gas, I have spoken to the Council's Head of Environmental Health who has raised no concerns on those grounds. He has considered potential air quality issues from both the construction of the houses and associated traffic and concludes that any impact would be small and thus does not raise any objections.

I am mindful that Henthorn farmhouse is a Grade II listed building and that regard should be had to paragraph 66(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE10 of PPS5. I am of the opinion that there would not be any significant harm to the setting of that building were this development to proceed.

Reference has been made to an application 1979 to develop land on the southern side of Henthorn Road for residential development which was refused on grounds of highways ie a single access/exit and that the scheme would constitute an undesirable extension of the built up area. There have been a number of development plans in place covering Clitheroe in that time and planning policies at both a local and national level have evolved over the intervening years. Whilst the site is outside the settlement boundary and would lead to an extension of the built up area, the planning policy and visual amenity issues associated with this have already been discussed. It is also evident that extensive negotiations have been ongoing to explore highway issues and that under current guidance the scheme is deemed to be acceptable.

Legal Agreement Content

The application has been submitted with a draft Legal Agreement to cover matters of affordable housing, open space, on-site play equipment, PCT facility, public transport improvements and education contribution. This report has outlined in detail these aspects and taken account of comments from respective consultees/officers of this Council who are responsible for those matters. To clarify for Members, the Legal Agreement will stipulate the following:

1. *Affordable Housing*
 - The total number of affordable units shall consist of not less than 30% of the residential units on site.

- 27 of the units shall be social rented housing (which shall be made up of 6x2 bedroom dwellings, 6x3 bedroom dwellings, 5x4 bedroom dwellings and 10 bungalows).
- 27 of the units shall be shared ownership (which shall be made up of 6x2 bedroom dwellings, 6x3 bedroom dwellings, 5x4 bedroom dwellings and 10 bungalows) to be occupied in accordance with the order of priority set out in the shared ownership occupancy criteria.
- 27 of the units shall be affordable rented housing (which shall be made up of 9 x 2 bedroom dwellings, 9 x 3 bedroom dwellings and 9 x 4 bedroom dwellings) to be allocated in accordance with the Council's prevailing allocations policy.
- Delivery of the affordable units to be phased with the provision of market units to ensure that not more than 50% of the market dwellings of any phase of development shall be occupied until the affordable units located at that phase of development have been completed ready for occupation and transferred to a social landlord.
- In terms of eligibility for the properties, this shall relate to a boroughwide connection.
- The specifics of the affordable housing scheme in terms of precise numbers, type, mix, tenure and location of the affordable units, in line with the general considerations outlined above, to be submitted to and approved in writing by the Local Planning Authority prior to the first market dwelling being occupied.

2. *Open Space*

This is defined in the draft Legal Agreement as structural landscaping and general amenity areas with the following clauses inserted:

- Not to commence development until the details and proposed location of the open space has been submitted to and approved by the Council in writing.
- Not more than 50% of the market dwellings on any phase of development shall be occupied until the open space in relation to that phase of development has been laid out and made available for use.
- The open space shall thereafter be maintained by the owner to the reasonable satisfaction of the Council until a scheme for the long term maintenance of the open space has been submitted to and approved in writing by the Council and the approved scheme has been implemented to the satisfaction of the Council.

3. *On-site Play Areas*

- Not to commence development until details and the proposed location of the on-site play areas have first been submitted to and approved in writing by the Council.
- Not more than 50% of the market dwellings on any phase of the development shall be occupied until the on-site play area in relation to that phase of development has been provided to the satisfaction of the Council in accordance with the approved details.

- Following provision of the on-site play areas the owner shall at its own cost maintain the same to the satisfaction of the Council until a scheme for securing the long-term repair, maintenance and renewal of the on-site play areas has been submitted to and approved in writing by the Council and the approved scheme has been implemented to the satisfaction of the Council.

4. *Community Park*

- Upon completion of the 25th residential unit to lay out a temporary footpath in accordance with details to be approved in writing by the Council to link the first phase of development to public footpath number 17 within the community park.
- Prior to the first occupation of the 101st residential unit to submit for the approval of the Council details of the proposed layout specification and landscaping of the community park together with details of a scheme for the long-term maintenance and management of the community park.
- Prior to the first occupation of the 151st residential unit to lay out the community park in accordance with the details approved.
- To maintain the community park to the satisfaction of the Council until a scheme for the long-term maintenance and management of the community park has been approved.

5. *PCT Facility*

This is defined in the draft Legal Agreement as meaning a building having 125m² gross internal floorspace for use for the provision of community health facilities, together with 8 car parking spaces and associated landscaping.

- To reserve the PCT facility area for a period of 3 years and 1 month after the date of commencement of development for use as the PCT facility.
- Upon the date of transfer of the PCT facility area (ie land) to the PCT, the PCT contribution (meaning a sum of £125,000 as a contribution towards the costs of constructing the PCT facility) shall be paid to the Council.

6. *Public Transport Improvements*

- Prior to the first occupation of the 51st residential unit to procure at the cost of the owner with a bus service provider a bus service between the development and Clitheroe town centre which will operate half hourly during the hours 0700 to 0930 and 1630 to 1830 Monday to Friday and hourly at other times Monday to Sunday for a period of 5 years. To have a first departure time from the development of no later than 0730 and a last arrival time of no earlier than 1900 Monday to Saturday (0930 and 1600 on a Sunday).
- In the event that the existing bus service has ceased to operate along Henthorn Road prior to occupation of the first residential unit, the owner shall procure the bus service for a period of 5 years from the date of occupation of the first residential unit.

- All fares generated by the bus service shall be retained by the provider of the bus service to be used towards the ongoing operating costs of the bus service beyond the initial 5 year period.
- Prior to occupation of the 51st residential unit to provide within the development a bus stop to the Lancashire County Council bus stop quality standard at such location and in accordance with such details as have been approved in writing by the County Council.
- Prior to occupation of the first residential unit to pay the bus stop contribution to the County Council.

7. *Education Contribution*

This is defined as £307,837 increased by the indexation factor as a contribution towards the costs of primary school provision to serve the development with the following clauses inserted into the agreement:

- Not to occupy nor permit the occupation of the 101st residential unit until 34% of education contribution has been paid to the County Council.
- Not to occupy nor permit the occupation of the 176th residential unit until a further 33% of the education contribution has been paid to the County Council.
- Not to occupy nor permit the occupation of the 251st residential unit until the balance of the education contribution has been paid to the County Council.

Members will note that it is not proposed to request the sum LCC requested in respect of waste management ie £129,600. The contribution sought by LCC is in accordance with their policy paper on 'Planning Obligations in Lancashire' which has not been formally adopted by this Council. A report presented to Planning and Development Committee on 18 December 2008 identified priorities for this Council when seeking contributions – namely affordable housing, transport safety, open space and education. However, given the scale of development Members may wish to include waste management in the contribution sought under the Legal Agreement. Members will also see that the request for £418,500 for the provision of additional highway safety measures is not being requested. As committee will see from the content of this report, there are numerous highway improvements being provided as part of this development and it is the view of the County Surveyor that because of this he would not be seeking the financial contribution indicated by the Planning Contributions Team at LCC.

8. *Other*

The developer is to find the administration and delivery cost totalling £29,160 in providing the appropriate number of wheeled bins.

There will also be the need for the applicant to enter into a separate Legal Agreement (S278) with LCC to secure some of the highway works as referred to in the consultation response from the County Surveyor.

Therefore, having carefully considered all the above, I am of the opinion that the scheme accords with plan policy and thus recommend accordingly.

SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity, nor would it have an adverse visual impact or be to the detriment of highway safety.

RECOMMENDATION: That the application be deferred and delegated to the Director of Community Services for approval following the satisfactory completion of a Legal Agreement as outlined in paragraphs numbered 1-7 under the Legal Agreement sub heading within this report and subject to the following objections:

1. Application for approval of reserved matters must be made not later than the expiration of 5 years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates:
 - (a) the expiration of 5 years from the date of this permission; or
 - (b) the expiration of 2 years from final approval of the reserved matters, or in the case of approval of different dates, the final approval of the last such matter to be approved.

REASON: In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

2. Detailed plans indicating the design and external appearance of the buildings, landscape and boundary treatment, parking and manoeuvring arrangements of vehicles, including a contoured site plan showing existing features, the proposed slab floor level and road level (called the reserved matters) shall be submitted to and approved by the Local Planning Authority before development commences.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and in order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline permission.

3. This outline planning permission shall be read in conjunction with the Legal Agreement dated ...

REASON: For the avoidance of doubt as the application is subject of an agreement.

4. Prior to commencement of development a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be provided in accordance with the approved details prior to occupation of the development and thereafter retained.

REASON: In order to encourage renewable energy and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. Development shall not begin until a scheme for surface water drainage and attenuation for the site, based on sustainable drainage principles and assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. Details of the maintenance and management of the scheme after completion shall be included. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: In order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan in order to prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity and to ensure future maintenance of the surface water drainage system.

6. Development shall not begin until details of any works that will alter the existing ponds on site or details of any new ponds adjacent to them have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan to protect, restore and enhance the existing and/or proposed ponds within the site.

7. No development approved by this planning permission shall be commenced until:
 - a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information and diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing, by the Local Planning Authority prior to that investigation being carried out on the site.
 - c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the Local Planning Authority.
 - d) A Method Statement and Remediation Strategy, based on the information obtained from c) above has been submitted to and approved in writing by the Local Planning Authority.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried out and completed in accordance with the approved Method Statement and Remediation Strategy referred to in d) above, and to a timescale agreed in writing by the Local Planning Authority: unless otherwise agreed in writing by the Local Planning Authority.

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method

Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan to:

- a) identify all previous site uses, potential contaminants that might reasonably be expected to given those uses and the source of contamination, pathways and receptors.
- b) enable:
 - a risk assessment to be undertaken;
 - Refinement of the conceptual model; and
 - the development of a Method Statement and Remediation Strategy.
- c) & d) ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site.

8. Any application for the approval of reserved matters shall include specific details of the provision of a suitable noise barrier along the northern and eastern boundaries of the play area situated in the northeastern corner of the site adjacent to an existing kennels/cattery. The measures so submitted and approved in writing by the Local Planning Authority shall then be fully implemented to the written satisfaction of the Local Planning Authority and thereafter retained in perpetuity.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan to prevent noise intrusion from normal activities on the adjacent Highways Council Depot and commercial units on The Sidings Business Park.

9. The submission of reserved matters in respect of layout, scale, appearance and landscaping and implementation of development shall be carried out in substantial accordance with the Design and Access Statement and illustrative masterplan 4370-P-02rev1 as amended dated 13 April 2011.

REASON: For the avoidance of doubt to define the scope of this permission.

10. The new estate road/access between the site and Henthorn 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 comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and to ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

11. Prior to commencement of construction works, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site, the wheel cleaning facilities shall be retained throughout the life of the development.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and to avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

12. No part of the development, hereby approved, shall commence until a scheme for the construction of the site access, a bollard or similar barrier arrangement on the pedestrian/cycle link at its junction with the caravan track and the off-site works of highway improvements has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

REASON: To comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and in order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

13. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

REASON: To ensure and safeguard the recording of any archaeological deposits in accordance with Policies G1 and ENV14 of the Ribble Valley Districtwide Local Plan.

14. Prior to any works taking place in proximity to habitat suitable for use by otters (*Lutra lutra*), a survey for the presence of otters shall be carried out. The survey, together with proposals for mitigation/compensation (if required) shall be submitted to the Local Planning Authority for approval in writing in consultation with specialist advisors. Any necessary and approved measures for the protection of otters shall thereafter be implemented in full.

REASON: In the interests of protecting nature and conservation issues in accordance with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan.

15. No site clearance, site preparation or development work shall take place within 5m of the riverbank top unless a water vole (*Arvicola terrestris*) survey has been carried out in advance. The report of the survey (together with a scheme for mitigation/compensation, if required) shall be submitted to the Local Planning Authority for approval in writing in consultation with specialist advisors. Any necessary and approved measures for the protection of water voles shall thereafter be implemented in full.

REASON: In the interests of protecting nature and conservation issues in accordance with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan.

16. Prior to the commencement of any works to the watercourse there shall be a survey for whiteclawed crayfish (*Austropotamobius pallipes*). The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to the Local

Planning Authority for approval in writing in consultation with specialist advisors. Any necessary and approved measures for the protection of white-clawed crayfish shall thereafter be implemented in full.

REASON: In the interests of protecting nature and conservation issues in accordance with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan.

17. Prior to the commencement of works there shall be a repeat survey for the presence of badgers. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to the Local Planning Authority for approval in writing in consultation with specialist advisors. Any necessary and approved measures for the protection of badgers shall thereafter be implemented in full.

REASON: In the interests of protecting nature and conservation issues in accordance with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan.

18. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall be avoided between March and July inclusive. In the event that works are carried out during the nesting period a comprehensive risk assessment in order to establish the absence/presence of nesting birds shall be submitted to the Local Planning Authority prior to any works taking place for approval in writing and any mitigation measures outlined therein shall be carried out to the satisfaction of the Local Planning Authority.

REASON: In the interests of protecting nature and conservation issues in accordance with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan.

19. All trees and hedgerows (and the Biological Heritage Site) being retained in or adjacent to the application site shall be protected during construction, in accordance with existing guidelines (e.g. *BS5837: 2005 Trees in relation to construction - Recommendations*).

REASON: In the interests of protecting nature and conservation issues in accordance with Policies G1, ENV7, ENV9, ENV10 and ENV13 of the Ribble Valley Districtwide Local Plan.

20. No site clearance, site preparation or development work shall take place until a habitat creation/enhancement and management plan has been submitted to and approved in writing by the Local Planning Authority in consultation with specialist advisors. The approved management plan shall thereafter be implemented in full. The plan shall include (but not be limited to) further details of measures for: the maintenance and enhancement of retained hedgerows, compensation for hedgerow losses; retention and enhancement of species-rich/neutral grassland (and measures for mitigation/compensation, if retention in situ is not possible); enhancement of the stream and associated habitat; native scrub and tree planting; maintenance and enhancement of part of the River Ribble BHS.

REASON: In the interests of protecting nature and conservation issues in accordance with Policies G1, ENV7, ENV9, ENV10 and ENV13 of the Ribble Valley Districtwide Local Plan.

21. Himalayan Balsam (*Impatiens glandulifera*) shall be eradicated from the site and working methods shall be adopted to prevent the spread of this species.

REASON: In the interests of protecting nature and conservation issues in accordance with Policies G1, ENV7, ENV9, ENV10 and ENV13 of the Ribble Valley Districtwide Local Plan.

22. Prior to the commencement of works, details of lighting shall be submitted to and approved by Ribble Valley Borough Council in writing. The lighting scheme shall be implemented in accordance with the approved scheme. The scheme shall demonstrate avoidance of artificial illumination of important wildlife habitats (the River Ribble and its banks, trees with bat roost potential, hedgerows used by foraging and commuting bats).

REASON: In the interests of protecting nature and conservation issues in accordance with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan.

NOTE(S):

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information by telephoning Area Surveyor East 01254 823831 or writing to the Area Surveyor East, Lancashire County Council, Area Office, Riddings Lane, Whalley, Clitheroe BB7 9RW quoting the planning application number.
2. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority may also wish to implement their right to design all works within the highway related to this proposal. The applicant should be advised to contact the Environment Director at PO Box 9, Guild House, Cross Street, Preston, PR1 8RD in the first instance to ascertain the details of such an agreement and the information to be provided.

APPLICATION NO: 3/2010/0897/P (GRID REF: SD 373742 440826)
PROPOSED DEMOLITION OF EXISTING MILL SITE FOR RESIDENTIAL DEVELOPMENT
FOR 12 APARTMENTS AND 2 DWELLINGHOUSES, AMENDMENT TO APPROVED
RESIDENTIAL SCHEME REFERENCE 3/2008/0526/P AT PRIMROSE MILL, WOONE LANE,
CLITHEROE

TOWN COUNCIL: No objection.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

Has no objection in principle to this application on highway safety grounds.

Comments that the number of units considered here is significantly below that originally envisaged and is satisfied that the impact of this aspect on the wider development will not have a detrimental impact on highway safety within the site or onto the adjacent local highway network.

COUNTY ARCHAEOLOGY:

No objection subject to the imposition of conditions.

ENVIRONMENT AGENCY:

Have no further comments to add to those made in our previous response to 3/2008/0526/P.

CLITHEROE CIVIC
SOCIETY:

Having looked carefully at the proposed plans and visited the site we agree with the demolition of the existing Primrose Mill Building. There are unsympathetic additions: the building itself is not in good condition; the rough stone makes it unattractive and the water tower and chimney have already been demolished. We cannot see a need to preserve this building in its present state. Furthermore, we welcome the re-use of a brownfield site for housing development.

We would like to make one comment on the proposed design for the new building. In our opinion, the central tower is too high. It should be possible to lower this somewhat. This would give a better balance.

ADDITIONAL
REPRESENTATIONS:

Two letters have been received which raise the following objections/comments/concerns:

1. Question the stone to be used for the new building – will the developer recycle the stone from the demolished building which is limestone? The colours on the artists impressions suggests this is not the same stone. The aesthetics of such a prominent building require careful treatment and we believe that to maintain the heritage of the site the stone should be limestone.
2. The developer intends to use uPVC; this is not appropriate for a building that is designed to reflect heritage.
3. Question the impacts of demolition on the lodge – it must not add to the silt and pollution that exists.
4. The Environment Report recommended further investigations to establish whether there were any hazardous substances present. Has this been done?
5. Question surface water discharge provisions.

6. Will the bridleway be closed during demolition and construction?
7. Question if there will be disruption to nearby properties.
8. Question if Woone Lane will be closed.
9. Reference to concerns expressed in relation to the original application regarding highways.
10. The mill abuts a lane which is the only means of gaining access to an adjacent businesses building for the daily delivery and dispatch of goods. Concern is expressed that as the proposal is to demolish the mill, scaffolding may be required which would block the lane stopping that company's activities completely.

Proposal

Consent is sought for the demolition of Primrose Mill and its replacement with a smaller block of apartments. The apartment block would be roughly 'L' shape in appearance with an overall footprint of approximately 20m x 18m and optimum height of approximately 15.8m. Its design has been revised since first submission to modify the height of the rear tower/stairwell with amended plans received on 24 June 2011. The front elevation focuses on a four storey traditional styled central gable with a more contemporary style fenestration detail shown to the west of this by using three large areas of glazing with a three storey walled massing with a fourth storey comprising of a lightweight glazed frame with flat roof. To the right a traditional slated pitched roof profile continues with two lines of four storey windows but with a contemporary treatment of the window openings as opposed to the slightly projecting stone cills and heads which is evident on the central gable. A mix of contemporary and traditional treatment to window openings is replicated on all elevations.

The materials for the apartment block would be coarsed smooth ashlar buff natural stone walling, natural slate pitched roofs, black uPVC windows, black slimline uPCV frames to large areas of glazing with black gutters and downpipes.

To the rear of the apartment block would be a pair of semi-detached town houses with approximate dimensions of 10.8m x 8.8m x 9.8m to the apex of their pitch. They would provide three bedroomed accommodation over three floors with feature two storey projecting flat roof bays on the front elevation with piked dormer type projections to both front and rear. They would face onto the main road leading onto the wider estate as previously approved (see relevant history section of this report). Construction of materials for the dwellings would be natural buff walling stone, natural slate roof, black uPVC windows, black feature timberwork and black gutters and downpipes.

The plans denote a parking courtyard for the apartment block which is set between that building and the two town houses – 18 parking spaces are proposed for the apartment block providing a ratio of 150% and 2 off-street parking spaces for each of the semi-detached town houses. The apartment block would be set back from the current front building line of the existing mill building thereby enabling the creation of a 1.8m wide footway down the side of the lane which public

footpath number 17 runs along. A landscaping scheme has been submitted as part of this application which details a mix of trees and native shrubs throughout.

Site Location

Primrose Mill lies to the west of Woone Lane within the identified settlement limit of Clitheroe. To its immediate north are presently commercial buildings which together with this site and land extending towards the railway line to the north west form part of a wider approved housing scheme. To the south lies a commercial business with public footpath number 17 passing between that and the application site.

Relevant History

3/2008/0526/P – Regeneration of sites around and including Primrose Mill for residential development (maximum 162 units) including improved site access, highway improvements and provision of public open space. Approved with conditions 24 March 2010.

3/2010/0054/P – Regeneration of open land (including the former EA Depot part) for the residential development of 25 affordable units to form part of the wider Primrose housing scheme (application 3/2008/0526/P) including access link to Contour housing scheme. Approved with conditions 24 March 2010.

3/2010/0055/P – Regeneration of the existing commercial site(s) for residential development (25 units) being Phase 1B of the Primrose residential project including improved vehicular access to Woone Lane (6 HomeBuy affordable units and 19 market/for sale units). Approved with conditions 24 March 2010.

3/2010/0838/P – Application for modification of Section 106 Agreement in respect of affordable housing clauses. Approved with conditions 22 October 2010.

3/2010/0756/P – RM application for Phase 1C of the proposed redevelopment comprising 30 residential units at the site of Rectella Works. Approved with conditions 28 March 2011.

Relevant Policies

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy A1 - Primrose Area Policy.

Policy L4 – Regional Housing Provision North West of England Spatial Strategy to 2021.

PPS3 – Housing.

PPS5 – Planning for the Historic Environment.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application are the principle of development, the heritage implications, highway safety, visual and residential amenity and how the proposals should be viewed against the criteria of the existing Section 106 Agreement that covers the wider site.

Principle

Members will note from the relevant history section of this report that there are numerous applications associated with the application site. To summarise there is an existing outline permission for residential development which includes the mill building. Under that scheme it was envisaged that the mill would be converted into 24 apartments. However the applicants have explored various ways of refurbishing the main mill and in deteriorating market conditions this has proved increasingly problematic to the point whereby they conclude it is neither viable nor commercially fundable. If the conversion of the existing mill remains as part of the wider scheme they conclude they would have little option but to mothball the building until the economy improves and until demand is restored for residential conversions. Meanwhile the boarded up structure would remain prominently at the entrance to the broader scheme where they consider it would have a damaging effect upon how the wider development is perceived and upon the local townscape. They have stated that mothballing would also be a significant financial burden for the overall scheme since the considerable mill acquisition costs would be incapable of generating income thereby compromising wider project viability.

Whilst the financial burden for the developer is not a material consideration for Committee to take into account in the determination of this application the potential impact on the wider redevelopment is a matter that has been discussed with the Council's Head of Regeneration and Housing. In his response he makes reference to heritage matters, which I will come to later, but in terms of the housing and regeneration benefit of this scheme he concludes that whilst recognising the heritage aspects that this scheme offers an opportunity to move forward with the regeneration of the area which should be regarded as a key consideration.

Heritage Asset

The mill building subject for demolition as part of this proposal is considered a heritage asset which is defined in PPS5 "Planning for the Historic Environment" as:

A building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued component of the historic environment. They include designated heritage assets (as identified in this PPS) and assets identified by the Local Planning Authority during the process of decision-making or through the plan-making process (including local listing).

For Committee's information the mill building is neither listed nor within a Conservation Area. Policy HE8 of PPS5 states that: *"the effect of an application on the significance of such a heritage asset or its setting is a material consideration in determining the application..."* and policies HE6 and HE7 set out information requirements for applications affecting such assets and policy principles to guide the determination of such applications. A heritage statement was submitted in support of this application and following detailed discussions with the Council's Design and Conservation Officer a further report on the dating and development of the mill building. The first stage of the Lancashire Textile Mill's assessment identifies *"in total there are 83 textile manufacturing sites recorded in the borough of Ribble Valley. The principal urban centre of the borough is Clitheroe, which has an important varied group of sites representing the cotton spinning, weaving, and finishing branches of the textile industry, together with a spindle and bobbin mill and a chemical works... the largest group lies in Clitheroe, and includes Primrose Mill and Printworks which expanded from an 18th century industrial hamlet centred on a cotton spinning mill to a large complex of buildings that catered for the finishing branch of the textile industry"*.

Reference is also made to the collection of buildings at Primrose Mill and Printworks in Rothwell M “Industrial Heritage: A Guide to the Industrial Archaeology of the Ribble Valley”. As indicated there has been extensive dialogue between the applicant’s agent and heritage consultant and the Council’s Design and Conservation Officer on this matter and it is clear from the latter that there is some concern about the loss of this building which he believes to be a building with character, history and extensive local significance. However, as stated this is not a designated heritage asset and given the wider regeneration benefits, as outlined above, in this instance, it is felt a more pragmatic approach is justified. Information has been submitted in support of the application to clarify the building’s history and demonstrate that what remains on site today is a mid and late 19th century structure. Much of the first phase 1840’s fabric has been lost or reused by successive building extensions, rebuilding and alteration. The site has long been recognised as an area for new development as reflected in the saved Districtwide Local Plan and more recently in the ongoing work on the Core Strategy. Significantly the area has been identified as a strategy site for the purposes of investment, planning and regeneration within our joint work and submission through the Pennine Lancashire Partnership. This approach has been established in the Pennine Lancashire Spatial Strategy, the Pennine Lancashire Integrated Economic Strategy and in the work undertaken through the Local Investment Plan prepared in conjunction with The Homes and Communities Agency. Thus having regard to all the above, I am of the opinion that in this particular instance the wider regeneration benefits carry significance and thus the demolition of the mill whilst regrettable is in principle acceptable.

Highway Safety

As is evident from the observations of the County Surveyor, there is no objection to this development on the grounds of highway safety. Ultimately it reduces the total number of residential units on this part of the overall site but it is important to make sure that any highway improvements secured on the outline consent are again ensured here should Committee be minded to approve the application.

Visual Amenity

The scheme proposes the demolition of an existing mill and its replacement with a new building reflective of the commercial architectural style. An amendment has been secured to reduce the height of the stairwell tower as this was considered over-dominant on the originally submitted scheme. The revised plans also denote more modern treatments to many of the window openings as opposed to traditional stone heads and cills – again to be more reflective of a commercial style.

The footprint of the proposed building is almost two thirds smaller than the existing mill. The position sits within the existing footprint however the design has incorporated two substantial lengths of façade fronting Woone Lane. Setting the development back approximately 5m from the building line of the existing structure provides some visual benefits namely widening the lane (heading south west off Woone Lane) from 3.8m to 5.5m and creating an area of landscaping to the front of the new building. The applicants have researched into the history of the existing mill building and found a photograph that was taken around 1900. This has provided a focus to design the new building featuring more glazing than normally required to give a clearly modern design yet remain sympathetic to the history and heritage of the mill.

The footprint design has three apartments on each floor spread around the ‘L’ shape of the building maximising the views over the lodge and towards the town centre and Castle. I am of

the opinion that the design in its revised form (the high stairwell tower has been reduced and revisions made to window detailing and roof profiles of other elevations) would be acceptable and not prove significantly detrimental to the streetscene. In reaching this decision I have had regard to the proposed housing designs for the remainder of the frontage of the site (as approved under 3/2010/0055/P and 3/2010/0756/P) and that the use of smooth stone for the building will fit with the feel of a more modern structure with its contemporary elements of design.

Residential Amenity

In assessing this it is important to have regard to the relationship of the proposed apartment block and semi-detached dwellings with surrounding development both existing and proposed. In terms of distances to proposed dwelling units under other approvals the only relationship which would provide distances between first floor habitable rooms at less than the 21m advocated in our SPG when considering extensions and alterations to dwellings is that between the rear of the semi-detached units and frontage of a terraced row approved under 3/2010/0055/P. That distance is approximately 16m. However, the 21m is an indicative figure when considering extensions on properties which already exist whereas this is a new residential development where potential purchasers will be aware of the layout as approved and resultant relationship between the new houses. This is a distance which has been considered acceptable elsewhere within the wider Primrose redevelopment and is also reflective of the characteristics of the surrounding area where facing distances between terraced dwellings can be as little as 12 m.

I am also mindful of the relationship with the commercial premises operated by Lodematic to the opposite site of the public footpath than the proposed apartment building. In considering the previous outline submission it was deemed appropriate to impose a condition requiring the submission of noise mitigation measures on dwellings on the southern side of the site in order to protect their amenities. I would consider it equally relevant to this submission and subject to this proviso would not conclude there to be any significant residential amenity issues resulting from this scheme.

Section 106 Issues

There are two important considerations in relation to how this application relates to the Section 106 Agreement that covers the overall regeneration area which was drafted to be read in conjunction with 3/2008/0526/P, 3/2010/0054/P and 3/1010/0055/P. Firstly that agreement contains trigger mechanisms for the payment of money towards open space, highway works and affordable housing with the first two contributions linked towards the legal completion of sale of set numbers of housing units be it market or affordable. Should Committee be minded to approve this application, some mechanism will be needed to link into that Legal Agreement in order that the trigger points previously agreed are still activated at certain points of the overall development. This has been discussed with one of the Council's Legal Officers and a Deed of Variation can be drafted in order to achieve this.

The second consideration is associated with affordable housing. The Legal Agreement was drafted with two affordable housing options which stated that if funding of a certain level was obtained, 25 affordable housing units would be provided and if no funding was secured, then the company's obligation would be to provide 13 affordable units. Funding was secured and the 25 affordable units are well under construction on site as approved under 3/2010/0054/P. There

was however provision made in the Section 106 Agreement for additional affordable housing which states:

“The company will submit to the Council an updated development appraisal and revised affordable housing proposals for review at the company’s expense on the earlier of:

- a) the date of submission of the first application for approval of reserved matters occurring more than 3 years after the date of the grant of planning permission; or*
- b) the grant of full planning permission for not less than 80 housing units on the site.*

The company will pay the Council’s reasonable costs of an independent financial viability report to assess market viability.”

Clearly criteria a) is not triggered as we are within the 3 year period after the grant of planning permission and they have already made a reserved matters submission on part of the site under 3/2010/0756/P. It is with regard to clause b) that Committee’s attention should be drawn. As Members will note from the planning history section, full planning consent has been granted on two parcels of land totalling some 50 dwellings. The RM submission referred to above gave detailed approval for a further 30 units and thus the total to date for detailed consent on the wider site is 80 dwellings. If Members were minded to approve this application that would take the total of units granted detailed permission beyond the 80 unit threshold within the Legal Agreement. The land owner is thus now obligated to submit an updated financial viability to determine whether any additional affordable housing can be provided on the balance of the site.

I am conscious that the overall number of units on site will be reduced from the maximum of 162 (initially envisaged under the outline consent 3/2008/0526/P) given that the mill site would now accommodate 12 units as opposed to the 24 indicated on the original master plan. However the fact remains that 25 affordable units are due to be completed within the next few months and this represented roughly a 15% affordable provision on site. As Members will be aware, this is below the contribution now sought under the requirements of the Affordable Housing Memorandum of Understanding but there were historic negotiations and financial appraisals that resulted in such an agreement. The applicant has advised that the viability will be provided to the Council by the end of July. This exercise should not affect this current submission because if it is demonstrated that additional affordable housing is required over and above the 25 rental properties currently being delivered in partnership with Contour Housing, these can be provided on the remaining land which has yet to be subject of detailed consent. This said, the applicants have indicated that as the overall development will now deliver significantly less dwellings (c126) than the original outline consent the likelihood of the scheme being able to deliver any additional affordable plots is extremely remote.

Miscellaneous

An objection has been received from the neighbouring business who use the public footpath between the respective sites as a place where they accept their deliveries. The same consideration prevailed for the previous (approved) application when it was concluded that this should not be allowed to interfere with the regeneration of the wider Primrose site. The setting back of the new building would enable the creation of a dedicated footway which would help separate pedestrians from HGV’s when servicing the commercial premises. Whilst I can understand the concerns expressed, I am of the opinion that this is not a matter which should carry weight in the determination of this scheme.

Matters of surface water drainage and ground investigations can be dealt with by condition as indeed they were on the outline consent. In respect of materials to be used I have had regard to the wider area in particular the recent approvals given for housing developments as part of the wider regeneration site. Committee should remember this is not a Conservation Area, whilst the building to be demolished is considered a heritage asset there is a modern building being erected in its place. Whilst it does have regard to some traditional features it provides a more contemporary feel to glazing and I am of the opinion that the materials put forward (as described elsewhere within this report) are appropriate.

Therefore having carefully considered all the above, I am of the opinion that the scheme accords with Policy and should be given favourable consideration. There is the need to ensure that the scheme is linked to the existing Section 106 Agreement for the wider site that includes trigger mechanisms for the payment of money towards public open space and highway improvements and this can be secured via a Deed of Variation.

SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity, nor would it have an adverse visual impact or be to the detriment of highway safety.

RECOMMENDATION: That the application be DEFERRED AND DELEGATED to the Director of Community Services subject to the drafting of a Deed of Variation to the existing Section 106 Agreement (already linked to 3/2008/0526/P, 3/2010/0054/P and 3/2010/0055/P) and subject to the following conditions:

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

REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990.

2. This permission shall be implemented in accordance with drawings BD/PR/M/001 Planning Layout; BD/PR/M/010 Plots 13 and 14 floor plans and elevations BD/PR/M/002 ground floor plan; BD/PR/M/003 first floor plan; BD/PR/M/004 second floor plan; BD/PR/M/005 third floor plan; 3922.01 landscape proposals and the following drawings as amended 24 June 2011 BD/PR/M/006A proposed front elevation – south east; BD/PR/M/007A proposed side elevation – north east; BD/PR/M/008A proposed rear elevation – north west and BD/PR/M/009A proposed side elevation – south west.

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

3. Precise specifications or samples of walling and roofing materials and details of any surface materials to be used including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

4. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation which shall have first been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Policies G1, ENV14 and ENV15 of the Ribble Valley Districtwide Local Plan.

5. Prior to the commencement of development a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be provided in accordance with the approved details prior to occupation of the development and thereafter retained in perpetuity.

REASON: In order to encourage renewable energy and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. Prior to commencement of development approved by this planning permission (or such other date or stage in development as maybe agreed in writing with the Local Planning Authority) the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority.

1. A site investigation scheme, based on desk study report, Primrose Mill, Primrose Road, Clitheroe, Lancashire for Beck Developments Ltd, GEA, June 2008, Ref J07352 to provide information for a detailed assessment of the risk to all receptors that maybe affected, including those off site.
2. The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

REASON: To prevent the pollution of controlled waters from potential contamination on site in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

REASON: To reduce the increased risk of flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

8. The new estate road will be constructed in accordance with the Lancashire County Council Specification for Construction of Estates Roads prior to occupation of any of the dwellings.

REASON: To comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and to ensure that satisfactory access is provided for the site before the development hereby permitted is occupied.

9. Before the use of the site hereby permitted is brought into operation, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. Details of which shall have first been submitted to and approved, in writing, by the Local Planning Authority.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and to avoid the possibility of the highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

10. The parking bays for the apartments as shown on drawing BD/PR/M/001 shall be provided and made available for use prior to occupation of any of the apartments.

REASON: In the interests of highway safety in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

11. The bathroom windows on the first floor rear elevation of Plots 13 and 14 shall be obscure glazed to the satisfaction of the Local Planning Authority and remain in that manner in perpetuity.

REASON: In order to protect nearby residential amenity as required by with Policies G1 of the Ribble Valley Districtwide Local Plan.

12. Prior to commencement of development, including any demolition works, a night-time roost activity survey shall be completed during the period April-September 2011 in accordance with Bat Conservation Guidelines 2007. At least two surveys shall be completed at dusk and dawn. The survey shall be submitted to the Local Planning Authority and include mitigation measures as appropriate. Thereafter the development shall be carried out in strict accordance with the recommendations of the survey unless otherwise agreed in writing with the Local Planning Authority.

REASON: To comply with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan ensuring that no species/habitat protected by the Wildlife and Countryside Act 1981 are destroyed.

13. The approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

14. Prior to commencement of development a scheme detailing noise mitigation measures to be incorporated into the design of the apartment building shall be submitted to and approved in writing by the Local Planning Authority. The measures so submitted and approved shall thereafter be fully implemented prior to the first occupation of the apartment units to which they relate and thereafter retained.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan in the interests of safeguarding the amenity of occupiers of the new units.

NOTE(S):

1. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act. Footpath 17 abuts the site.
2. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information by telephoning Area Surveyor East 01254 823831 or writing to the Area Surveyor East, Lancashire County Council, Area Office, Riddings Lane, Whalley, Clitheroe BB7 9RW quoting the planning application number.

APPLICATION NO: 3/2010/0929/P (GRID REF: SD 373542 441355)
PROPOSED DEMOLITION OF 60 LOCK UP GARAGES AND CONSTRUCTION OF 8 FAMILY HOUSES (2 PAIRS OF SEMI-DETACHED 2 BEDROOM/4 PERSON HOUSES, 1 PAIR OF SEMI-DETACHED 4 BEDROOM/6 PERSON HOUSES; 1 DETACHED 2 BEDROOM/4 PERSON HOUSE AND 1 DETACHED 4 BEDROOM/6 PERSON HOUSE) AT LAND ACCESSED BETWEEN 36 AND 38 HENTHORN ROAD, CLITHEROE

TOWN COUNCIL: In relation to the originally submitted scheme, expressed the following concerns:

1. The properties included in 3 storey development will overlook properties in Seedall Avenue.
2. The access from Henthorn Road into the development is rather narrow.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objection on highway safety grounds.

ENVIRONMENT AGENCY: No objection subject to the imposition of condition.

UNITED UTILITIES: No objection subject to imposition of conditions.

ADDITIONAL
REPRESENTATIONS:

10 letters of objection were received to the originally submitted scheme including 1 with 11 signatures and a further 2 following the submission of amended plans. Members are referred to the file for full details which can be summarised as follows:

1. The development site is higher than properties on Siddows Avenue (this is not stated on the plans) and thus there would be over looking of rooms and patio areas and reduction of light and privacy.
2. The development would cause over-shadowing and have an oppressive effect on the adjacent houses set at a lower level.
3. The proposal would deny rear access to houses surrounding the development site.
4. In general no objection to the development on this site. It is the three storey houses which would cause neighbour problems, light, privacy, overbearing/oppressive nature of development.
5. A request that the Siddows Avenue boundary be at least an 8ft tall fence.
6. Three storey dwellings are out of character with the area.
7. Concerns over the safety of the site access and visibility splays on egress onto Henthorn Road.
8. Question eligibility for tenancy of the units and terms of the tenancy agreements.
9. Concerns over noise.
10. Question how the asbestos garage roofs will be removed.
11. Request for clarification of measure to the back gardens of surrounding properties whilst construction is under way.
12. The site is too close to the edge of the land on the side of Siddows Avenue giving rise to concerns that this may result in a future landslide situation.
13. Loss of view.
14. Is parking provision adequate?

15. Question who would maintain the landscaped areas.
16. Question the use of Velux windows and potential impact on privacy.

Proposal

The scheme as revised details the demolition of existing garages and erection of 8 houses. The elongated shape and narrow width of the site have led to a linear layout that utilises the existing access from Henthorn Road with the dwellings positioned along a line approximately mid-way between the back of houses fronting Seedall Avenue and Siddows Avenue.

To the rear of a shop that fronts Henthorn Road is a detached dwelling with overall approximate dimensions of 6.5m x 7.8m x 8.2m in height. To its north would be one pair of semi-detached dwellings (4 bed x 6 person) with approximate dimensions of 16.5m x 7.8 x 8.2m in height. To the north of this, two pairs of semi detached dwellings measuring approximately 12.6m x 7.8m x 8.2m in height. All these dwellings would back onto the rear gardens of dwellings on Siddows Avenue with the access road to their frontage. At the northern most part of the site would be a detached 4 bed x 6 person dwelling, measuring approximately 8.4m x 7.8m x 8.2m in height. The orientation of this property is such that its gable elevations face towards properties fronting Siddows Avenue and Seedall Avenue and it backs onto the properties of Hargreaves Court to the north.

In terms of materials, properties consist of two main materials, namely red facing brickwork with render under tiled roofs. The boundary treatment to the site would be a timber close boarded fence which as revised is to be at a height of approximately 2.2m.

The residential units would be offered as rental properties by a Registered Provider. A draft Legal Agreement was submitted with the application to set out criteria for eligibility.

Site Location

This is a former Council garage site that lies to the north of Henthorn Road within the identified settlement limit of Clitheroe. The site is currently still within the ownership of RVBC, but would be transferred to Liverpool Housing Trust should planning consent be forthcoming. There are presently garages along its north east boundary which back onto Seedall Avenue and along approximately half of the south west boundary that back onto properties fronting Siddows Avenue. The properties on Siddows Avenue are set lower than the application site with their rear gardens sloping up towards the site boundary. To the north is Hargreaves Court which is again set lower than the application site. Access is gained into the site by the existing entry point between numbers 36 and 38 Henthorn Road.

Relevant History

None.

Relevant Policies

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy H19 - Affordable Housing - Large Developments and Main Settlements.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application are the principle of development, highway safety, visual and residential amenity.

Principle of Development

In terms of principle of development, the site lies within the identified settlement limit of Clitheroe and thus Policy G2 applies. This forms part of the saved settlement strategy and in Clitheroe allows for consolidation and rounding off development. The latter is defined as development which is essentially part of rather than an extension to the built up part of the settlement and the garage site would conform to this. Members will note the scheme is offered as an affordable development by a Registered Provider. The Council's Housing Strategy Officer has been involved in discussions with the applicant and the housing mix to be brought forward would meet identified needs within the borough – given Clitheroe is one of the keys settlements (along with Longridge) the criteria for eligibility/identified needs relate to a borough wide as opposed to a parish connection. Thus in terms of the principle of development the scheme is considered to conform to the requirements of plan policy.

Highway Safety

It is evident from the observations of the County Surveyor that no objections are raised to this development in respect of highway safety matters and thus it must be concluded that in this respect the proposal is acceptable.

Visual Amenity

Having regard to the visual impact of the scheme, the dwellings propose a mix of materials which would not be out of keeping. Members will note that objectors refer to a three storey unit which was shown in the initial plans. However, this was considered to appear over-dominant having regard to the heights of surrounding development (see elsewhere for a discussion about residential amenity issues of the three storey block). As revised a two-storey unit is shown in this location which has been moved further away from the boundary with properties on Siddows Avenue which gives a more open setting to this part of the site where the turning head is positioned. The use of two main external materials will break up the massing of the properties along with flat roof profiles at the top of door canopies and slightly projecting rendered sections. Thus in visual terms, I am satisfied that the development would not prove detrimental to the amenities of the area.

Residential Amenity

In respect of residential amenity the scheme has been amended since first submission for a number of reasons. Firstly it became apparent from discussions with surrounding residents on Siddows Avenue, that there were concerns about privacy and security. The majority of the site boundary to those property's rear gardens at the moment is formed by the rear elevations of the garage structures. The original boundary treatment shown was a timber close-boarded fence as is the case now but to a height of approximately 1.8m. The applicants have agreed to raise the height of the proposed fence to 2.2m which is approximately the height of the existing garage structures. I am of the opinion that this would satisfactorily safeguard the amenities of existing residents from the ground floor and garden areas of the new dwellings. I am mindful

that the rear elevations of the new properties will face towards existing houses with distances ranging from approximately 23m to 28m from the rear two storey sections and approximately 18m from single storey extensions. I have also had regard to the fact that the properties on Siddows Avenue are set lower than the application site and when standing in the first floor rooms of those houses they are roughly level with the ground level of the application site. Whilst there are proposed to be habitable rooms in the rear elevations of the new houses, I consider that the properties are set sufficient distance away as to not significantly compromise residential amenity.

Another significant change from the original submitted scheme is the dwelling at the northern most point of the site. In the initial submission this was to be a three storey structure to accommodate two dwellings and was to have a larger footprint area. There was concern over the relationship of a three storey block with one of the properties on Siddows Avenue which has a two storey rear extension containing habitable rooms. The proximity of the built form and overall height was felt to impact unduly on that property and as a result negotiations have led to a two storey building that is set approximately 17m away from the aforementioned two storey rear projection. There are no windows in the revised gable elevation and in its revised form I am satisfied that existing amenities would not be significantly compromised and that as amended the layout would not adversely affected the residential amenities of the dwellings that surround the application site on three sides.

Legal Agreement

As stated the scheme was submitted with a draft Legal Agreement which will ensure the following:

- That the 8 dwellings shall be rental units for occupation by tenants for rental at affordable rent.
- On completion of the dwellings they be allocated to tenants by 100% nomination arrangements to approved persons nominated by the Council in accordance with the Council's allocations policy (approved persons to have a Ribble Valley connection).
- Rents be charged in accordance with the Government's guidance on affordable rents.
- Contribution of £90 plus VAT per unit to Ribble Valley Borough Council for administration and delivery cost in providing appropriate wheeled bins.

Miscellaneous

In respect of other issues an objector has made reference to the proposal denying rear access to houses surrounding the development site. For Committee's information there are a number of the surrounding properties that have inserted rear gates into their boundaries in order to gain easy access onto the garage site. This is a separate legal matter and should not influence Planning Committee's consideration of the appropriateness of this scheme. Members should have regard to the material considerations outlined above. Taking these into consideration, I am of the opinion that the scheme complies with planning policy, would not compromise highway safety nor would it prove significantly detrimental to visual or residential amenity in its amended form. I thus recommend accordingly.

SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity, nor would it have an adverse visual impact or be to the detriment of highway safety.

RECOMMENDATION: That the application be DEFERRED AND DELEGATED to the Director of Community Services for approval following the satisfaction completion of a Legal Agreement and subject to the following conditions:

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

REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990.

2. This permission shall be implemented in accordance with the proposal as revised and detailed on drawings 3546/SK01REVE site plan as proposed; 3546/SK02REVC block types 1 and 2; 3546/SK04REVB context elevations as proposed; 3546/SK05REVA external works as proposed; 3546/SK06/REVC rear garden boundary treatment as proposed; 3546/SK10REVA block types 4 and 5; 3546/SU01B site plan as existing and 3546/SU02 site information as existing.

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

3. Precise specifications or samples of walling and roofing materials and details of any surface materials to be used including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) the western gable of plot 8 shall not be altered by the insertion of any window or doorway without the formal written permission of the Local Planning Authority.

REASON: In order to safeguard nearby residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. No development approved by this planning permission shall be commenced until:
 - (a) a site investigation and associated risk assessment based on the combined phase 1 and 2 Geoenvironmental report for the site at Henthorn Road, Clitheroe, by CCG (dated December 2010 Ref No 10/6150) have been undertaken in accordance with the details approved in writing by the Local Planning Authority;
 - (b) a method statement and remediation strategy, based on the information obtained from (a) above has been submitted to and approved in writing by the Local Planning Authority.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried out and completed in accordance with the approved method statement and remediation strategy referred to above, and to a timescale agreed in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to that method statement. This addendum to the method statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the method statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: To ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off the site in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. Unless otherwise agreed in writing by the Local Planning Authority the development (including demolition of existing garages and clearance works on site) shall be carried out in strict accordance with the recommendations of the eco study (Wildlife and Invasive Species Study) report submitted with the application dated 1 February 2011.

Should any works (including demolition/clearance of the existing site) be carried out within the optimum nesting season a survey shall be undertaken by ornithologists prior to such works in order to determine the presence/absence of active nests. The results of any such survey shall be submitted to the Local Planning Authority for approval and any mitigation measures outlined therein shall be implemented in accordance with the details so approved to the written satisfaction of the Local Planning Authority.

REASON: To ensure that no species/habitat protected by the Wildlife and Countryside Act 1981 are destroyed in accordance with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan.

7. Prior to commencement of any works on site, a method statement outlining how the demolition of the existing structures on site, including hours of work, means of removal of waste materials from the site and method of minimising dust shall be submitted to and approved in writing by the Local Planning Authority. The works to demolish all structures on site shall be carried out in accordance with the details approved.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan in order to safeguard neighbouring residential amenity.

8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

REASON: To reduce the increased risk of flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

9. Prior to commencement of development a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be provided in accordance with the approved details prior to occupation of the development and thereafter retained in perpetuity.

REASON: In order to encourage renewable energy and to comply with Policy G1 of the Ribble Valley Districtwide

NOTE(S):

1. Development on this site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate.

APPLICATION NO: 3/2011/0129/P (GRID REF: SD 377598 437271)
PROPOSED DEMOLITION OF PART OF VICTORIA MILL AND CONVERSION OF FORMER SPINNING MILL INTO 22 NO. APARTMENTS, CONVERSION OF FORMER OFFICE BUILDING INTO 3 NO. TOWNHOUSES, ERECTION OF 4 NO. AFFORDABLE ELDERLY CARE BUNGALOWS, 23 NO. OTHER AFFORDABLE DWELLINGS, 18 NO. DWELLINGS AND THE CREATION OF A NEW POND. VICTORIA MILL, WATT STREET, SABDEN, LANCASHIRE, BB7 9ED.

PARISH COUNCIL: Sabden Parish Council do not object to the development of the Victoria Mill site, but object to this application for the following reasons:

1. Proposed Number of Dwellings – Over intensification of the site that will destroy the character of the village.
2. Highway Safety – The proposal will generate more traffic and increase volumes emerging onto Whalley Road. Consideration must also be had to the previous schemes already approved on other nearby sites.

3. Infrastructure – Sabden is a Village with an infrastructure that can barely cope, e.g. sewers, telephone, broadband, and this proposal will seriously impact upon this.
4. Cumulative effect – The proposal should be looked at in conjunction with other recently approved developments at Cobden Mill and on Whalley Road. An overall impact of approximately 120 new houses will be significant.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objections in principle on highway safety grounds, subject to appropriate conditions and an agreement for a commuted sum towards a number of highway improvements.

UNITED UTILITIES: No objection to the proposal in principle provided the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge directly into the adjacent watercourse as stated within the Flood Risk Assessment and will require consent from the Environment Agency.

ENVIRONMENT AGENCY: Having reviewed the additional information as submitted, the Environment Agency withdraws their objection to the proposed development, subject to the inclusion of conditions, which meet certain requirements.

LANCASHIRE COUNTY COUNCIL PLANNING CONTRIBUTIONS: The planning contribution request for Lancashire County Council services is £33,600 for waste management. Members will be aware of a report to Committee in December 2008 where it was agreed that contributions towards Waste were not considered to be priority requests. There is no request for a contribution to Education.

COUNTY ARCHAEOLOGY: The proposal site contains two non-designated heritage assets, Victoria Mill, built in the 1840s, & Brook or Cobden Mill (Lancashire Historic Environment Record PRN 6168), built in the 1880s, little of which survives today. It is also thought that buried remains associated with the site's earlier use as a printworks in the late 18th century (PRN 6167) might be encountered. The Heritage Statement and Archaeological Desk-based Appraisal that accompany the application acknowledge the local significance of the site and the need for the comprehensive record to be made of the standing buildings, as well as the need for archaeological investigation and recording of any below-ground remains that might also be encountered. LCAS is in agreement with the proposed mitigation strategy and as such recommend that such work is secured by means of a Condition.

COUNTY ECOLOGIST: Having now reviewed the additional information submitted by Victoria Allen of ERAP (e-mail dated 09/06/11), this information addresses the outstanding concerns, demonstrating that the necessary mitigation and compensation for impacts on Habitats of Principal Importance (the mill pond) and protected and priority species (including common toads, bats and eels) could be delivered as part of these proposals. Planning conditions will need to be attached (as outlined in the original consultation response, and reiterated in section 6.0 of the ERAP report 'Advisory Report and Executive Summary on Ecological Issues') to ensure that the proposals do comply with the requirements of relevant biodiversity legislation, planning policy and guidance.

ENGLISH HERITAGE: Following discussions with the Applicants following the previous application submitted in November 2010, English Heritage are pleased that the designs have been amended and developed in line with the advice given, with the issues raised being addressed. In their view, the revised layout/density, massing, scale, height and streetscape design would result in a development that will preserve the character and appearance of the Conservation Area subject to careful detailing and choice of materials. They are also satisfied that with the application of appropriate conditions, or clarification of detail prior to determination, that the requirements of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) can be satisfied. They are pleased that the chimney, office block and main Spinning block will be retained on site, however it is up to the Local Planning Authority (LPA) to determine whether the policy requirements of PPS5 HE9.2 (i) or (ii) have been met in relation to the other buildings on site.

ANCIENT MONUMENTS SOCIETY: We continue to object to the demolition of the historic buildings for the reasons below:

- The existing buildings make a positive contribution to the Sabden Conservation Area, partly due to the architectural significance but also due to the historical significance as part of the industrial heritage of the village and its connection with calico printing.
- In our view the retention of the chimney is mere tokenism and would offer no relevance in its divorced state from the original buildings to be lost through the development.

- If the Council is persuaded otherwise, we consider the design of the development to neither preserve nor enhance the character of the Conservation Area, and makes no significant contribution to the continuation of Sabden's distinctive local character.
- We would encourage the Council to urge the developers to return to the approach of converting the buildings on site, but failing that transfer the site to someone who would adapt that approach.

NATURAL ENGLAND:

Natural England have not provided a reply to the revised details provided by the Applicant on the 9th of June 2011. However, they did not raise an objection to the proposal in their letter dated 28th April 2011; they merely provided a series of guidance notes in relation to protected species, bats, breeding birds and biodiversity on the site, all of which have been covered by conditions within the revised responses from both the LCC Ecologist and the Environment Agency. One of the main comments received from NE is the need for a NE licence for the protection of bats. This is recognised in the ERAP report and they have provided a draft method statement, which will be updated for a licence application once planning permission is received.

ADDITIONAL REPRESENTATIONS:

Fifty six (56) letters from forty one (41) households within Sabden have been received. The points of objection made have been simplified as follows:

1. Loss of light to neighbouring properties.
2. Loss of view.
3. Noise disturbance.
4. Impact on highway safety.
5. Increased pollution.
6. Increase in traffic.
7. Overshadowing.
8. The Council ignore the residents and the scheme will be built regardless.
9. Transport Statement is inaccurate and misleading.
10. Sabden is NOT served well by public transport, and I would have hoped this new development would improve these links.
11. Sabden is NOT served well by shops, as we only have a Post Office, General Store and a Sandwich Shop.
12. Sabden is a 'Village' and should stay that way.
13. Detrimental impact on infrastructure (Doctors/Schools).
14. The houses for the elderly in the middle of an estate is beyond belief.

15. Scheme lacks design and understanding considering it is in a Conservation Area.
16. The flats adjacent to Whalley Road is a brutal, modern design, totally out of keeping.
17. Increase in height of building adjacent Whalley Road is unacceptable and surely against EH guidance?
18. Inappropriate use of modern materials.
19. Why keep the chimney? Is it to offset the visual impact of losing the rest of the buildings?
20. The chimney will be a burden in years to come.
21. Lack of parking in the area.
22. Increase in vehicular traffic to/through Sabden.
23. The roads are dangerous already and a number of accidents have occurred due to parked cars.
24. Losing the factory will benefit the area but by increasing the number of houses will not.
25. Overdevelopment of the site.
26. Unacceptable density and mass of dwellings on site.
27. Development is insensitive to the historic townscape.
28. Impact on the character and setting of Sabden.
29. Impact on the character and setting of the A.O.N.B.
30. Unsympathetic conversion of the Whalley Road Mill.
31. Do the Council ignore residents as this is the 4th time I have objected.
32. Impact on wildlife and ecology on site.
33. Consent was granted for 40/50 on this site however 70 is too many.
34. Does not comply with the requirements of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.
35. Can the sewerage system cope with this development?
36. Concern regarding flooding and how this scheme will affect Sabden?
37. Style and design of proposed dwellings are out of keeping.
38. Development would not align with the Core Strategy.
39. Sabden should be provided the same protection as other A.O.N.B. villages (Grindleton, Slaidburn e.t.c.)
40. The previous consent was on the basis of retaining employment in the Village (Marbill), this offers no such benefits.
41. Is there any 'Open Space' provision?
42. The Planning Department should be more pro-active and 'plan' for Sabden, not just approve anything.

One letter welcomes the development, as it will open up the Brook side to residents and provides more wildlife protection.

Proposal

This application seeks permission for the creation of 70 dwellings on the Victoria Mill Site on the corner of Watt Street and Whalley Road in Sabden. The application proposes the demolition of a number of buildings on site including the weaving sheds and several outbuildings, with the former Spinning Mill and Chimney (as with previous proposals) retained as a symbol of the site's industrial past. As with the previously approved proposal, the former Spinning Mill accessed off Whalley Road, will be converted into 22 apartments (as per the proposal previously approved by Application 3/2008/0621/P) consisting of:

- 8no. one bedroom apartments,
- 5no. two bedroom apartments, and
- 9no. two bedroom duplex apartments,

In addition, the buildings accessed off Watt Street that were previously used as the main offices for Marbill, will be also be retained and converted into three, three bed town houses. The site north of the exposed Sabden Brook also includes the erection of 7 no. market houses, with the four facing onto Whalley Road, two/three storey in height (two storey onto Whalley Road, with a three storey rear elevation due to the drop in land levels) and the three closer to the Brook at three storeys.

The remainder of the buildings on site are to be demolished and the site redeveloped in its entirety for housing. This will include the erection of a further 38 dwellings consisting of 27 affordable dwellings (4no. two bed bungalows, 10no. three bed/2 storey, 3no. two bed/2 storey, 9no. two bed apartments/three storey and 1no. one bed apartment) and 11 no. market dwellings. (3no. three-bed/2 storey, 7no. four-bed/3 storey and 1no. two-bed apartment).

With regards to the design rationale for the site, along Watt Street, 5 no. mews houses are proposed to replicate the character of existing properties further along Watt Street and on Whalley Road opposite the site, with the frontage of the four facing onto Whalley Road on the northern portion of the site following this underlying principle. The access to the main body of the site is via a new roadway close to the position of the existing site access. Within the site, the dwellings are a mixture of single, two and three storey properties, with the three storey properties set to the far corner of the site. Due to the identified need for single storey accommodation, 4 no. affordable bungalows are proposed, with the design and style replicating the engine room building that is to be removed from that particular location on site. The rest of the properties on site have been designed with the traditional scale of properties in Sabden in mind, providing details such as the pitched roofs, window proportions, architectural details etc, with the focus on the detailing placed to ensure the desired simplicity is achieved successfully utilising more modern materials to reflect the traditional form.

With regards to the soft and hard landscaping proposed for the site, there includes a hierarchy of semi-mature tree planting along the route way into the site that assist in defining and softening the impact of the vehicular user, with key nodal points and junctions clearly defined and a number of pockets of open space and seating areas within the core of the site provided. Opening up the riparian corridor and the creation of a brook side meadow has created further open space with the peripheral woodland/development interface carefully considered and native woodland species proposed to assist in assimilating the development into the semi-rural locality. A Management Company in collaboration with the Registered Provider will manage all of these pockets of open space. The landscaping for front and rear gardens provides a formal attractive setting for the dwellings, with formal box hedging, accent tree and shrub planting to the fronts

provides an attractive and appropriate arrival space and public amenity, and fenced enclosures with patios and lawns to the rear to provide private space for residents to enjoy. Gated access allows for ease of maintenance and the storage of bins and bicycles. The boundary treatment to the south and south-west adjacent to existing woodland is made up of a combination of 1.8m high close boarded fencing (where screening and some noise attenuation is required) and 1.8m high railings to allow views onto the woodland, with the south-eastern boundary remains largely unchanged being made up of existing walls open railings to allow views onto the river and proposed hedging to provide garden privacy. Brick walls with archways provide visual connectivity between the proposed dwellings with pedestrian permeability provide through archways.

Finally, the scheme also includes the provision of a pond off Sabden Brook to the south-west of the site, in order to replace the former mill lodge on site that will be lost via the erection of plots 34-40, and a feature construction on the north side of the Brook to replicate the environment currently provided by what was believed to be the blowing tower attached to the mill. This structure will form a feature at the end of the access road off Whalley Road. The report prepared by ERAP identifies this lodge as having an importance for bats and other wildlife, and as such these measures are required to ensure no significant loss of wildlife habitat.

Site Location

The site is located on the western edge of the village boundary of Sabden, which lies approx. 3m south east of Clitheroe. The site also lies within the recently adopted Conservation Area, and the Forest of Bowland Area of Outstanding Natural Beauty, as designated by the Ribble Valley Districtwide Local Plan. The site covers approx. 1.3 hectares and approx. 60% of the site is currently occupied by Victoria Mill itself and associated offices.

Relevant History

3/2011/0128/P - Partial demolition of Victoria Mill with retention of the mill chimney, offices and spinning block (Conservation Area Consent) – Report on this Committee Agenda.

3/2010/0845/P - Proposed demolition of existing mill, opening up of Sabden Brook, the erection of 46 dwellings (20 affordable), a new access road to Watt Street and retention of the mill chimney – Withdrawn.

3/2010/0844/P - Demolition of buildings at Victoria Mill, with retention of the Mill Chimney – Withdrawn.

3/2008/0622/P – Conservation Area Consent for the part demolition of Victoria Mill – Granted Conditionally.

3/2008/0621/P - Mixed use development comprising erection of general industrial unit (B2), 28no. houses and conversion/extension of mill building into 22no. apartments (Resubmission) – Granted Conditionally.

3/2007/1083/P – 1.23ha mixed use development comprising of the part conversion part extension of existing mill into 21no. apartments; the erection of 27 no. townhouses and 1858sq.m. of general industrial (B2) space. – Withdrawn.

3/2001/0125/P – Extension of the loading/unloading area – Granted Conditionally.

3/2000/0607/P – Use of first floor premises for the manufacture and sale of leather three-piece suits – Granted Conditionally.

3/1999/0006/P – Change of Use of industrial unit to form coach depot for six coaches including repair & maintenance facilities (Retrospective) – Granted Conditionally.

3/1997/0126/P – Outline Application for residential development (40 units) – Withdrawn.

3/1994/0092/P – Extension to engineering works – Granted Conditionally.

3/1990/0783/P – Change of use for land as storage for caravans and other vehicles – Granted Conditionally.

3/1990/0025/P – Change of use from industrial to offices – Granted.

Relevant Policies

Policy G1 - Development Control.

Policy G4 – Settlement Strategy.

Policy ENV1 – Area of Outstanding Natural Beauty.

Policy ENV7 – Species Protection.

Policy ENV13 – Landscape Protection.

Policy ENV16 – Development in Conservation Areas.

Policy ENV18 – Retention of Important Buildings within Conservation Areas.

Policy H15 – Building Conversions – Location.

Policy H16 – Building Conversions – Building to be Converted.

Policy H17 – Building Conversions – Design Matters.

Policy H20 – Affordable Housing – Villages and Countryside.

Policy H21 – Affordable Housing – Information Needed.

Policy RT8 – Open Space Provision.

Policy T7 - Parking Provision.

SPG 'Extensions and Alterations to Dwellings'.

Regional Spatial Strategy (RSS) Policy L4 - Regional Housing Provision.

RSS Policy L5.

RSS Policy ER5.

PPS3 Housing.

PPS5 – Planning for the Historic Environment.

PPS7 Sustainable Development in Rural Areas.

PPS9: Biodiversity and Geological Conservation.

PPS25 Development and Flood Risk.

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

The Wildlife and Countryside Act 1981 (as amended).

The Conservation of Habitats and Species Regulations 2010.

Environmental, AONB, Human Rights and Other Issues

This application seeks permission for the creation of 70 dwellings on the Victoria Mill Site on the corner of Watt Street and Whalley Road in Sabden. The proposal seeks consent to convert two of the buildings on the site into residential units, namely the former Spinning Mill, accessed off Whalley Road, and the buildings accessed off Watt Street that were previously used as the main offices for Marbill, with the remainder of the buildings on site (not including the chimney) to be demolished and the site redeveloped in its entirety for housing. This will include the erection of 45 'new build' dwellings, of which 27 will be affordable dwellings.

Committee will be aware that planning permission and conservation area consent were granted in November 2008 for a mixed-use development on the site comprising the conversion and extension of the existing three storey mill building for 22 apartments, with the remainder of the buildings on site (not including the chimney) being demolished in its entirety in order for the site to be redeveloped with the erection of a general purpose industrial unit (B2) for use by the owner, Marbill Ltd, and the erection of 28 dwellings. The application also included 6 'Affordable Units'. Within the Planning Statement submitted with the Application, it notes that at the time of this application being submitted, Marbill had hoped this permission would enable the Company

to stay in Sabden within modern premises to accommodate the business' updated technological requirements, as the building in its current state is unsuitable for modern day industry. However, in order to safeguard the company's future, and retain 30 jobs within the Ribble Valley, the decision was made to relocate the business away from this site, and as such, since the end of May 2011, they are now based full-time at Time Technology Park in Simonstone.

The current amended and proposed scheme has been the subject of lengthy negotiations between the Planning Department, the developer/agent and the Housing Association linked to the previous consent. The Housing Association were aware of the change in circumstances of Marbill, and sought the opportunity to provide additional affordable housing on the site, hence the amendments to the scheme and the significant increase in the number of affordable units proposed. Whilst the Planning Department are mindful that there is still a 'live' consent on this site for its development for housing, the previous proposal was linked closely to the retention of the existing industrial use on the site. Therefore, in assessing this proposal, consideration must be had in relation to the significant change in situation for the previous applicant (including their relocation), the current housing supply within the Borough and the increase in the number of affordable units proposed, as well as how the overall design of the scheme relates to the recently introduced National Planning Policy Document PPS5, which relates to development within the historic environment.

There have been a number of objections from both neighbours and statutory consultees, and in assessing this scheme these objections/issues will be answered/outlined throughout this report.

PRINCIPLE OF DEVELOPMENT

In terms of the principle of developing the site for housing, we must consider that the scheme offers two means by which residential accommodation is to be provided. There are 25 units to be created by converting existing buildings on site, and as such Policies H15, H16 and H17 are considered to be important. Indeed, given the location of the site in relation to the settlement boundary and adjacent residential properties and the provision of the buildings assessment report, the conversion of the two buildings to residential units would comply with the relevant Local Plan Policies.

However, these 25 units form part of an overall scheme that would result in the creation of 70 units in total, and in assessing this regard should be had towards Policy G4, the Council's Affordable Housing Memorandum of Understanding (AHMU), the RSS and PPS3. Policy G4 of the Districtwide Local Plan allows for the use of infill sites, the rehabilitation and re-use of rural buildings and proposals that contribute to the solution of a particular need. For the purposes of this policy, infill is described as the filling of small gaps within small groups of houses and it is considered that this particular site is too large to be considered as an infill site. The scheme proposes over a third of the residential units on site to be created by virtue of the rehabilitation and re-use of existing buildings on the site, and that over a third of the residential units on the site will be 'Affordable' units to contribute to the solution of a local housing problem.

The RSS Policies are still a material consideration, and as they supersede the Districtwide Local Plan, it is worth considering Policy L4 - Regional Housing Provision which notes that local planning authorities should monitor and manage the availability of land identified in plans and strategies and through development control decisions on proposals and schemes, to achieve the housing provision set out. In doing so they should use the results of the up-to-date Strategic Housing Market Assessments and Strategic Housing Land Availability Assessments to inform the allocation of and development control decisions on specific sites. Given the development is

specifically for housing, the National Planning Policy Statement 3: Housing (PPS3) must also be considered. Paragraph 72 of PPS3 states that where LPAs cannot demonstrate a 5-year supply of deliverable housing land, which is the current case in the Ribble Valley, paragraph 69 should be considered in deciding planning applications. Therefore, in assessing the proposals in relation to paragraph 69, Local Planning Authorities should consider:

- achieving high quality design,
- ensuring developments achieve a good mix of housing,
- the suitability of a site for housing,
- including its environmental sustainability,
- using land effectively and efficiently; and
- ensuring the proposed development is in line with planning for housing objectives.

Details relating to bullet points 1, 2, 4 and 5 will be covered later in this report, however in respect to bullet points 3 and 6 and as the site lies wholly within an existing village settlement boundary with local amenities and services, it is considered that the site is located in a suitable location and meets the PPS3 (bullet point 3) criteria.

Another material consideration in respect of housing on this site is the Affordable Housing Memorandum of Understanding, which was subject to public consultation. Within this document it notes that 'The Council will negotiate the provision of affordable housing on all qualifying housing developments as follows: In Longridge and Clitheroe on housing developments of 10 or more dwellings (or sites of 0.5 hectares or more, irrespective of the number of dwellings), the Council will seek affordable housing provision at 30% of units on site. The scheme provides 27 Affordable Units on site, equating to 38.5% of the dwellings on site, and as such is considered to comply with this requirement. This in turn also helps the scheme meet PPS3 (bullet point 6) criteria.

In conclusion, given the current lack of a five year housing land supply within the Borough, and that the number of Affordable Units provided on this site is over and above the level normally required, it is considered that the development of this site is acceptable in principle in line with point 3 of paragraph 69 of PPS3 and Local Plan Policy G4, on the basis that the scheme will contribute to the solution of a particular local housing problem, the development of this particular site has been considered appropriate subject to other material considerations set out below.

AFFORDABLE HOUSING

With specific regards to the proposed Affordable Housing on site, as noted above the scheme provides 27 Units on site, equating to 38.5% of the dwellings on site, and as such is considered to comply with this requirements of the Affordable Housing Memorandum of Understanding which requires a minimum of 30%. The site offer comprises of 21 affordable rented units which the Council's Housing Officer notes will satisfy the rented affordable housing need in Sabden. She notes that there are currently 21 applicants on the waiting list from Sabden, 14 of which are sheltered and 7 are general needs, with a further 11 applicants from neighbouring villages of which 5 are requiring sheltered and 6 require general needs. She also notes that there will also households with a local connection from a family connection or due to support needs, which are not included in the above numbers because they cannot be indentified from the waiting list. The housing type offered includes four bungalows for the elderly as well as family accommodation and therefore meets the housing need requirement.

In addition, there are 6 shared ownership units included in the proposal, which can also be demonstrated by the Housing Needs Survey and the Affordable Housing Waiting list as being required. There is no restriction on outright sale on these units however as they are in excess of the 30% affordable required it is accepted that they are not affordable in perpetuity.

The Legal Agreement submitted as part of the application is also considered to be satisfactory in terms of nomination rights, approved persons criteria and the proposed phasing of the affordable units, in line with the requirements of Local Plan Policies H20 and H21, and the requirements of PPS3 (bullet point 2) criteria. The Strategic Housing Working Group discussed the offer on 17th May and were satisfied with the Affordable Housing Offer. The only issue identified was the need for a Registered Provider to be party to the agreement, however this has been discussed this with the Agent and they have confirmed that a Registered Provider will be party to the final agreement.

LOSS OF EMPLOYMENT

The scheme proposed no longer includes the replacement of employment space on site as the previously approved scheme did, and as such the tests to be considered on the matter of the loss of employment in relation to this site are set out in the save Local Plan Policy EMP11. Amongst other criteria to consider, the Policy seeks to ensure that the impact of the loss of the site from employment is not detrimental to the local economy, and that other environmental considerations are of benefit to the locality.

The Head of Regeneration and Housing, Colin Hirst, notes in his considerations of the proposal that he has always taken the view that a mixed scheme would be a preferred option, as was intended in the previous scheme. However, he notes the applicants report explores the relevant matters namely:

- the intended relocation of the business to another site, likely to be within the Ribble Valley (Marbill have moved sites to Time Technology Park); and
- the challenge that the site presents in terms of achieving not only a viable redevelopment for employment purposes but also fundamentally the extent of viable demand that would exist if a scheme was delivered speculatively.

In considering this, it is not anticipated that given the location of the site and access to the strategic highway network that there would be a great demand for premises. Indeed viewed another way would the Council seek to allocate land at this location for employment purposes? The Head of Regeneration and Housing considers not. Therefore, in the absence of a need from an existing occupier it is accepted that the employment opportunities on this site are limited, and on this basis, it is considered that the wider benefit of redeveloping the site for a suitable residential scheme with affordable housing offers a more recognised regeneration benefit for not only Sabden but for the surrounding villages and towns, and in doing so is considered to comply with the requirements of Policy EMP11.

IMPACT ON HERITAGE ASSETS

The site lies within the Sabden Conservation Area, which by virtue of the guidance provided in PPS5: Planning for the Historic Environment is considered to be a designated Heritage Asset. A Heritage Statement and Archaeological Desk-based Appraisal have all been submitted as part of the application, regarding the development of the site and the proposals overall effect on the

designated Heritage Asset, as there is no question that the scheme proposed will have a significant impact on not only the Conservation Area (Heritage Asset) but also the Area of Outstanding Natural Beauty. In line with PPS5, consideration of the scheme must be held in accordance with the following relevant Policies of this document:

- Policy HE7.1 states that ‘such identification and assessment of the particular significance of each element of the historic environment is fundamental to decision making’,
- Policy HE7.4 requires consideration of the sustaining and enhancement of the significance of heritage assets and of the consideration of the positive role of heritage assets in place-shaping,
- Policy HE 9.1 states that: “there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss is a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification”,
- Policy HE9.2 states that where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that:
 - (i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; or
 - (ii)
 - (a) the nature of the heritage asset prevents reasonable uses of the site;
 - (b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation;
 - (c) conservation through grant-funding or some form of charitable or public ownership is not possible; and
 - (d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use”.

English Heritage have positively commented on the proposal, noting that in their view the revised layout/density, massing, scale, height and streetscape design would result in a development that will preserve the character and appearance of the Conservation Area subject to careful detailing and choice of materials. They are also satisfied that with the application of appropriate conditions, or clarification of detail prior to determination, that the requirements of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) can be satisfied. However, whilst they are pleased that the chimney, office block and main Spinning block will be retained on site, they consider that the LPA must determine whether the policy requirements of PPS5 HE9.2 (i) or (ii) have been met in relation to the other buildings on site.

As noted above, Policy HE9.2 states that where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it the proposed development can demonstrate that it complies with sections (i) or (ii). The Agent has considered the scheme against Section (i), which asks whether “the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss”. In this case, a substantial level of information has been provided by the Agent within the documents supplied as part of the proposal, within the Employment Report, Planning Statement and Heritage Statement. They consider that given the ‘significant’ focal buildings being safeguarded and retained on site, the proposal would not only promote the long-term future and vitality of the majority of the significant buildings on site, but also facilitate and enable the delivery of a high proportion of new affordable homes targeted at locally defined needs. This substantial public benefit is considered to outweigh the harm or loss of associated with the loss of some buildings. Moreover, the Employment Report submitted notes the challenge that the site presents in terms of achieving a viable ‘redevelopment’ opportunity for employment purposes and the extent of viable demand that would exist if a scheme was delivered speculatively, and that the proposal itself enables the existing business user to relocate to another suitable site and therefore retain valuable employment within the Borough. The proposals also facilitate the opening up of the site and the Brook into the public realm, enabling a wildlife corridor and associated ecological value, therefore delivering additional substantial public benefit.

With specific regards to the conversion of the retained buildings on site, Local Plan Policy H15 of the Local Plan notes, “The conversion of appropriate buildings within settlements or which form part of already defined groups is acceptable”, however this is providing that there would be no materially damaging effects on the landscape qualities of the area, and Policy H16 which notes that “the building must be structurally sound and capable of conversion, without the need for extensive or major alterations which would adversely affect the character or appearance of the building”, and that “the character of the building and its materials are appropriate to its surroundings and the building is worthy of retention”. In this case, the scheme is considered to acceptably comply with these two Policies.

With specific regards to the design of the converted buildings, Policy H17 discusses such points noting that it must of a high standard and in keeping with the local tradition, and that “Too many doors and windows, the insertion of dormers, roof lights and chimneys and the alterations of roof trusses will devalue the character of traditional farm buildings and that of the surrounding environment.” In this case, the existing buildings benefit from a number of existing openings within their elevations to enable a reasonably easy conversion, indeed there are very few alterations proposed to either building on site apart from the incorporation of Juliet balconies on some of the larger openings of the spinning mill, and in the elevation of the former office building facing the Brook, and the replacement of the roof of the spinning mill with a zinc clad extension that incorporates a mezzanine floor. This element was approved as part of the currently extant 2008 scheme.

Therefore, having assessed the scheme in regards to not only the relevant Local Plan Policies G1, G2, H2, H15, H16 and H17, and the national guidance provided within PPS5, I am satisfied that the principle of the scheme complies as the Agent has indicated sufficient supporting details to the consideration that the substantial harm to or loss of significance of the heritage assets are necessary in order to deliver substantial public benefits that outweigh that harm or loss.

VISUAL IMPACT OF SCHEME ON A.O.N.B. AND CONSERVATION AREA

As with previous proposals for developing this site, one of the main considerations has been the visual impact on the character and setting of the Sabden Conservation Area and the this particular section of the Forest of Bowland Area of Outstanding Natural Beauty. The basis of the previously approved application was first and foremost, to provide a new industrial building to allow the applicant at the time, Marbill Development Ltd, to remain within the village of Sabden. The project was to be funded by the sale of the proposed 28 new build dwellings and 22 apartments within the converted part of the mill, and in order to create space for this development; a large portion of the site was to be demolished.

This revised application seeks the retention of the chimney and former spinning block, as well as the former office buildings that sit on the bank of Sabden Brook. As noted earlier, the LPA have considered the principle of the proposal in regards to the policy requirements of PPS5 HE9.2 (i), and have concluded that, “the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss”, as the proposal would not only promote the long-term future and vitality of the majority of the significant buildings on site, but also facilitate and enable the delivery of a high proportion of new affordable homes targeted at locally defined needs.

Aside from this, whilst the loss and replacement of buildings on the site is considered in principle to be acceptable, the scheme must still be visually acceptable in relation to the A.O.N.B. and the Conservation Area. Policy ENV1 states that “The landscape and character of the A.O.N.B. will be protected, conserved and enhanced, and development will need to contribute to the conservation of the natural beauty of the area.” Policy ENV16 states, “Within conservation areas, development will be strictly controlled to ensure that it reflects the character of the area in terms of scale, size, design and materials, with trees, important open spaces and natural features also protected as appropriate.”

English Heritage have positively commented on the proposal, noting that in their view the revised layout/density, massing, scale, height and streetscape design would result in a development that will preserve the character and appearance of the Conservation Area subject to careful detailing and choice of materials. They are also satisfied that with the application of appropriate conditions, or clarification of detail prior to determination, that the requirements of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) can be satisfied. Indeed one of the key suggestions to the Agent whilst discussing the proposal is that as the existing buildings cannot be retained on site, it is imperative that the residential buildings proposed on the site and the conversion of the mill be represented by a high quality and sympathetically designed scheme. The scheme as submitted is the consequence of various meetings and discussion with the agent/applicant, and it is worth noting the following key points:

- The chimney as a focal point has been retained within the proposal.
- The mill building conversion scheme is as the previously approved scheme, which retains the main features of the building during its conversion with a limited number of additions to its structure.
- The retention of the former office building that fronts the Brook, will ensure a distinct feature remains to aid the setting of the chimney, considered to be a ‘focal building’ within the Sabden Conservation Area Appraisal.

- There is sufficient distance between habitable room windows of the proposed residential units and those existing.
- The proposed new dwellings fronting Whalley Road and Watt Street have been designed to match those properties adjacent, providing a suitable gateway into the village and into the site.
- The proposed development follows a traditional scale of architecture, with a focus on detailing to ensure the desired simplicity of the proposal, but via using modern materials to reflect traditional form.
- A palette of materials has been selected to ensure a cohesive development is achieved, however the final materials strategy plan is yet to be agreed.
- The three storey properties in the centre of the site do not appear dominant due to the difference in ground levels, and as such have no visual impact.
- The proposed new apartment building in phase 2 of the development has been designed as a modern interpretation of the spinning mill building on the north of the Brook, and is considered to be of sympathetic design, scale and massing.

Considering the above, along with the sensitively designed landscaping proposals for the site which includes a hierarchy of semi-mature tree planting along the route way into the site, a number of pockets of open space and seating areas within the core of the site provided, the open space created by opening up the riparian corridor along the Brook and the creation of a brook side meadow with the peripheral woodland, the scheme is considered to apply with Local Plan Policies ENV1 and ENV16 respectively, and as such, the proposal as a whole is considered to have no significant impact on the amenity of nearby residents, and is considered to be sympathetic to the character of the village of Sabden, the setting and character of the Conservation Area and will have no significant impact on the setting or character of the A.O.N.B.

FLOOD RISK

The Environment Agency (EA) originally objected to this proposal on the basis of the flood risk data supplied, however following the submission of additional information, they have withdrawn this objection subject to certain conditions being added to any approval. The site has a history of flooding, and has flooded twice before because the upstream culverted watercourse blocked and overflowed. As a consequence, floodwaters flowed down Whalley Road, up Watt Street and into the site. As such, the EA see it as imperative that the entrance to this development is raised so that floodwaters cannot enter the site, as they are satisfied that the raised levels will prevent flood waters from entering the site in the future should the upstream culvert block and overflow again. The other concern raised was with regards to there being insufficient detail supplied in regards to the culvert being removed, however the submission of dimensioned cross-sections through the river in relation to the culvert to be removed has satisfied their concern. The prior consent of the EA will be required for the removal of the culvert and associated works.

IMPACT ON BIODIVERSITY

With specific regards to the developments impact on ecology on this site, due to constraints being placed upon the development by the E.A and the Lancashire County Council Ecologist,

the scheme also includes the creation of a new pond to the west of the main site on agricultural land in order to mitigate for the loss of the existing pond on site. The proposed development is dependant upon mitigation being undertaken on land that is outside the control of the applicant. To address this, a Deed of Easement between the applicant and the adjacent landowner is proposed, a copy of which has been included within Appendix 3 of the Advisory Report and Executive Summary on Ecological Issues by ERAP. This demonstrates how the applicant intends to deliver the off-site mitigation on land outside their control. Circular 11/95 states that permission cannot be granted subject to a condition that the applicant enters into an agreement under other powers, so the EA appreciate that they cannot recommend a condition requiring the applicant and adjacent landowner to complete a Deed of Easement. However they have requested that any subsequent approval be conditioned such that the proposed mitigation works be undertaken and completed prior to the commencement of development.

The scheme also includes a significant number of other biodiversity gains including:

- the culvert beneath the mill will be opened-up to create a permanent and functional wildlife corridor and permanent habitats for roosting, commuting and foraging bats, fish species, aquatic invertebrates, aquatic and water-margin plant life, breeding Dipper and feeding Kingfisher;
- the Sabden Brook proposals including a buffer zone as agreed with the EA will increase the wildlife corridor function of the brook;
- the leaking millpond will be replaced by a new pond of the same water area (600 m²), specifically designed and constructed for biodiversity and as a permanent habitat for protected and Priority species;
- a further advantage of replacement of the millpond by an appropriately designed and sited new pond will be that the fish (Bullhead, Trout and European Eel) that are trapped in the millpond and cannot return to Sabden Brook can be released and given access to the brook;
- three hibernacula to support the Common Toad population will be constructed close to the new pond, in areas that will not be inundated, to provide year-round cover for toads and other amphibians as well as hibernation sites;
- invasive and introduced alien species that are harmful to natural biodiversity, namely Japanese Knotweed and Indian Balsam, will be eradicated from the site to ensure that existing biodiversity can be retained and enhanced, and new biodiversity can be incorporated successfully in the design of the scheme without threat of invasion by alien species;
- Nesting birds can be protected and permanent new nesting and feeding habitats will be provided as an integral part of the redevelopment by landscape planting to native flowering and berried species, and installation of nest boxes on buildings and along Sabden Brook for House Sparrow, Swift and Dipper.
- The lighting scheme will be designed to maximise biodiversity value by the use of directional and screened artificial lighting, to avoid the new pond, new bat roosts and the Sabden Brook corridor.

- The proposed landscape planting to native species in gardens and streetscape habitats will also improve habitat connectivity.
- An additional benefit to urban wildlife will be erection of close-boarded fencing along garden boundaries at 0.15m to 0.2m above ground level. This will allow Hedgehogs and Common Toads, both of which are Priority Species, to move between gardens and throughout the garden network as well as providing garden habitat connectivity with the proposed new pond-breeding site for Common Toads.

The biodiversity gains that will be achieved will ensure that there will be a net gain in biodiversity at the site, and that the gains will be permanent and sustained. Of key biodiversity importance is the opportunity that the scheme presents for ensuring that the habitats and populations of protected species and Priority Species at the site are given lasting protection, either by retention and enhancement in the case of the culvert, or by replacement in the case of the leaking and redundant millpond. The scheme provides an opportunity to secure the long-term management of the habitats for wildlife in accord with the objectives of National and Local biodiversity action plans and species action plans. The biodiversity proposals, the implementation of which will be incorporated in the design and construction of the redevelopment of the site, are in good accord with the Key Principles of Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9).

IMPACT ON TREES

With specific regards to the developments impact on trees on site, the LCC Ecologist notes that the tree survey indicates that there are a number of fairly large and mature trees with features characteristic of veteran trees, e.g. deadwood in the canopy, rot holes and decay, and that PPS9 emphasizes the importance of aged or 'veteran' trees for biodiversity, and recommends that their loss is avoided and that planning authorities should encourage the conservation of such trees as part of development proposals. On this basis, despite the loss of a number of trees from within the site, the key frontage trees onto Whalley Road and the substitute trees proposed as part of the landscaping scheme for the site are considered to more than mitigate for the loss.

IMPACT ON HIGHWAY SAFETY

The following comments relate to the formal response from the County Surveyor in respect to the proposal, sent in response to the Transport Statement (Savill, Bird and Axon), Design and Access Statement (Street Design Partnership) and the Planning Statement, all dated February 2011, prepared on behalf of Bowsall Limited, and the revised Transport Statement (Savill, Bird and Axon) received 17 June 2011. Lancashire County Council is responsible for providing and maintaining a safe and reliable highway network, and with this in mind the present and proposed traffic systems have been considered in and around the area of the proposed development.

These supporting documents make specific reference to an existing planning consent at this site for 50 dwellings (D3/2008/0622) and aspects of the existing permission inform elements of the current proposal, and the following comments regarding the means of access to the proposed development and the consequent high safety and capacity impacts.

a. Access Strategy

There are three points of access to the site, one from Whalley Road and north (existing) and south (new) accesses from Watt Street. These have been designed to a satisfactory standard for the anticipated end users and provide a safe means of access to the site. There is only 17m separation between the new and existing vehicular access points on Watt Street and this is below the normally accepted standard, however he is aware that the northern access will serve a small number of units and that a low level of vehicular activity is anticipated. The creation of the new access, serving the majority of the Watt Street based development, does reduce the potential impact with the proposed development opposite at Cobden Mill (D3/10/0001), achieving a separation in excess of 40m between the two.

b. Traffic Flows

The Transport Statement provided details of the net impact of the proposed development in Table 4.5 (page 16). These figures are consistent with accepted methodology and trip data, and he has no reason to question these results. On this basis, he is confident that the proposed development will not have a detrimental impact on the operational capacity of the immediate highway infrastructure on Watt Street and Whalley Road and that any further impact will be acceptable.

c. Committed and Other Proposed Developments

Consent has been granted to a previous application for 50 dwellings on this site, D3/2008/0622. Furthermore, there is an existing consent for a development on land opposite this site, at Cobden Mill, D3/2010/0001.

d. Pedestrians and Cyclists Access

There are no existing Public Rights of Way passing through or along the immediate site boundary.

e. Public Transport

The provision of good & reliable public transport is essential to this development. There are two existing stops on Whalley Road close to its junction with Watt Street, with an existing shelter provided to the south side. In view of the increased residential activity the development will provide in the immediate area, improvements should be considered at both of these locations. Consideration should be given to improving the facilities, construction and inconspicuous nature of the shelter opposite the site.

There is scope to improve the condition of the existing shelter and improve the information it carries on local services. However, while the main structure is sound, changes could be to the bus stop bay with the relevant costs of these improvements being included in a Legal Agreement. In this instance, a sum in the region of £6,500 would address the essential engineering works.

f. Road Safety

He has reviewed the latest accident data on the immediate highway network surrounding the development, and notes that there have been no reported incidents involving personal injury

within 300m of the development site in the last five years, 1 January 2006 to 31 December 2010. However, in order to improve road safety at this location and reduce road signage clutter, it is proposed to complete the following work:

1. Replace the existing signing at the junction of Padiham Road and Whalley Road with a more coordinated arrangement.
2. Remove redundant signing and posts from Whalley Road.
3. Review and replace other highway signage in the vicinity of the proposed development.

In this instance, the County Surveyor notes it is difficult to provide an accurate estimate of the necessary engineering works without a more detailed study of the local requirements. However, the cost of amending the range of signs initially identified would be in the region of £1,500 to £3,500. Lancashire County Council is looking at the introduction of 20mph Speed Limits on all suitable residential roads by 2015. The proposed development could offer an opportunity to promote such a scheme as a matter of priority, independent of the normal schedule. It would be necessary to agree that the costs of consulting on and subsequently implementing this measure would have to be met by the developer. The precise extent of the reduced Speed Limit within the village will require further detailed consultations.

g. Parking Standards

The parking standards contained within The Regional Spatial Strategy (RSS) – North West of England Plan (2008) remain the County wide standard for parking provision. The Government has announced its intention to revoke the Regional Strategies in England through enactment of the Localism Bill. However, until such time, the RSS must still remain a material consideration in assessing planning applications. The application identifies a total of 110 car parking spaces for the 70 residential units, which he considers to be entirely appropriate.

h. Internal Site Layout

He notes that it was made clear during discussions that it is the intention of the applicant to request that the Highway Authority adopt the roads on the site. Therefore, all construction should be consistent with the LCC Residential Road Design Guide and we will pursue a Section 38 Agreement.

In view of the surface materials being considered, the complexity of the finish and the need to provide some security for maintenance of these features, there should also be included a commuted sum for this purpose.

i. Servicing, Delivery, Waste Collection, Emergency Access and Routing

The Transport Statement (Section 3.4.2) indicates that suitable manoeuvring space is available within the site to allow for the safe movement of refuse and other service vehicles. He would be grateful if this could be confirmed by providing details of the swept path modelling that have been carried out.

j. Planning Obligations

Should the Local Planning Authority be minded to approve this development, the County Council would seek planning obligation contributions from this development to fund measures that support sustainable transport. It is considered that measures will be necessary to promote and support sustainable development, particularly in respect of public transport. Until agreement has been reached on the Transport Assessment, the Local Highway Authority is unable to provide full details on the request for planning obligations relating to highways and transport. The planning obligations are expected to cover contributions for sustainable transport, walking, cycling and public transport.

In this instance, specific contributions will be sought in respect of Public Transport improvements (£6,500) and highway signage improvements (up to £3,500). In addition, costs for possible Section 38 commuted sums and a contribution to a 20mph Speed Limit would have to be assessed in more detail.

Having discussed these revised comments with the agent, I can confirm that the applicant is agreeable in principle to this proposed contributions request.

Conclusion

The proposals will result in increased flows on the existing transport network in and around Sabden village, and there will be increased vehicle turning movements and impacts on pedestrian movements at junctions in the vicinity of the development and, to a lesser extent, elsewhere within the village centre. However, the level of increased vehicular and pedestrian activity can be accommodated safely by the existing highway infrastructure, taking into account the measures included within the application, with minimal detriment to existing amenity enjoyed by residents, and as such the County Surveyor raises no objections in principle on highway safety grounds.

PUBLIC OPEN SPACE PROVISION

Policy RT8 considers the provision of public open space on sites proposed for residential development. It notes that on sites over 1 hectare; the layout will be expected to provide adequate and usable public open space. In order to satisfy this requirement, the Agent has submitted a supporting landscape statement outlining the design of the landscape proposals on site, noting that considerable effort has been made to create an established high quality landscape setting for the development that is in keeping with neighbouring properties and of considerable benefit to the local amenity.

The statement notes that the surveys identified a number of opportunities to manage, augment and enhance the existing landscape fabric, and as part of the overall development proposals include additional native tree and shrub planting to the south-west and west of the site as part of the creation of a replacement open water body within the woodland. A number of trees have been identified to be removed as part of both arboricultural management programme and to enable the development, however effort has been made to mitigate this with inclusion of substantial tree and shrub planting within the development. In addition, they consider that by opening up of the culvert this will also provide an opportunity to provide a valuable wildlife corridor, riparian habitat and public open space to be enjoyed by local residents.

They consider that the residential core of the site has been carefully designed to create a pleasant and sustainable environment in which to live, with a hierarchy of semi-mature tree planting along the route way assist in defining and softening the impact of the vehicular user. They point out that key nodal points and junctions have been clearly defined and a number of pockets of open space and seating areas within the core of the site have been provided, with further open space created by opening up the riparian corridor and the creation of a brook side meadow. It is noted that a Management Company, in collaboration with the Registered Provider, will manage all these pockets of open space. Finally, a 5m wide shared reinforced grass vehicular and pedestrian access has been provided, which not only allows riverside maintenance for the Environment Agency but also provides a pedestrian link to the woodland to the south- west. A further stepped access is provided from the cobble courtyard onto the riverbank.

In considering the proposed landscaping of the site and the areas of Public Open Space indicated on the submitted plan, it is considered that by virtue of the defined series of public squares, the core of the site has been well designed, providing an attractive setting for the dwellings and also a key sense of arrival. The shared surfaced contrasting block paving provides adequate space for safe manoeuvring and access to car parking as well as adding to the sense of place on site which, in contrast to a typical series of tarmaced pavements and roads, is welcomed. The proposals are in keeping with surrounding development and the vernacular of the locality, with a number of demonstrable improvements and enhancements incorporated including:

- provision of public open space and seating;
- improvements to the landscape fabric with tree and shrub planting and quality surfacing materials;
- ecological diversification with the creation of a wildlife riparian corridor and replacement water body; and
- enhanced public realm and improved public access.

On this basis, and in view of the proposals set out and the undoubted 'public realm' benefits being generated, it is considered that the package of improvements and enhancements should be viewed favourably in lieu of any request for any financial contribution, as when combined with the social, economic and sustainability benefits of the development the proposed landscape treatment will improve and enhance the local amenity, the setting and character of the A.O.N.B. and Conservation Area, and compliment the heritage assets retained on site.

CONTENT OF LEGAL AGREEMENT

This application has been submitted with a draft Legal Agreement to cover matters of affordable housing. This report has outlined in detail these aspects and taken account of comments from respective consultees/officers of this Council who are responsible for those matters. To clarify for members, the Legal Agreement will stipulate the following:

1. The total number of affordable units on this site shall consist of not less than 27.

2. 21 units shall be affordable rented housing (which shall be made up of 1x1 bedroom apartment, 9x2 bedroom apartments, 4x2 bedroom EP bungalows and 7x3 bedroom dwelling) to be allocated in accordance with the Council's prevailing allocations policy.
3. 6 units shall be shared ownership (which shall be made up of 3x2 bedroom dwellings and 3x3 bedroom dwellings) to be occupied in accordance with the order of priority set out in the shared ownership occupancy criteria.
4. Delivery of the affordable units shall be within the first phase of the site, with parties agreeing that the site will be developed with no more than 50% of the private housing being occupied until the approved affordable dwellings are completed.
5. The strategic housing working group are satisfied with regards to the terms of nomination rights and approved person's criteria.
6. A request for contributions to the Local Highway Authority (Lancashire County Council) will be sought in respect to Public Transport improvements (£6,500) and highway signage improvements (up to £3,500).
7. Contribution of £7,560 towards the administration and delivery costs of provided wheeled bins for the site.

CONCLUSION

Having assessed the scheme in regards to not only the relevant Local Plan Policies but also the guidance provided within the relevant National Planning Policy Statements, it is considered that the wider benefit of redeveloping a site of previously developed land to bring forward a mix of housing, including the delivery of affordable housing, that takes account of not only the heritage conservation interests of the site but also the environmental and bio-diversity interests, clearly outweighs the harm and loss to the site in question.

The proposal as a whole is considered to have no significant impact on the amenity of nearby residents, and with the proposed improvements for Highway Signage and Public Transport adjacent to the site, will have an acceptable impact on highway safety in the nearby vicinity and improve the accessibility to and from Sabden.

Finally, the design, layout, scale, massing and material palette proposed for the scheme is considered to be sympathetic to the character of the village of Sabden, the setting and character of the Conservation Area and will have no significant impact on the setting or character of the A.O.N.B. Therefore, as I am satisfied that the scheme complies with the consideration that the substantial harm to or loss of significance of the heritage assets is necessary in order to deliver substantial public benefits that outweigh that harm or loss, I recommend accordingly.

SUMMARY OF REASONS FOR APPROVAL

The proposal represents an appropriate form of development and given its design, size and location would not result in visual detriment to the surrounding countryside, nor would its use have an adverse impact on highway safety.

RECOMMENDATION: That Committee be minded to grant planning permission subject to the following conditions and therefore Defer and Delegate to the Director of Community Services to

negotiate the satisfactory completion of a Legal Agreement (in terms described in the section 'Content of Legal Agreement') to deal with the delivery of affordable housing and secure the necessary highways contributions of wheeled bin provision requested in relation to this development.

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

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The permission shall relate to the development as shown on Plan Drawing No's 1029-7f, 1029-10, 1029-19, 1029-39, 1029-43, 1029-49, 5808-PS01-Rev B, 5808-PS02-Rev A, 5808-PS03-Rev A, 5808-PS04, 5808-PS05-Rev A, 5808-PS06-Rev A, 5808-PS07-Rev A, 5808-PS08-Rev A, 5808-PS09-Rev A, 5808-PS10-Rev A, 5808-PS11-Rev A, 5808-PS12-Rev A, 5808-PS13-Rev A, 5808-PS14-Rev A, 5808-PS15-Rev A, 5808-PS16-Rev A, 5808-EA-01 and 250-01-Rev. A.

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

3. This permission shall be implemented in accordance with the proposal as amended by letter and plan received on the 13th of May 2011.

REASON: For the avoidance of doubt since the proposal was the subject of agreed amendments.

4. The phased development of the site shall be carried out in accordance with the details provide within the e-mail dated 21 of June 2011, and as follows,

- Phase 1 – Plots 4-30,
- Phase 2 – Plots 1-3 and 31-41, and
- Phase 3 – Plots 42-70.

REASON: In order to safeguard the development of the entire site and prevent the further deterioration of the original buildings proposed to be retained on site.

5. All the external works of the building to be converted into dwellings hereby permitted, shall be completed before the expiration of three years from the date of this permission.

REASON: In order that the Local Planning Authority retains effective control over the development and to ensure that there is no significant deterioration in the condition of the building contrary to Policies G1 and H16 of the Ribble Valley Districtwide Local Plan.

6. Prior to the commencement of the demolition works on site, a further full building condition survey relating to the buildings/structures to remain on site, namely the former office building, the chimney and the former spinning mill, shall be carried out by a qualified surveyor. Further surveys including a full, dimensional, verticality survey and a thorough, specialist structural survey, as indicated within the RSK Group plc Structural Condition Report dated February 2011, shall be carried out in relation to the chimney. The details, findings, a schedule of conditions and a proposed sequence of operations

for the conversion of the two storey, office building located on the bank of Sabden Brook, shall all be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing.

REASON: In accordance with the requirements of Policy G1, H16, ENV16 and ENV18 of the Local Plan, and PPS5, in order that the Local Planning Authority may be satisfied as to the extent of necessary rebuilding works, and the manner in which it is to be carried out.

7. Within two years from the date of this decision, a schedule of works including a proposed sequence of operations for the scheme of conversion of the former spinning mill shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include full details of the methods of 'cleaning' the building in question.

REASON: In accordance with the requirements of Policy G1, H16, ENV16 and ENV18 of the Local Plan, and PPS5, in order that the Local Planning Authority may be satisfied as to the extent of necessary rebuilding works, as the application is for the conversion of the building only, and the extent of other works and the manner in which they are to be carried out.

8. Prior to the commencement of phase 2 of the development, a schedule of works including a sequence of operations for the scheme of conversion of the former Marbill office building shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include full details of the methods of 'cleaning' the building in question.

REASON: In accordance with the requirements of Policies G1 and H16 of the Ribble Valley Districtwide Local Plan in order that the Local Planning Authority may be satisfied as to the extent of necessary works involved, and the manner in which they are to be carried out.

9. Precise specifications and samples of walling, roofing, window and door materials, and details of any window and door surrounds including materials to be used shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works. This can be agreed by submission of a materials strategy plan if required.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policies G1, ENV1, ENV16 and H17 of the Ribble Valley Districtwide Local Plan.

10. Prior to the commencement of built development, larger scale details, specifications and cross sections for all important features such as chimney pots, flues, external openings, bays, joinery, eaves and roof junctions, shall be submitted to and approved in writing by the Local Planning Authority before their use in the approved works. This is in respect to both the new and the converted buildings.

REASON: In order that the Local Planning Authority may ensure that the design, style and materials of the features to be used are appropriate to the locality in accordance with Policies G1, ENV1, ENV16 and H17 of the Local Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) any future extensions and/or alterations to the dwellings or apartments hereby approved, or any future additional structures, hard standing or fences including any development within the curtilages, as defined in Schedule 2 Part 1 Classes A to H and Part II Class A shall not be carried out without the formal written consent of the Local Planning Authority.

REASON: In the interests of the amenity of the area and in order that the Local Planning Authority shall retain effective control over the development, in accordance with Policies G1, ENV1, ENV16, H2, H16 and H17 of the Ribble Valley Districtwide Local Plan.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) the new dwellings, apartments or converted buildings shall not be altered by the insertion of any window or doorway without the formal written permission of the Local Planning Authority.

REASON: In the interests of the amenity of the area and in order that the Local Planning Authority shall retain effective control over the development, in accordance with Policies G1, ENV1, ENV16 and H17 of the Ribble Valley Districtwide Local Plan.

13. No development approved by this permission shall be commenced until details of the existing and proposed ground levels at the site entrances off Watt Street have been submitted to and approved in writing by the local planning authority. The development shall subsequently proceed in accordance with the approved details.

REASON: To ensure that the development is subject to minimum risk of flooding.

14. No site clearance, site preparation or development work shall take place until a scheme for the removal of the culvert has been submitted and approved by in writing by Ribble Valley Borough Council in consultation with specialist advisors. The approved scheme shall be implemented in full.

REASON: To ensure that the watercourse and associated species are adequately protected during this operation.

15. Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside Sabden Brook shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- plans showing the extent and layout of the buffer zone,
- details of any planting scheme (for example, native species),
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term, and
- details of any footpaths, fencing, lighting etc.

REASON: To ensure the development does not detrimentally impact upon Sabden Brook.

16. No development shall take place until a scheme for compensatory habitat creation to mitigate for the loss of the existing on-site pond has been submitted to and agreed in writing by the local planning authority and implemented as approved. The scheme must include details of long-term management and phasing and must be created prior to the loss of the existing pond. Thereafter the development shall be implemented in accordance with the approved scheme.

REASON: To compensate for the loss of the existing pond and ensure no net-loss of aquatic habitat as a result of the development.

17. No development approved by this permission shall be commenced until a detailed 5-year management plan for the conservation of the mitigation pond has been submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be implemented in accordance with the approved scheme.

REASON: To protect and conserve the amphibian and fish mitigation ponds.

18. No site clearance, site preparation or development work shall take place until details of methods for the rescue of fish (including Species of Principal Importance) has been submitted and approved in writing by Ribble Valley Borough Council in consultation with specialist advisors. The approved details shall be implemented in full.

REASON: In order to protect and provide aftercare for important species, and for the benefit of biodiversity in accordance with ENV7 of the Local Plan.

19. No site clearance, site preparation or development work shall take place until a scheme of habitat creation, enhancement and management has been submitted and approved by Ribble Valley Borough Council in consultation with specialist advisors. The approved management plan shall be implemented in full. The scheme should include but not be limited to further details of adequate replacement tree planting (numbers and species and location), brook corridor treatment, nesting bird habitats, replacement ponds and surrounding terrestrial habitat, and habitat connectivity within the application area and the wider landscape.

REASON: In order to protect and provide aftercare and long-term habitat management of the site.

20. No site clearance, site preparation or development work shall take place until a construction environment management plan has been submitted and approved in writing by Ribble Valley Borough Council in consultation with specialist advisors. The approved scheme shall be implemented in full. The scheme shall include but not be limited to details of protective fencing for retained habitats and trees (in accordance with guidelines *BS5837: 2005 Trees in relation to construction - Recommendations*), directional and screened lighting to avoid impacts on wildlife habitat, and pollution prevention measures for the protection of water bodies/watercourses.

REASON: In order to protect and provide aftercare and long-term habitat management of the site.

21. Prior to commencement of development, full details of scheme for the eradication of Japanese Knotweed (*Fallopia japonica*) and Himalayan Balsam (*Impatiens glandulifera*) on site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of these species during any operations such as mowing, strimming or soil movement. It shall contain measures to ensure that any soils brought to the site are free of seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. The scheme shall include a timetable for implementation and works shall be commenced within one year of approval, and the development shall proceed in accordance with the approved method statement. A delay of more than a year will render the approved scheme void and a further site survey must be undertaken and submitted to the Local Planning Authority for approval in order to ensure that the agreed scheme is still applicable.

REASON: To ensure the development does not contribute to the further spread of these invasive species.

22. The bat mitigation proposals given in the Draft Method Statement for the protection of bats (Appendix 3 of the report '*Land at Victoria Mill, Sabden, Lancashire. Ecological Survey and Assessment (including surveys for protected species)*' by ERAP, February 2011) will be implemented in full, subject to any changes required by Natural England at the licensing stage.

REASON: To protect and conserve the bat habitats identified on site in accordance with Policy ENV7 of the Local Plan.

23. No site clearance, site preparation or development work shall take place until the approved method statement for impacts on common toads and their habitat has been implemented in full.

REASON: To protect and conserve the habitats identified on site in accordance with Policy ENV7 of the Local Plan.

24. All mitigation and enhancement for biodiversity shall be implemented in the first twelve months following occupation or use of the development and maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. All mitigation/enhancement measures shall be in accordance with the details identified in the Environment Services report [sections 5 to 5.7.1 Water Courses/Water Bodies, Vegetation and Habitats, Wildlife, Ponds and Planting].

REASON: In accordance with Policy ENV7 of the Ribble Valley Districtwide Local Plan, in order to protect, enhance and mitigate for biodiversity on the site.

25. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March and July inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.

REASON: In accordance with Policy ENV7 of the Local Plan, in order to protect, enhance and mitigate for biodiversity on the site.

26. The approved landscaping scheme for phases 1 and 2, shall be implemented in the first planting season following completion of each phase of the development and shall be

maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policies G1, ENV1 and ENV16 of the Ribble Valley Districtwide Local Plan.

27. Phase 3 of the approved development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever possible the retention of existing trees, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening.

The approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policies G1, ENV1 and ENV16 of the Ribble Valley Districtwide Local Plan.

28. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of two programmes of work, one of building recording and analysis and another of archaeological. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure and safeguard the recording and inspection of matters archaeological/historical importance associated with the site in accordance with PPS5.

29. Prior to the commencement of development, a comprehensive desk top and site survey shall be carried out by a competent person, to assess the nature, scale and extent of contamination; to assess the potential risks to: human health, property, adjoining land, ground waters and surface waters, ecological systems and archaeological sites and ancient monuments; and detail and appraise the remedial works required to meet the objectives in the Environmental Protection Act. The findings of the survey and proposed remedial actions to be submitted in writing to the Planning Authority for approval prior to development commencing, and be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11.

REASON: To ensure that risks from land contamination to site workers; future occupiers and users; and to neighbouring land, controlled waters, property and ecological systems are minimised in accordance with Policy G1 of the Local Plan.

30. Prior to commencement of built development further details of bin storage areas for the converted mill building and the new apartment building, including the access arrangements for such areas, shall be submitted to the Local Planning Authority and approved in writing and thereafter maintained in perpetuity.

REASON: To ensure adequate bin storage and to comply with Policy G1 of the Districtwide Local Plan.

31. No development approved by this permission shall be commenced until a detailed management plan for the retention, conservation and maintenance of the chimney on site has been submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be implemented in accordance with the approved scheme. The chimney and the proposed public open space landscaping details at ground floor level shall be repaired and brought into use prior to the commencement of Phase 2 of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: To protect and conserve the existing chimney on site in accordance with Policies G1 and ENV16 of the Local Plan, and to ensure its survival.

32. The three new vehicular access points proposed for the scheme shall be constructed in accordance with the amended site plan received on the 13th of May 2011, and the sightlines provided shall be kept free of all buildings, structures or erections above the surface of the land and shall remain so in perpetuity.

REASON: To comply with Policy G1 of the Local Plan and to permit vehicles to pull clear of the carriageway when entering the site and to assist visibility.

33. All parking areas and spaces indicated on the approved plans, shall be surfaced or paved in accordance with a scheme to be approved by the local planning authority with the manoeuvring areas marked out in accordance with the approved plan, before the use of the dwellings to which they relate become operative.

REASON: To comply with Policies G1 and T7 of the Ribble Valley Districtwide Local Plan and to allow for the effective use of the parking areas.

34. Prior to the commencement of the built development on site, precise specifications and samples of the proposed surfacing materials to be used for the access roads, footways and parking bays shall have been submitted to and approved by the Local Planning Authority before their use on site.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policies G1, ENV1 and ENV16 of the Ribble Valley Districtwide Local Plan, and for clarification with the Highways Department prior to the highways being formally adopted.

35. Prior to the commencement of built development at this site, the following highway signage improvement works shall be carried out in consultation with the Local Highway Authority:

1. Replace the existing signing at the junction of Padiham Road and Whalley Road with a more coordinated arrangement,
2. Remove redundant signing and posts from Whalley Road, and
3. Review and replace other highway signage in the vicinity of the proposed development,

The final agreed improvement works shall be agreed in writing with the Local Planning Authority.

REASON: In order to improve road safety at this location and reduce road signage clutter in the interests of visual amenity.

36. Prior to commencement of the built development on site, a final scheme identifying the chosen method of how a minimum of 10% of the energy requirements generated by the development will be achieved on site by renewable energy production methods shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the full details, specifications and types of renewable energy production methods to be used, as well as their location on site. This shall then be provided in accordance with the approved details prior to commencement of the built development on site and thereafter retained.

REASON: In order to encourage renewable energy and comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

37. No site clearance, site preparation or development work shall take place until a scheme of site lighting has been submitted and approved in writing by Ribble Valley Borough Council in consultation with specialist advisors. The approved scheme shall be implemented in full. The scheme shall demonstrate that there will be no artificial illumination (above existing levels) of retained and boundary trees, the brook corridor, bat roosts, bat foraging and commuting habitat, or ponds.

REASON: In order to ensure the minimal visual intrusion after daylight hours, and in order to protect existing habitats, in accordance with Policies G1, ENV1, ENV7 and ENV16 of the Ribble Valley Districtwide Local Plan. The ecology report highlights the need to avoid artificial illumination of wildlife habitat, both during construction and operation of this site and recommends that lighting is directional and screened to avoid illumination of boundary trees, ponds, and the brook corridor and bat roosts/bat habitats.

38. No site clearance, site preparation or development work shall take place until a scheme of replacement bird nesting opportunities (as recommended by the ecology report) has been submitted and approved in writing by Ribble Valley Borough Council in consultation with specialist advisors. The approved scheme shall be implemented in full.

REASON: To protect and conserve the habitats identified on site in accordance with Policy ENV7 of the Local Plan.

39. Prior to commencement of any site works, including delivery of building materials and excavations for foundations or services, all trees identified to be retained in the arboricultural/tree survey schedule of trees submitted with the application, shall be protected in accordance with the BS5837 [Trees in Relation to Construction] the details of which shall be agreed in writing and implemented in full prior to commencement of

any site development work. A tree protection - monitoring schedule shall be agreed and tree protection measures inspected by the local planning authority before any site works are begun.

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

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

No tree surgery or pruning shall be implemented with out prior written consent, which will only be granted when the local authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by development and included in the Conservation area are afforded maximum physical protection from the adverse affects of development, and in order to comply with Policies G1 and ENV13 of the District Wide Local Plan.

40. Prior to the commencement of development, details of the swept path modelling that have been carried out on the proposed site shall be submitted to and approved in writing by the Local Planning Authority.

REASON: For clarification purposes, as the submitted Transport Statement (Section 3.4.2) indicates that suitable manoeuvring space is available within the site to allow for the safe movement of refuse and other service vehicles.

41. Phase 3 of the approved development shall commence, at the latest, upon completion of the 40th unit on site unless otherwise agreed in writing. In addition, external works to enable the conversion of the former spinning mill to the north of Sabden Brook into apartments shall have commenced prior to the ground works required for the development of units 42-48, unless otherwise agreed in writing.

REASON: To avoid parts of the site remaining undeveloped and in order that the Local Planning Authority shall retain effective control over the development and to prevent the further deterioration of the original buildings proposed to be retained on site.

42. A detailed phasing plan and timetable for Phase 3 of development shall be submitted to and agreed in writing by the Local Planning Authority, prior to the completion of Phase 2 of the development.

REASON: To avoid parts of the site remaining undeveloped and in order that the Local Planning Authority shall retain effective control over the development and to prevent the further deterioration of the original buildings proposed to be retained on site.

43. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning

authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

1. the parking of vehicles of site operatives and visitors,
2. loading and unloading of plant and materials,
3. storage of plant and materials used in constructing the development,
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
5. wheel washing facilities,
6. measures to control the emission of dust and dirt during construction, and
7. a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: In the interests of residential amenity.

INFORMATIVES

As the Mill Chimney is to be retained, it is considered that there should be some sort of on-site information provided regarding the history of the site. In this instance, the production of either on-site interpretation panels or a 'popular' leaflet/pamphlet should form part of the agreed scheme of works.

Sabden Brook is designated as a 'Main River' watercourse, and it is therefore subject to Land Drainage Byelaws. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the top of any bank/retaining wall of the watercourse without our prior written consent. Full details of such works, together with details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted for consideration.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of Sabden Brook.

The Environment Agency has a right of entry to Sabden Brook by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act.

As palmate newts are present on the existing pond, we would advise sensitive translocation to the new pond, to preserve and enhance biodiversity. The EA agree with the recommendation in the ERAP report that the amphibian method statement be submitted to the Local Panning Authority for approval.

The EA recommend that the applicant consider options to restore the channel, to increase flood storage and enhance biodiversity of the area of the culvert being opened.

The proposed mitigation ponds are currently on land that appears to be outside the ownership of the applicant. Our concerns are dependant upon the mitigation scheme being provided as part of the development, so it is imperative that this matter does not prevent the agreed mitigation being implemented.

Our consent is needed before any fish can be introduced or removed from a watercourse or fishery. We have produced a detailed guide about moving fish called 'Healthier fisheries - a guide to moving fish.' This contains all the information an applicant needs to know about moving fish, including:

- how to apply for a consent to introduce fish to a watercourse or fishery
- how to apply for a consent to remove fish from a watercourse or fishery
- copies of the application forms and an explanation of how to complete them
- when fisheries need to register with the Centre for Environment, Fisheries and Aquaculture Science (Cefas)
- when fish health checks need to be carried out and who can do them
- where to buy fish from
- what to do if you are introducing non-native fish to a watercourse or fishery.

This guide can be downloaded from our publications database on our website via the following link <http://publications.environment-agency.gov.uk/?lang=e>

ITEMS DELEGATED TO DIRECTOR OF COMMUNITY SERVICES UNDER SCHEME OF DELEGATED POWERS AND

The following proposals have been determined by the Director of Community Services under delegated powers:

APPLICATIONS APPROVED

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2010/0735/P (LBC)	Repair main ridge beam in the loft after fire damage	Primrose Cottage 4 Main Street Bolton-by-Bowland
3/2010/0902/P (LBC) & 3/2010/0903/P (PA)	New wing. Externally: the construction of new staircase and a glass lift within the courtyard; provision of new roof top plant room; introduction of windows and doors to the north west face at basement level to a patio area; provision of new door and alterations to glazing to the former Gerald Room. Internally: internal refurbishment and remodelling of the New Wing to provide en suite accommodation; provision of 2no 3 bed houses; provision of 2no supervision flats, 2no overnight flats and ancillary accommodation; conversion of the basement car park to include the ground floor flat area, a café facility, shower accommodation and a sixth form recreation centre (with emergency access to the Black and White Area). Shireburn – externally: alterations to gable end to Shireburn and provision of gallery to north west elevation. Provision of door and new window within Shireburn quad. Provision of new windows and blind arcading to existing windows to north east elevation of Shireburn. Internally: relocation of health centre on 3 floors with matrons flat adjacent and classrooms on ground floor. En suite bedrooms at first floor and second floor level including supervision flat and 2 overnight flats. Alterations to staircases and lift. Caecus – introduction of 2 new floors to accommodate residential accommodation associated with Poetry. Supervision flat and overnight flat, wc and shower accommodation, ancillary facilities and making good to Rhetoric Common Room	Stonyhurst College Hirst Green

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2011/0059/P	Proposed conversion of barn at Moorgate Farm to a single dwelling and attached garage (Re-submission of application no. 3/2010/0766/P)	Moorgate Farm Moorgate Lane Dinckley
3/2011/0168/P	Development of visitor hub to support existing day visit to Gisburn Forest which includes improvement to existing access track and construction of 100 vehicle capacity car park, construction of ability trail, construction of cycle trails to link existing network and various other minor work including signage and interpretation facilities	Land off Dugdale Lane adjacent to Stephen Park Tosside
3/2011/0181/P	Extend above the existing garage to create an additional bedroom at first floor level with windows to front and rear	3 Roman Way Clitheroe
3/2011/0182/P (LBC)	Replacement of rotten doorframe with wooden painted doorframe. Replacement of front door with wooden panelled door (and small glazed panel). Door and frame to be finished in a cream Farrow and Ball paint	12 Higher Road Longridge
3/2011/0193/P	Proposed loft conversion and extension of ridge to gable wall to front elevation	Hilltop, Church Lane Mellor
3/2011/0229/P	Two-storey side extension, dormer to front elevation and extension of existing dormer to front and rear	89 Hacking Drive Longridge
3/2011/0232/P	Proposed new kitchen extension	3 Hall Street Clitheroe
3/2011/0240/P	Proposed erection of first floor extension over existing garage/utility room	43 St Peter's Close Salesbury
3/2011/0257/P	Single storey rear extension	2 Valley Terrace Simonstone
3/2011/0261/P	Proposed engineering operations to form earth banked slurry lagoon at Whittakers Farm, Bowland Gate Lane, West Bradford	
3/2011/0273/P	Demolition of existing conservatory and replacement with garden room and installation of two velux rooflights	Nettlebed, Settle Road Newsholme
3/2011/0275/P	Proposed single storey extension and rebuilding of domestic outbuilding to incorporate into dwelling	Shays Cottage Tosside
3/2011/0276/P	Proposed two-storey side extension with attached single storey lean-to extension and single storey garage/store	Shays Farm Tosside
3/2011/0278/P	Proposed conversion of a barn to a dwelling, repositioning of the vehicle access and the creation of a garden	Clough Farm, Carters Lane Paythorne

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2011/0283/P	Proposed replacement carport, garage and store	Cotton Wood Smalden Lane, Lane Ends Grindleton
3/2011/0285/P	Proposed conservatory to the rear	5 Mearley Syke, Clitheroe
3/2011/0286/P	Minor amendments and house type substitution to the approved scheme (3/2010/0288/P) at former	Stalwart Lodge Primrose Works Clitheroe Road, Clitheroe
3/2011/0288/P	Proposed extension to side of dwelling	49 Abbey Fields Whalley
3/2011/0294/P	Proposed rear extension to form an access porch and garden room for a disabled wheel-chair user	Swallow Cottage Whalley Road, Sabden
3/2011/0296/P	Existing two-storey side extension and garage to be demolished and replaced with proposed two-storey side extension with a single storey garage (side)	15 Somerset Avenue Clitheroe
3/2011/0299/P	Proposed balcony off dormer window	Copster Hall Bungalow Longsight Road Copster Green
3/2011/0309/P	Conversion of redundant agricultural barn for holiday let (Resubmission of 3/2010/1002/P)	Huckle Ing/Huggan Ing Barn Gisburn Road Gisburn
3/2011/0310/P	Proposed farm worker's dwelling	The Old Dairy Farm, Chaigley
3/2011/0311/P	Proposed roof mounted 54Kwp Solar Photovoltaic installation located on the roof of the indoor riding arena	Northcote Stud Northcote Road, Langho
3/2011/0322/P	Erection of one holiday cottage (re-submission of approved scheme 3/2010/0572 with design amendments)	Land adjacent Dovecote Tearooms Heatherview Mill Lane, Waddington
3/2011/0325/P	Replacement garage and felling of tree	3 Larkhill Cottages Old Langho
3/2011/0327/P	Proposed demolition of garden sheds, part two and part single storey rear extension, and single storey side extension	Gardeners Cottage Alston Lane, Longridge
3/2011/0328/P	Four internally illuminated fascia signs and one internally illuminated totem sign	Former site of Perry's Car Sales Waterloo Road, Clitheroe
3/2011/0335/P	Groundsman's store to house grass cutters and general maintenance equipment	Recreation Ground Sawley Road, Grindleton
3/2011/0338/P	Application for the discharge of condition 2 (materials) and condition 4 (boundary treatment) of planning consent 3/2009/0414/P	Plot 1A The Drive Brockhall Village Old Langho
3/2011/0362/P	Application for a non-material amendment to planning consent 3/2010/0252, for additional storage below the proposed double garage	Bluebell Cottage 3 Manor Row Copster Green

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2011/0363/P	Replacement of projecting illuminated roundel sign and nameplate and erection of four fascia signs with installation of black vinyl to external face of 2no. windows	8 Castle Gate Clitheroe
3/2011/0368/P	Proposed change of use and alterations to create an ancillary dwelling for the owner's parents	New House Farm Osbaldeston Lane Osbaldeston
3/2011/0378/P	Proposed conservatory to rear elevation	10 Fell Brow, Longridge
3/2011/0407/P	Application for a non-material Application for a non-material amendment to planning consent 3/2011/0127, to change from the approved brick built frontage to a rendered and painted one	1 Derwent Crescent Clitheroe
3/2011/0412/P	Application to discharge of condition no. 15 (landscaping), condition no. 17 (foul drainage treatment) and condition no.18 (passing/turning area) of planning consent 3/2010/0741/P	Cobden Farm Watt Street Sabden

APPLICATIONS REFUSED

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
3/2011/0237/P	Six illuminated and two non-illuminated signs	7-9 King Street Clitheroe	G1 & ENV16 – Excessive number of signs coupled with illumination, design and materials used considered harmful to the character and appearance of this Building of Townscape Merit and Clitheroe Conservation Area.
3/2011/0245/P	Proposed conversion of existing offices above a shop to 2. No. flats (Change of use from A2 to C3)	18 – 20 Berry Lane Longridge	Policy EMP11 – loss of employment use without sufficient justification Policy G1 and ENV16 of the DWLP – detrimental impact on the character, appearance and significance of the Conservation Area.

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
3/2011/0287/P	Replacement of conservatory to front elevation and erection of porch and sun room with single storey extension to the rear	Stephen Moor Lodge Tosside	G1, ENV1 & H17 – Detrimental visual impact upon the traditional character of the barn to the visual detriment of the AONB.
3/2011/0298/P	Proposed single storey extension to rear to form garden lounge	11 The Old Stables Mitton Road Whalley	G1, H10 ENV3 & H17 – Detrimental visual impact upon the traditional character of the property to the visual detriment of the Open Countryside.
3/2011/0304/P	Proposed single storey extension to rear to form garden lounge	10 The Old Stables Mitton Road Whalley	G1, H10 ENV3 & H17 – Detrimental visual impact upon the traditional character of the property to the visual detriment of the Open Countryside.
3/2011/0337/P	Proposed two-storey side and single storey rear extension	16 Hesketh Road Longridge	G1, H10, and SPG “Extensions and Alterations to Dwellings” – Detrimental to the visual appearance of the property and the street scene.

SECTION 106 APPLICATIONS

<u>Plan No:</u>	<u>Proposal/Location:</u>	<u>Progress:</u>
	None.	

CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2011/0305/P	Application for a Certificate of Lawfulness for a proposed single storey extension on the principle and rear elevations	The Old Smithy Leagram
3/2011/0380/P	Application for a Lawful Development Certificate for the proposed installation of solar PV panels to the S.E facing roof of the dwelling	Hazel Lea Longsight Road Copster Green

REFUSAL OF CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2011/0334/P	Application for a Lawful Development Certificate for a proposed conservatory	7 Elswick Lodge Mellor

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 PARTS 6 & 7 PRIOR NOTIFICATION OF AGRICULTURAL AND FORESTRY BUILDINGS AND ROADS PRIOR APPROVAL **NOT** REQUIRED

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2011/0401/N	Proposed cow shed	Armydding Farm, Chaigley

APPLICATIONS WHERE SECTION 106 HAS NOW BEEN ISSUED

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2010/0758/P	Residential development comprising 12 dwellings with associated access, parking and landscape works	Land at Trough Road Dunsop Bridge

APPLICATIONS WITHDRAWN

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2010/0036/P	Two storey extension to rear	18 Yew Tree Close Clayton-le-Dale
3/2010/0154/P	4.2m mast surmounted by wind turbine (blade diameter 1.4m)	Bambers Farmhouse Lane Ends Bolton-by-Bowland
3/2010/0383/P	Application for approval of details reserved by condition 3 (relating to the occupation of the person living at the cottage) of planning consent 3/2007/1121/P	Arbour Cottage Longridge Road Thornley-with-Wheatley
3/2011/0132/P	Commercial unit with offices at first floor level and partial demolition of existing structures	Land adjacent Enterprise Works Warwick Street, Longridge
3/2011/0217/P	New garage block – detached double garage	Land adjacent 83 St Mary's Gardens, Mellor
3/2011/0315/P	Erection of 4 bedroom two-storey detached dwelling	43 Hawthorn Place Clitheroe

APPLICATIONS TO BE DETERMINED BY LANCASHIRE COUNTY COUNCIL

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2011/0329/P	Erection of a free-standing treated timber canopy/shelter in the rear playground to the school	Bolton-by-Bowland C of E School, Gisburn Road Bolton-by-Bowland

APPEALS UPDATE

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2010/0635 D	18.1.11	Mr Steve Burke Proposed provision of a pair of handrails to the vestry door in the east elevation of the church At Mary & All Saints Church Church Lane Whalley	WR	–	AWAITING DECISION
3/2010/0969 D	17.2.11	John Carrington Application for a lawful development certificate for a proposed cantilevered canopy 8A Longridge Road Hurst Green	WR	–	APPEAL DISMISSED 14.6.11
3/2010/0820 O	28.3.11	Co-Operative Estates Outline application for a maximum of 80 residential units at land off Riddings Lane with access from Hayhurst Road with all other matters reserved Land to the north of Riddings Lane Whalley	-	Inquiry date – 4 Aug 2011 (scheduled to last for 2 days)	
3/2010/1010 D	3.5.11	Ribble Valley Homes Ltd Scheme to provide Juliet balconies to flats in sheltered housing scheme, involving removal of existing windows and creating large opening to house inward opening patio doors. 25, 26, 27, 28, 29, 31, 32 & 33 Showley Court, Clayton-le-Dale	WR	–	Awaiting site visit

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2010/0923 D	7.6.11	Shire Hotels Ltd Replacement of existing window with glazed external doors to restaurant The Millstone Hotel Church Lane Mellor	WR	-	Notification letter sent 10.6.11 Questionnaire sent 14.6.11 Statement to be sent by 15.7.11 Awaiting site visit
3/2011/0120 D	22.6.11	Mr John Rowley Two-storey extension with balcony to form bedroom and dining room Blue Trees Copster Green	Householder appeal	-	Notification letter sent 27.6.11 Questionnaire sent 28.6.11 AWAITING DECISION
3/2011/0063 D	28.6.11	Mr Andrew Murray Proposed construction of new mezzanine space in roof void to provide seated area with window to front roof, dormer window with sliding/folding door to rear, complete with guard rail Copper Beech 6 The Drive Brockhall Village	Householder appeal	-	Notification letter and questionnaire sent 4.7.11 AWAITING DECISION

LEGEND

D – Delegated decision
C – Committee decision
O – Overturn