

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 21 JUNE 2012  
 title: PLANNING APPLICATIONS  
 submitted by: DIRECTOR OF COMMUNITY SERVICES

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

APPLICATION NO: 3/2011/0883/P (GRID REF: SD 374347 441709)  
 PROPOSED RETROSPECTIVE CONSENT FOR CHANGE IN EXTERIOR PAINT TO SHOP FRONT AND FASCIA (CONCRETE GREY). PROPOSED EXTERIOR SIGN TO BE FLAT VINYL TEXT (WILLOW TREE) PLACED DIRECTLY ON TO EXISTING FASCIA AND REMOVABLE NON-SLIP FLOORING COVERING A SMALL PROPORTION OF FOOD PREPARATION AREA AT 3 MOOR LANE, CLITHEROE

TOWN COUNCIL: No comments or observations received.

HISTORIC AMENITY SOCIETIES: Consulted, no comments received.

ADDITIONAL REPRESENTATIONS: The owners of Brunchtime sandwich/coffee shop object to the trading as no planning application to cook and serve hot food has been made; an oven and extractor has been installed. Around Moor Lane, Castle Street and Lowergate there are already 20 cafes/takeaways. How many more does Clitheroe need before local small businesses cease trading?

### Proposal

Listed building consent is sought to retain: the painting ('Concrete Grey' from deep sky blue) of the shop front; fascia signage consisting of flat vinyl text (willow tree green) and removable non-slip flooring covering part of the food preparation area.

### Site Location

No's 1 and 3 Moor Lane is a Grade II listed building of the early 19<sup>th</sup> century with possibly earlier origins (list description). It is prominently sited within Clitheroe Conservation Area and the town's main shopping frontage (Policy S3 of the Local Plan).

All of the surrounding buildings are shown as 'Buildings of Townscape Merit' in the Clitheroe Conservation Area Appraisal (The Conservation Studio consultants; adopted by the Borough Council following public consultation 3 April 2007). The list description refers to *'two modern shop fronts'* and *'No's 1 and 3 (forming) a group with No's 5 to 11 which are buildings of local interest'*.

The submitted heritage statement notes that *'the property was originally constructed for commercial use and was occupied from 1901 by James Sowerbutts, who was a cabinet maker; in its more recent use it has been a florist'*.

## **Relevant History**

The applicant was advised at pre-application stage of listed building consent requirements. There is no other planning history to the site.

## **Relevant Policies**

Planning (Listed Buildings and Conservation Areas) Act 1990.  
Policy ENV20 - Proposals Involving Partial Demolition/Alteration of Listed Buildings.  
Policy ENV19 - Listed Buildings (setting).  
Policy ENV16 - Development Within Conservation Areas.  
Policy G1 - Development Control.  
Clitheroe Conservation Area Appraisal.  
NPPF.  
HEPPG.

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

The main consideration in the determination of this listed building consent application is the duty at Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the (listed) building, its setting and any features of special architectural or historic interest which it possesses. However, some regard may also be had to the following legislation, policy and guidance.

Section 72(1) of the above Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

The National Planning Policy Framework (27 March 2012) states:

*“The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system”* (paragraph 6);

Paragraph 17 ‘Core Planning Principles’ includes *‘conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations’*;

Paragraph 19 ‘Building a Strong Competitive Economy’ states *“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system”*;

Paragraph 23 ‘Ensuring the Vitality of Town Centres’ states that local planning authorities should:

- (i) *“recognise town centres as the heart of their communities and pursue policies to support their viability and vitality”*;

- (ii) *“define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations”;*

Paragraph 56 states *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”;*

Paragraph 67 states *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”;*

Paragraph 126 states that local planning authorities should recognise that *‘heritage assets are an irreplaceable resource’* which should be conserved in a *‘manner appropriate to their significance’*. Local planning authorities should also take into account *‘the desirability of sustaining and enhancing the significance of heritage assets ... the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring ... the opportunities to draw on the contribution made by the historic environment to the character of a place’;*

Paragraph 131 states *“In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness”.*

English Heritage (web-site 23 April 2012) advises *“Following the publication of the National Planning Policy Framework, PPS5 was deleted. However the Practice Guide (HEPPG) remains a valid and Government endorsed document pending Government’s review of guidance supporting national planning policy as set out in its response to the select Committee”.*

Paragraph 190, Addition and Alteration, of the HEPPG states: *“Removal of, and change to, historic shopfronts may damage the significance of both the building and the wider conservation area, as may the introduction of new shopfronts to historic buildings where there are none at present. All elements of new shopfronts (stall-risers, glazing, doors, fascias etc) may affect the significance of the building it is located in and the wider street setting. External steel roller shutters are unlikely to be suitable for historic shopfronts”.*

Dark colours were traditionally considered suitable for shop fronts. The Georgian Group Guide 4 : ‘Paint Colour’ states *‘window frames in the context of stucco were often brown, grey or some other dark colour...exterior doors surfaces can be of black, brown, dark red or other similar dark colour’.*

The Victorian Society leaflet 1: 'Doors' states '*dark blue, chocolate brown and olive green were popular front door colours until the aesthetic movement of the 1870s brought off-white into favour*'.

The submitted design and access statement refers to '*structural alterations to the existing fabric will not occur ... the shop fascia structure will not change*'. The application form notes that the 'proposed' non-slip flooring is 'breathable'.

In my opinion, the works have enhanced the shop front and the street scene. They have an acceptable impact upon the character and setting of the listed building (which is No's 1 and 3 Moor Lane) as a building of special architectural and historic interest and the character and appearance of Clitheroe Conservation Area. I am satisfied that the development does not raise any concerns with respect to Policies ENV20, ENV19, ENV16 and G1 of the Local Plan or the Weaknesses and Threats identified in the Clitheroe Conservation Area Appraisal's 'SWOT' analysis.

I note the concerns of the objector in respect to possible planning permission requirements and the suggested over provision of cafes/takeaways in Clitheroe. However, the former concern has been subject to investigation by officers who have confirmed to the objectors that planning permission is not required. In respect to the latter concern, I note paragraph 23 of the NPPF that 'local planning authorities should promote ... competitive town centres that provide customer choice and a diverse retail offer' and therefore do not consider this to be significant.

#### SUMMARY OF REASONS FOR APPROVAL

The works have had an acceptable impact upon the character (including setting) and significance of the listed building.

RECOMMENDATION: That listed building consent be GRANTED.

APPLICATION NO: 3/2012/0052/P (GRID REF: SD 360638 436829)  
PROPOSED CONSTRUCTION OF A NEW DETACHED TRIPLE GARAGE WITH OFFICE SPACE ABOVE. RE-SUBMISSION OF APPLICATION 3/2011/0654/P. 41 DILWORTH LANE, LONGRIDGE, LANCASHIRE, PR3 3ST.

LONGRIDGE TOWN COUNCIL: The Town Council objects to the proposal on the basis of the trees proposed to be felled. Councillors expressed views within their earlier comments that the loss of trees would have a detrimental impact on the amenity of the area. There are no specific objections to the construction of the garage providing it is constructed in sympathetic materials and will be used as a private garage and office space only.

LCC ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objection to the application in principle on highway safety grounds, providing that the severely restricted visibility splays at the existing access are improved significantly to provide a splay of 2.4m x 50m.

LCC PLANNING OFFICER  
(ARCHAEOLOGY):

There is a potential for the current proposal to encounter structural remains associated with a building previously on this site. LCAS considers that in this instance the applicants be required to undertake a programme of archaeological work, secured by condition, in order to inspect and record potential matters of archaeological or historic importance.

UNITED UTILITIES:

No objections.

ADDITIONAL  
REPRESENTATIONS:

Two letters have been received from nearby neighbours, whose points of objection have been summarised as follows:

1. Loss of tree protected by TPO,
2. Impact on the character and setting of the dwelling,
3. Impact on the amenity of the area,
4. Extension into the open countryside,
5. Represents distortion of the garden area that will lead to cramped developments,
6. Detrimental to amenity of neighbouring properties,
7. Contrary to Local Plan Policies, and
8. Size, scale and location of proposal are out of keeping.

### **Proposal**

Planning permission is sought for the erection of a detached triple garage with office space within the roof space within the garden curtilage of no. 41 Dilworth Lane. A recent application for an extension to the main dwelling has meant the loss of the applicants existing home office so this scheme attempts to provide its replacement within this new building. The dwelling itself, also known as The Coach House, is predominantly made up of stonework facades, and has a slate roof. The buildings are over 150 years old as they are clearly seen on the 1845 maps supplied within the D&A/Heritage Statement. The building was originally a farmhouse with attached barn, however in the early 80s permission was granted for the conversion of the northern end of the building (originally a coach house/barn) into residential use, hence the appearance of this portion of the property. The buildings have been maintained in a traditional manner, whereas the garden and interior spaces have undergone more contemporary alterations. A previous proposal was refused based on its roadside position, its visual impact on the converted barn section of the main dwelling and the loss of trees required during its construction. This new scheme sees the garage positioned on the opposite boundary of the garden (adjacent to the recently approved Rowland Homes development), so that it now sits opposite, but over 20m away from, the original residential section of the property (i.e. the farmhouse). The garage will be constructed from a mixture of stone and render with a pitched slate roof, and there are two dormers proposed within the roof elevation facing Dilworth Lane. The scheme still requires the removal of one tree from the frontage of Dilworth Lane (T1 within the TPO), however this is in order to provide improvements to the visibility from the existing vehicular access onto Dilworth Lane. Replacement trees will be planted if approved.

### **Site Location**

The application relates to a large semi-detached dwelling approximately 100m to the south east of the settlement boundary of Longridge, within open countryside as defined by the Ribble Valley Districtwide Local Plan. The site has open fields to the north and south of the site, with a

densely populated area of housing approx. 90 west of the site, and a small collection of dwellings to the east.

### **Relevant History**

3/2012/0053/P - Proposed construction of three new two-storey terrace dwellings. Garden space allocated to each property. Seven surface parking bays. Re-submission of application 3/2011/0655P – Awaiting Decision.

3/2012/0051/P - Construction of single storey conservatory to South face of existing two-storey dwelling. Re-submission of application 3/2011/0656P – Granted Conditionally.

3/2011/0656/P - Construction of two-storey conservatory, with mezzanine, to south face of existing two-storey dwelling – Refused.

3/2011/0655/P - Construction of 3no. two-storey terraced dwellings. Garden space allocated to each property and 6no. surface parking bays – Withdrawn.

3/2011/0654/P - Construction of new, detached, triple garage with office space above – Refused.

### **Relevant Policies**

Policy G1 - Development Control.

Policy ENV3 – Open Countryside.

Policy ENV13 - Landscape Protection.

Policy H10 – Residential Extensions.

SPG – “Extensions and Alterations to Dwellings”.

Historic Environment Planning Practice Guide.

‘Setting of Heritage Assets: English Heritage Guidance’ (EH, October 2011).

National Planning Policy Framework.

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

The main issues to consider with this scheme are the principle of the development, the visual impact of the scheme on the character and setting of the dwelling, the visual impact on the streetscene, whether there is an impact on the residential amenity of the occupiers of the adjacent dwellings and whether there are any highway safety concerns.

The application seeks planning permission for the construction of a new, detached, triple garage with office space, to be positioned forward of the east face of the dwelling. The garage will sit approximately 21.05m away from the front elevation of the dwelling, and will be sited on the southern boundary edge of the applicant’s garden, approximately 14.2m from Dilworth Lane. One roadside tree, noted as T1 within the recently enforced TPO Ref No: 7/19/3/186, a mature horse chestnut, is shown to be removed in order to improve the existing, severely restricted visibility splays at the existing access. The LCC Highways Officer has requested that the applicant provide a splay of 2.4m x 50m. This is achievable through the lowering of the frontage wall to the west to 1m and the re-aligning of the existing frontage and gateposts, and the removal of the first tree (T1) to the east. Having discussed the content of the updated Tree Survey submitted with the Council’s Countryside Officer, the fact that there are structural, fungal and safety concerns with the tree, that it is the first tree within this particular TPO Ref No:

7/19/3/186 and that its loss will provide significant highway safety improvements for the applicant, the impact on the amenity of the area is not considered to be significant enough to warrant an objection to its loss, especially when considering the proposed replacement planting offered by the Applicant.

Due to the relocation of the garage building and the retention of the trees along Dilworth Lane, the visual impact on the streetscene is considered to be acceptable. With regards to the impact on the character and setting of the existing dwelling, especially given the consideration that the building is a non-designated heritage asset (in-line with guidance provided within NPPF), it is worth noting the following.

National guidance contained within paragraph 129 of the NPPF considers that 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.' Paragraph 131 then advises when determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 134 then notes that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

This is also reflected within the relevant Local Plan Policies which states that 'Development will be required to be in keeping with the character of the landscape area and should reflect local vernacular, scale, style, features and building materials', and that 'Any extension should reflect the character of the original house and wider locality' and that 'Poorly designed extensions will appear as stark features which are out of keeping with the original house'.

On this basis, by virtue of its location further within the site and away from the converted barn element of the dwelling, its design (which includes the removal of one dormer from the previously refused scheme) and use of sympathetic materials, the proposed garage/office building is now considered to have an acceptable visual impact on both the streetscene and the setting and character of the adjacent non-designated heritage asset. The garage building would not be viewed as a dominant building within the streetscene when viewed from Dilworth Lane, a consideration that supported by the retention of trees along Dilworth Lane that create a rural and visual break between the existing residential developments within this area of Longridge. Its design, style, scale and massing has borrowed its features from the many different house types surrounding the site, and bearing in mind the recently approved development to the south of the site against which the building will be viewed against, it will not appear as a dominant building.

Given the intervening boundary treatments between the proposal and other nearby residential properties, I am satisfied that the proposal will not impact upon the occupiers of the adjacent dwellings enjoyment of the use of their gardens.

As such, bearing in mind the above comments and whilst I am mindful of the points of objection from the Parish Council and nearby neighbours, I consider the scheme to comply with the relevant policies, and I recommend the scheme 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 area, a significant detrimental impact on nearby residential amenity, nor would its use have an adverse impact on highway safety.

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. 045 - 002GP - Revision 03.

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

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 2008 (or any Order amending, revoking or re-enacting that Order) any future extensions and/or alterations to the building including any development within the curtilage as defined in Schedule 2 Part 1 Classes A to H 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 in accordance with Policies G1 and H10 of the Ribble Valley Districtwide Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order amending, revoking or re-enacting that Order) the building 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 Policies G1 and H10 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance – “Extensions and Alterations to Dwellings”.

6. 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 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 of archaeological/historical importance associated with the site as required by guidance contained within the NPPF.

7. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2008 (or any order amending, revoking or re-enacting that Order) there shall not at any time in connection with the development hereby permitted, be erected or planted, or allowed to remain upon the land hereinafter defined, any building, wall, fence, hedge, tree, shrub or other device.

The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Dilworth Lane to points measured 50m in each direction along the nearer edge of the carriageway of Dilworth Lane, from the centre line of the access, and shall be constructed and maintained at verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and to ensure adequate visibility at the street junction or site access.

8. No part of the development shall be commenced until all the highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

9. The widened driveway shall remain un-gated where it meets the highway boundary, unless otherwise agreed in writing with the Local Planning Authority.

REASON: To permit vehicles to pull clear of the highway when entering the site and to assist visibility.

10. That part of the access extending from the highway boundary for a minimum distance of 5 metres into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.

REASON: To prevent loose surface material from being carried onto the public highway thus causing a potential source of danger to other road users.

11. 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.

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”.

12. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the Arboricultural Implications/Tree Constraints plan shall be protected in accordance with the BS5837 [Trees in Relation to Construction] the details of which shall be submitted and agreed in writing, implemented in full, a tree protection monitoring schedule shall also be submitted and agreed in writing and implemented in full under the supervision of a qualified arboriculturalist and in liaison with the Countryside/Tree Officer. 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 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 a Tree Preservation Order/considered to be of visual, historic or botanical value are afforded maximum physical protection from the potential adverse effects of development and in order to ensure that trees of visual amenity/botanical/historical value are protected against adverse effects of the development. In order to comply with Policies G1 and ENV13 of the District Wide Local Plan.

13. For the avoidance of doubt, permission is granted for the removal of the tree highlighted as T1 within the recently imposed Tree Protection Order at 41 Dilworth Lane, Longridge, Ref 7/19/3/186. No other trees within this Order shall be removed.

REASON: For the avoidance of doubt and in order to ensure that any other trees included in a Tree Protection Order/considered to be of visual, historic or botanical value are afforded maximum physical protection from the potential adverse effects of development and in order to ensure that trees of visual amenity/botanical/historical value are protected against adverse effects of the development.

## INFORMATIVES

1. The applicant's attention is drawn to the consultation response received from the County Archaeological Service, a copy of which is attached to the decision notice. With regard to condition 6 above, the developer should contact Mr P D Iles, Lancashire Archaeology Service, Lancashire County Council, Environment Directorate, Guild House, PO Box 9, Cross Street, Preston PR1 8RD. Telephone number 01772 261551. Fax 01772 264201.

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: 3/2012/0219/P (GRID REF: SD 377407 433189)  
PROPOSED DEMOLITION OF EXISTING BUILDING AND ERECTION OF REPLACEMENT  
1,265M<sup>2</sup> WATER EXTRACTION, BOTTLING AND STORAGE FACILITY INCLUDING  
ANCILLARY OFFICES, WELFARE FACILITIES AND THE CONSTRUCTION OF A NEW  
ACCESS, VEHICLE PARKING AND ALL ASSOCIATED ENGINEERING WORKS AT ALTHAM  
PUMPING STATION, BURNLEY ROAD, SIMONSTONE

PARISH COUNCIL: No objections.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Has no objections in principle to this application on highway safety grounds as the proposed development does not present any specific highway capacity issues as the level of vehicular activity generated by the site will not have a significant impact on the local highway infrastructure.

The submitted plans show the provision of 10 parking spaces for the business and 4 parking spaces for the existing 2 dwellings that adjoin the frontage of the site. The level of provision and the accessibility of these spaces are satisfactory.

The visibility splay of 2.4m x 59m as shown on the submitted plans is in accordance with the County Council's requirements for an access onto Burnley Road that has a 40mph speed limit.

The design and dimensions of the new access are satisfactory.

However, amendments to the originally submitted plan were necessary in order to provide improved pedestrian links from Burnley Road and within the site.

An amended plan (drawing no TRI-815-04A) was received on 3 May 2010 that shows satisfactory pedestrian routes within the site. Subject to compliance with that amended plan, the County Surveyor has no objections to the application subject to the imposition of a number of conditions.

ENVIRONMENT AGENCY:

Has no objection in principle to the proposed development but wish to make the following comments:

- *The proposals will involve the abstraction of water from the existing boreholes on site. If the applicant intends to abstract more than 20 cubic metres of water per day from a surface water source (eg stream or drain) or from underground strata (via borehole or well) for any particular purpose, they will need to obtain an Abstraction Licence from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.*
  
- *In relation to the demolition of the existing building and the construction of a replacement building, the Environment Agency recommends that the developer considers the following as part of the scheme:*
  1. Water management in the development including dealing with grey waters.
  2. Use of sustainable forms of construction including recycling of materials.
  3. Energy efficient buildings.

THE COAL AUTHORITY:

Confirms that the application site is within the defined Coal Mining Development Referral Area. Therefore, within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Phase 1 Appraisal (dated November 2011) which accompanies the application. This Phase 1 Appraisal correctly identifies that the application site may have been subject to unrecorded shallow coal mining activity. It therefore recommends that further site investigation works be undertaken to confirm coal mining conditions and enable the design of any necessary mitigation measures prior to commencement of development.

The Coal Authority concurs with the recommendations of the Phase 1 Appraisal that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on this site.

The Coal Authority therefore recommends that, in the event of planning permission being granted, a condition be imposed to require these intrusive investigation works to be undertaken prior to commencement of development. The condition should also ensure that, in the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these works should also be undertaken prior to commencement of development.

The Coal Authority considers that the content and conclusions of the Phase 1 Appraisal are sufficient for the purposes of the planning system and meet the requirements of NPPF in demonstrating that the site is or can be made safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition as described above.

**NATIONAL GRID:**

Initially made a holding objection to this application due to safety concerns as the proposed development is in close proximity to a High Voltage Transmission Overhead Line. Following correspondence between the applicant's agent and the National Grid, however, it has been confirmed that National Grid has no objection to the proposal.

**HEALTH AND SAFETY EXECUTIVE:**

Does not advise, on safety grounds, against the granting of planning permission in this case.

**UNITED UTILITIES:**

Has no objection to the proposed development.

**ADDITIONAL REPRESENTATIONS:**

A letter has been received from a nearby resident who expresses support for the proposed development.

Two letters have been received from nearby residents who object to the application for reasons summarised as follows:

1. Noise nuisance to the two immediately adjoining dwellings as this is to be a 24 hour a day operation. It is stated that forklift trucks will be used for receiving/dispatching but will these be used throughout the night?
2. Contrary to the statement in the Contaminated Land Survey, Giant Hogweed plants are present on the site. They have grown since the survey was carried out.
3. The Bat Survey report states that bats do not roost in the building, they do, however, hunt around the complex in spring/summer. If the building is to be demolished, mitigation measures may therefore be required.

4. There is no mention in the application of Methane Gas evacuation.
5. Objection to the repositioning of the access as this will enable a neighbouring resident to hear the engineering noises related to the production and also see the comings and goings of the vehicles relating to the running of this business.
6. The application represents a further encroachment into the countryside.

## **Proposal**

The application relates to the former Altham Pumping Station that is now an unused and vacant site/building.

Permission is sought for the demolition of the existing building and the erection of a replacement building to be used for water extraction, bottling and storage facility including ancillary offices, welfare facilities and the construction of a new access, vehicle parking and all associated engineering works.

The main part of the proposed building would have dimensions of approximately 33.5m x 32.8m with an eaves height of 7.9m and a ridge height of 10.9m. There would, however, be a projection of 5.3m from the south-western end of the front elevation. This projection would be approximately 10m wide and would have an eaves height of 7.9m and a ridge height of 8.9m. The offices, toilets, staffrooms etc would be provided over two floors within this projection and also over a similar area within that corner of the main building.

The external materials would comprise Accrington red brick (as used on the existing building) to the lower parts of all four elevations and also in some brick piers and in the majority of the front elevation of the offices etc section of the building. The rest of the walls are stated to be 'horizontal silver smooth cladding' and the roof to be grey steel profiled cladding. In the event of planning permission being granted, however, a condition would be imposed requiring the submission of the site details and/or samples of the external materials.

The existing vehicular access that served the pumping station and also two existing dwellings is close to the northern boundary of the site. This will be retained, but it will only serve 4 parking spaces that are to be provided (2 for each of the dwellings).

The new vehicular access will be formed close to the southern site boundary to serve the proposed industrial building. 10 parking space will be formed in front of the building. There will be a tarmac road down the southern side of the building leading to a tarmac yard at the rear. This yard will be used for the manoeuvring of vehicles in association with the servicing of the building (ie deliveries and dispatch). All servicing will take place at the rear.

There is an existing approximately 0.7m high brick wall along the entire length of the southern boundary of the site. It is proposed to increase this to a maximum height of 1.8m by the construction of brick piers with railings between on top of the existing walls.

## **Site Location**

The application relates to the former Altham Pumping Station on the west side of Burnley Road, Simonstone, Close to the bridge over the River Calder. The borough boundary follows the line of the river to the south of the application site. There are open fields between the site and the river. To the west and north, the site is adjoined by industrial premises including the industrial complex based around Simonstone Lane.

There are two residential properties fronting Burnley Road that are adjoined at the rear by the main part of the application site, to the north by the existing access and to the south by the proposed new access.

The site is outside the settlement boundary of Simonstone, but, as part of the large industrial complex in this area, it is excluded from the green belt. The land to the south and west, and, on the opposite side of the road, to the east, is within the green belt.

## **Relevant History**

None.

## **Relevant Policies**

Policy G1 - Development Control.

Policy G3 - Settlement Strategy.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy EMP7 - Extensions/Expansions of Existing Firms.

Policy EMP8 - Extensions/Expansions of Existing Firms.

Historic Environment Planning Practice Guide (HEPPG) – March 2010.

National Planning Policy Framework (NPPF).

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

The matters for consideration in the determination of this application relate to the principle of the proposed development; the demolition of a non-designated heritage asset; and the effects of the proposal upon visual amenity, the amenities of nearby residents and highway safety.

In relation to this particular application there are also a number of technical issues and consultee responses that require explanation.

## **Principle of the Proposal**

Although not within the settlement boundary of Read/Simonstone, the site is within the industrial area based around the southern end of Simonstone Lane that is excluded from the Green Belt designation of surrounding land. Although not presently in use, this is a former industrial site. Saved Policies EMP7 and EMP8 are therefore considered to be of some relevance to this application. The former states that the expansion of existing firms within the main settlements will be allowed on land within or adjacent to their existing site providing no significant environmental problems are caused and the extension conforms to other policies in the plan. The latter states that the expansion of established firms on land outside the main settlements will be allowed provided it is essential to maintain the existing source of employment and is not

contrary to other policies in the plan. Permissions have recently been granted for major industrial developments within this industrial area (eg a development at Caldervale Park that extended slightly outside the brownfield land and onto the Green Belt – 3/23011/0649/P Committee minded to approve on 15 March 2012 subject to departure procedures).

This current application also relates to a brownfield site and the proposal is entirely within the limits of the previously developed land with no encroachment onto the surrounding Green Belt. The proposal would provide a supply of employment in an entirely appropriate location.

When considered in relation to the saved policies of the Local Plan, and paying regard to the context/precedent set by other recent industrial permissions in the locality, the proposal, in my opinion, would be acceptable in principle.

The proposal, however, also needs to be considered in relation to the National Planning Policy Framework (NPPF) that came into force on 27 March 2012, the main aspect of which is a presumption in favour of sustainable development. More particularly, it is stated in the NPPF that “the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meet the twin challenges of global competition and a low carbon future”. It is also stated in the NPPF that “planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development”.

The proposal will assist the local/rural economy by the provision of 10 full-time jobs on a brownfield site within an industrial area that is close to the motorway network (junction 8 of the M65).

I therefore consider this proposal to be acceptable in relation to the general sustainability requirements in the NPPF (although other important considerations need to be made as discussed below).

#### Demolition of a Non-Designated Heritage Asset

This application was the subject of a request for pre-application advice. In the Council’s response to that enquiry, it was stated that, due to its historic and architectural interest, the existing building was considered to be a non-designated heritage asset; and that a strong justification would need to be put forward in any planning application that involved the total demolition of the existing building.

A number of documents have been submitted with the application in response to that pre-application advice.

A Structural Assessment Report contains the following conclusions:

1. The buildings have undergone extensive settlement and it cannot be guaranteed that the settlement has stabilized.
2. Due to the extensive rebuilding and remodelling that would be required to make the layout work for the new business, there is concern that this could create further settlement problems due to the redistribution of the loadings on the building.

3. Trial holes have confirmed that the buildings are founded on poor ground and would require upgrading. This would be an extremely costly procedure and may not be possible due to the large depths of poor ground found to underlay the site.
4. It has been recommended that any new construction will need to be founded on either a reinforced concrete ring beam or piled foundations.
5. It would be beneficial to demolish the existing buildings and rebuild a modern light-weight structure on a specialised foundation system to alleviate the problem of extensive settlement and poor ground conditions on site.

A comprehensive "Assessment of Reuse and Conversion of the Existing Building" has also been submitted. This has concluded that, due to the poor condition of the existing building, its conversion/refurbishment for the applicants intended purpose would not be financially viable. This Assessment also considers the possible use of the site by other businesses. This is also considered to unviable principally because of the cost of decommissioning the boreholes. It is therefore concluded that the only feasible and viable option to secure redevelopment of the redundant site for practical reuse is the demolition of the existing building and construction of a modern, purpose built water extraction and bottling facility based on the additional unique value secured through the extraction of accredited natural mineral water. It is stated that the new build project would secure a building that is twice the size of the existing pumping station at approximately half the cost per square metre of the existing building refurbishment and includes works to the sub-structure. It is also stated that the new building for water extraction is the only means to justify the expenditure of redeveloping the site and refurbishing the boreholes as it will secure a viable and sustainable modern business premises.

In a submitted Heritage Statement, the history of the existing building is summarised as follows:

- *In 1903 subterranean aquifers were discovered by engineers.*
- *In 1904 it was determined that this water supply had a capacity of 60,000 gallons per hour; and that the water was deemed to be of "excellent potable quality".*
- *In 1907, two boreholes were sunk and the pumping station construction began. The station was opened in September 1908 to pump "top-up" water supplies to local reservoirs.*
- *When the National Grid was being established in the locality in the 1930's, 40's and 50's, the main pumping house building was reduced in height by approximately 50% in order to accommodate overhead power lines.*
- *In 1956 an agreement was reached with the Manchester Corporation to branch off the Haweswater Aqueduct in consideration for permission to run pipeline through the district of Accrington. This agreement rendered use of the pumping station for public water supply redundant. North West Water then commenced the supply of water to Mullards (later Phillips) in Simonstone for cooling processes in TV manufacture. This practice continued until 2004 when the Phillips factory closed. Water extraction at the site ceased at this time.*
- *The site was used between 2004 and 2009 by United Utilities as a storage facility.*
- *In 2009 the site was sold to the current applicant.*

The summary/conclusion of the Heritage Statement is as follows: *The importance of the Altham works can be judged against the English Heritage Listing Selection Guide which states that “stations built after 1860 must be selectively listed, choices being based on the survival of plant and on architectural interest, tempered by the degree of alteration.*

*The following elements of the complex have been lost:*

1. *The upper storey and roof structure to the pumping hole.*
2. *The lantern to the middle hole.*
3. *The furnished chimneys.*
4. *Upper storey arched windows.*
5. *Structures to the rear.*
6. *All original pumping equipment.*
7. *Tiled floor surfaces.*

*In addition there have been the following key alterations:*

1. *Extension to the northeast of the building.*
2. *Larger roller doors to the pumping hall.*
3. *Internal sub-division.*
4. *Addition of doors to coal store.*

*Thus it cannot be seen that this building meets the criteria for listing. Its date of construction would mean for example that it would be the most recent waterworks to be listed. It is to be contrasted with the Bratch Waterworks, Wonbourn, Staffordshire, constructed in 1895 which survives in tact with Victorian pumping equipment.*

*The fact that there are major structural issues means that there is little alternative to demolition.*

When considered together, the conclusions of the submitted reports, do, in my opinion, tend to indicate that the applicant's proposed use of this site represents perhaps the only economically viable option. This is because it seeks to utilize the unique feature of the site (the supply of accredited natural mineral water) as opposed to any other use that would involve the (expensive) decommissioning of the boreholes. The proposal also has an added element of sustainability over any other proposed use as it would use the natural resource (the water) that presently just flows into nearby River Calder.

For these reasons, and as the building has been altered so much (including the complete removal of the entire first floor) and is not considered worthy of listing, I consider the proposed demolition of what remains of the original building to be justified in this particular case.

### Visual Amenity

The proposed replacement building incorporates some features of the existing building and involves the use of Accrington red brick to all elevations, but principally the front elevation. The existing south elevation is of red brick construction with projecting vertical columns that separates 7 large windows across the frontage. The design of the replacement building reflects this, with 1.5m vertical red brick columns separating the extended length of the frontage into 7 sections. At the same time, however, the replacement building would have the appearance of a modern industrial building that is designed for its purpose and would complement the other modern industrial premises in the area.

I therefore consider the proposal to be acceptable in relation to this particular consideration.

### Amenities of Nearby Residents

The only residential properties directly affected by this proposal are the two dwellings that are effectively surrounded by the site on three sides. As these were constructed to house the families of the pumping station workers, they were originally built close to the main building, so have always had a close relationship with the industrial building in this location.

The new building, however, has been located and designed so that it does not project towards these properties further than the existing building. The service yard has also been retained at the rear of the building where any potential for noise disturbance is kept away from the residential properties. The “quiet” office accommodation and staffrooms etc have been located at the front of the building. There are no openings to the industrial part of the building in the front elevation.

Subject to conditions relating to a restriction on the hours for delivery/despatch; submission and approval of noise insulation measures for the front elevation; and the construction of an acoustic fence between the proposed building and the dwellings, the Environmental Health Officer has no objections to the proposed development.

### Highway Safety

Following the receipt of an amended plan showing improved pedestrian routes within the site, the County Surveyor has no objections on highway safety grounds to the proposed new access, parking provision, and turning facilities etc.

### Technical Issues

#### Contaminated Land

The Council's Head of Engineering Services recommended that, prior to the commencement of development, a desk study should be carried out to assess the risk of the potential for on-site contamination and ground gasses and migration of both on and off-site contamination of ground gasses; and that, if the study identified potential contamination, a further detailed site investigation would need to be carried out.

A desk study has been carried out and a report containing its findings/conclusions has been submitted with the application. This report does identify a need for further investigation. This

can therefore be covered by an appropriate condition. Such a condition would also satisfy the requirements of the Coal Authority.

### Overhead Lines

Having considered the application and liaised with the applicant's agent, National Grid have confirmed that it has no objections to the application. The Health and Safety Executive also expresses no objections to the application.

### Bat Survey

A Bat Survey Report submitted with the application concludes that the buildings were not considered to have significant potential for a major bat roost, however there were sub-optimal crevices and the occasional transitory bats cannot be discounted; and that the site was considered to be of low value for foraging bats with high foraging potential over the nearby river.

A condition, however, should be imposed on any permission to require compliance with the mitigation measures also contained within the report.

### Conclusion

It is considered that the proposed development represents possibly the only means of bringing this site back into employment generating use. It is considered to be a sustainable proposal that will not be seriously detrimental to visual amenity, the amenities of nearby residents or highway safety.

### SUMMARY OF REASONS FOR APPROVAL

The proposal represents an appropriate and sustainable use of a brownfield site that will provide employment opportunities and benefits to the local economy without any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

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 drawing no's TRI-0815-04A, 05 and 06A.

REASON: For the avoidance of doubt, and to ensure compliance with the submitted plans.

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. Prior to the commencement of development, a detailed scheme for the construction of the site access and the off-site works of highway improvement shall be submitted to and approved in writing by the Local Planning Authority in consultation with the County Highway Authority.

REASON: To ensure that the final details of the access are acceptable in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

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

- (i) the parking of vehicles of site operatives and visitors
- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (v) wheel washing facilities
- (vi) measures to control the emission of dust and dirt during construction
- (vii) a scheme for recycling/disposing of waste resulting from construction works

REASON: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. Prior to the first use of the building hereby permitted, the new vehicular access into the site; the parking spaces and associated manoeuvring areas; the internal road along the southern side elevation of the building; and the rear service yard shall all have been provided to the satisfaction of the Local Planning Authority in accordance with the details shown on drawing no TRI-815-04B. Thereafter, these facilities shall be permanently maintained clear of any obstruction to their designated purpose to the satisfaction of the Local Planning Authority.

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

7. All deliveries and dispatch shall utilize the rear service yard and the approved roller shutter door in the rear (northwest) elevation of the building.

REASON: In the interests of the amenities of nearby residents and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

8. Deliveries to the building and the dispatch of goods from the building shall only take place between 0800 hours and 1800 hours on any day.

REASON: In the interests of the amenities of nearby residents and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

9. No additional doors, windows or other openings shall at any time be formed in the front (southeast) elevation of the building unless a further planning permission has first been granted in respect thereof.

REASON: In the interests of the amenities of nearby residents and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

10. Prior to the commencement of development, details of noise insulation measures to be incorporated into the front elevation of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall then be fully implemented to the satisfaction of the Local Planning Authority prior to the first use of the building.

REASON: In the interests of the amenities of nearby residents and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

11. Prior to the first use of the building, an acoustic fence shall have been erected on or close to the boundary between the front elevation of the building and the two adjoining residential properties, in accordance with precise details that have first been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the amenities of nearby residents and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

12. Prior to the commencement of development, a Phase II ground investigation shall be carried out in accordance with the recommendation at Section 6 of the Phase I Appraisal (Desk Study) Report dated November 2011 that was submitted with the planning application. In the event that this site investigation confirms that need for remedial works (which could include a need to treat areas of shallow mine workings to ensure safety and stability of the proposed development) these works shall also be carried out prior to the commencement of development.

REASON: In order to ensure a satisfactory and safe development and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

13. The recommendations (5.1-5.4 inclusive) included in the Protected Species Survey Report dated 27 October 2011 that was submitted with the application, shall be fully adhered to and, in the event that any bats are found or disturbed during any part of the development, all work shall cease until further advice has been obtained from a licensed ecologist.

REASON: In order to protect the bat population from the potentially damaging activities of development and to comply with Policy ENV7 of the Ribble Valley Districtwide Local Plan.

14. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees growing along the north east boundary shall be protected in accordance with the BS5837 2012 [Trees in Relation to Design, Demolition & Construction] the details of which shall be agreed in writing, implemented in full, 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 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 the development are afforded maximum physical protection from the potential adverse affects of development and to comply with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan.

15. The development hereby permitted shall not be commenced until details of the landscaping of the site, including, details of tree/shrub types and species, 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 Policy G1 of the Ribble Valley Districtwide Local Plan.

NOTE(S):

1. The proposal involves the abstraction of water from existing boreholes on site. If the applicant intends to abstract more than 20m<sup>3</sup> of water per day from a surface water source (eg stream or drain) or from underground strata (via borehole or well) for any particular purpose, an Abstraction Licence will need to be obtained from the Environment Agency. There is no guarantee that a licence will be granted as this would be dependent upon available water resources and existing protected rights. The applicant is advised to contact Simon Gebbett (01925 542893) in order to discuss these proposals further.

In relation to the demolition of the existing building and construction of a replacement building, the Environment Agency recommends that the developer considers the following as part of the scheme:

- Water management in the development, including dealing with grey waters.
- Use of sustainable forms of construction including recycling of materials.
- Energy efficient buildings.

2. The applicant is advised that, under The Coal Industry Act 1994 any intrusive activities, including the initial site investigation boreholes, and/or any subsequent treatment of coalmine workings/coalmine entries for ground stability purposes require the prior permission of The Coal Authority, as such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass with the potential forecourt action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website.
3. The applicant is advised to contact this Council's Environmental Health Department at an early stage in order to discuss the requirements of the Food Hygiene (England) Regulations 2006, Regulation (EC) 852/2004 and the Natural Mineral Water, Spring Water and Drinking Water (England) Regulations 2007.
4. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserved the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Brian Eagle, Public Realm Manager (Ribble Valley), Lancashire County Council, Willows Lane, ACCRINGTON BB5 0RT on 01254 770960 or [customerserviceeast@lancashire.gov.uk](mailto:customerserviceeast@lancashire.gov.uk)
5. The grant 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.

APPLICATION NO: 3/2012/0225/P (GRID REF: SD 369006 434223)  
 ALL-WEATHER FOOTBALL PITCH WITH ASSOCIATED WORKS AT LANGHO FOOTBALL CLUB, DEWHURST ROAD, LANGHO, BB6 8AF

BILLINGTON AND LANGHO PARISH COUNCIL:	No objections in principle providing there will be no light pollution.
LCC ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):	No objection in principle to the application on highway safety grounds.
ENVIRONMENT AGENCY:	No objection in principle to the proposed development.
UNITED UTILITIES:	No objection providing conditions are met.
SPORT ENGLAND:	No objection in principle to this application, subject to the applicant providing further details relating to the design and layout of the Artificial Grass Pitch (via Condition).

**ADDITIONAL  
REPRESENTATIONS:**

Four letters of objection have been received from nearby neighbours, whose points of objection have been summarised as follows:

1. Concerns regarding light pollution,
2. Increase in traffic,
3. Scheme will exacerbate the current parking problems around the site,
4. Increase in late night activity at the club,
5. Potential for an increase in flooding due to old drainage system being used by the owners,
6. Access issues due to parked cars blocking the private road,
7. Is there a need for floodlights?
8. Increase in noise,
9. Impact on existing infrastructure close to the site,
10. Hours of use, and
11. Impact on trees covered by TPO.

**Proposal**

Planning permission is sought for the construction of a 45.75m x 27.45m all-weather, 3G synthetic, floodlit football pitch on land adjacent to Langho Football Club's club facilities. The new facility will be constructed within an existing parcel of rough grassland located to the west of the existing clubhouse and car park. The perimeter of the site is bounded by trees that are protected by Tree Preservation Orders, with the trees providing a visual screen around the site from immediate neighbours and the wider area. Only one will be removed as part of the construction process, a poor quality sycamore, which will allow a service channel to be laid beneath a new footpath access to the pitch. This will house the electricity cabling on a direct route from the clubhouse. All construction traffic will access the site via an existing unmade track where an existing break in the trees to the west of the proposal provides a natural break in the tree line. The ground will be partially excavated in order to create a level-playing surface, however this will all take place well outside the Root Protection Area (RPA) of the protected trees. The floodlights will be positioned on four, 10m high columns that will be at each corner of the pitch.

**Site Location**

The site in question sits to the west of the existing clubhouse and two grass pitches at Langho Football Club, Dewhurst Road, Langho, adjacent to The Ridings housing development and The Sanctuary of Healing accessed off the A59 Longsight Road. As noted earlier, trees that are protected by Tree Preservation Orders bound the perimeter of the site.

**Relevant History**

3/2006/0991/P - Change of use of adjacent spare land into a football pitch 50m x 70m. Landscape surrounding area – Withdrawn.  
3/1993/0469/P – Sports Pavilion to include changing rooms, referee room, shower & toilet facilities & lounge area together with car parking – Granted Conditionally.

## **Relevant Policies**

Policy G1 - Development Control.  
Policy G5 - Settlement Strategy.  
Policy ENV3 – Development in Open Countryside.  
Policy ENV13 – Landscape Protection.  
Policy RT1 – General Recreation and Tourism Policy.  
Policy T1 – Parking Provision.  
Policy T7 – Parking Provision.  
National Planning Policy Framework.

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

The main issues to consider with this scheme are the principle of the development, the size, scale and location of the scheme and the potential impact on the amenities of the occupiers of the neighbouring dwellings.

The policy basis against which this scheme should be appraised is set out in the context of national, regional and local development plan policies. At a national level the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that at the heart of the NPPF is a presumption in favour of sustainable development which means that for decision making purposes that:

*Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
- *specific policies in this framework indicate development should be restricted.*

Chapter 3, Supporting a prosperous rural economy, of the NPPF is also considered to be an important consideration given the nature of the proposal, noting within paragraph 28 that *‘To promote a strong rural economy, local and neighbourhood plans should, amongst other things:*

- *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and*
- *promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.*

Paragraph 73 of the NPPF considers the delivery of sporting facilities and notes that *‘Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well being of communities.*

The site lies within a belt of trees protected by TPO and as such Chapter 11 of the NPPF, Conserving and enhancing the natural environment, should also be considered. Paragraph 109 states that *‘The planning system should contribute to and enhance the natural and local*

*environment by protecting and enhancing valued landscapes, geological conservation interests and soils’.*

I am mindful of the statement in NPPF cited above which advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The site under consideration here lies outside any saved settlement boundaries, therefore Policies RT1 and G5 of the DWLP would normally be considered. However, the policies of the DWLP were formulated during the 1990s with the plan being adopted in 1998 and the basis of the plans formulation was framed around the strategic framework set by the Lancashire Structure Plan. The circumstances that are prevalent now require developments to meet the requirements of NPPF and as such this site is considered to meet the three dimensions of sustainable development as outlined in NPPF – economic, social and environmental, and bearing in mind the current use of the adjacent land, is considered acceptable in principle.

The Local Plan Policies still provide detailed guidance to assessing the size, scale and location of the scheme of the scheme and the impact on the amenities of the occupiers of the neighbouring dwellings. Local Plan Policies G1, G5 and ENV3 are still considered important materials considerations, and they state the following:

- G1 - Development must be sympathetic to existing and proposed land uses in terms of size, intensity and nature, and that the density, layout and relationship between nearby buildings is of major importance, with particular emphasis placed on visual appearance and the relationship to the surroundings.
- G5 – Outside the main settlement boundaries and the village boundaries, planning consent will only be granted for small-scale developments, which are small-scale recreational developments subject to RT1, with the Policy recognising the need to protect the countryside from inappropriate development.
- ENV3 – In the open countryside outside the AONB and areas immediately adjacent to it, development should be required to be in keeping with the character of the landscape area, and should reflect local vernacular, scale, style, features and building materials. Whilst the Borough Council has no wish to unnecessarily restrict development, it is essential that only development that has benefits to the area be allowed. Even when such development is accepted, it must acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting.

The new facility, a 45.75m x 27.45m all-weather, 3G synthetic, floodlit football pitch, will be constructed within an existing parcel of rough grassland located to the west of the existing clubhouse and car park. The perimeter of the site is bounded by trees that are protected by Tree Preservation Orders, with the trees providing a dense, visual screen around the site from immediate neighbours and the wider area. The scheme also includes the planting of a clover mix meadow seed on the land between the pitch and the trees. The proposed 3m high ‘ball stop’ fencing that encloses the pitch will be painted in Ral 6005, Moss Green colour, and as such will easily blend in with the surrounding trees. The floodlights will be positioned on four, 10m high columns that will be at each corner of the pitch, and as indicated on the additional plan submitted, will only partial be visible above the height of the existing trees on site. Plan drawing no. 11336-03-006-Rev.1 highlights the Lux Light Level on the pitch, and indicates the potential overspill of the light onto the surrounding land. It is clear from this plan that there will be very little light pollution beyond the existing boundary of trees.

With specific regard to the impact of the construction of the pitch on the surround protected trees, The ground will be partially excavated in order to create a level playing surface, however this will all take place well outside the Root Protection Area (RPA) of the protected trees so it is envisaged that there will be no harm caused. Only one tree will be removed as part of the construction process, a poor quality sycamore, which will allow a service channel to be laid beneath a new footpath access to the pitch. This will house the electricity cabling on a direct route from the clubhouse. All construction traffic will access the site via an existing unmade track where an existing break in the trees to the west of the proposal provides a natural break in the tree line. The Council's Countryside Officer has assessed all the submitted plans and surveys and has advised that he has no objections in principle subject to the applicant adhering to strict tree protection, construction and monitoring conditions.

With regards to the potential impact on the amenity of the occupiers of the adjacent dwellings, as noted earlier I do not envisage that there will be an impact through light spillage from the flood lights due to the relatively low height of the columns, the screening provided by the trees and the distance to the nearest property (shown as 32.41m). Concern has also been raised with regards to the hours of use for the pitch and the fact that the lights will be on until this time (10pm). As there are no issues with regards to the potential light pollution, the only consideration therefore is with respect to the use of the land. Given the land is adjacent to an existing football pitch which is already used during the evenings for training, I do not consider the creation of the proposed pitch in this location surrounded by trees, which will provide some noise mitigation, will cause significant harm to the residential amenity of the occupiers of the nearby dwellings.

The final main area of concern to neighbours is the additional parking problems this scheme may create for the area. It is noted by the objectors that during match days and midweek training sessions there are a number of cars parked on the access road and on the surrounding streets. This proposal will enable teams to train throughout the year on an all-weather surface without cutting up the main pitches, therefore the likely significant increase in traffic by virtue of its approval is not considered to be so significant to warrant refusing the application, indeed the LCC Highways Officer raises no objections to the scheme. The Applicant has also supplied a letter from the Chair of the Trustees of the Sanctuary of Healing noting that they are happy for Langho FC club members to use their car park as an overspill during the evening and at weekends as their main hours of opening are 9am to 5pm. Whilst this cannot be conditioned as part of this approval, as a material consideration this does provide a solution to the existing situation, providing the club themselves manage this accordingly.

In conclusion, it is clear that national planning policy and guidance has changed the development plan to a presumption in favour of sustainable development, advising that where the development plan is absent, silent or relevant policies are out of date, Local Planning Authorities should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The proposal seeks to meet a clear local need by providing an up-to-date sports facility for the locality; therefore as I do not consider there to be any adverse impacts from approving this scheme, as the scheme is not considered harmful or detrimental to either the visual amenity of the area or the residential amenity of the occupiers of the neighbouring dwellings and nor will it have an adverse impact on highway safety, bearing in mind the above comments and whilst I am mindful of the points of objection from the occupiers of neighbouring properties, I consider the scheme to comply with the relevant policies, and I recommend the scheme 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 area, it would not have an adverse impact on the adjacent protected trees, it would not have a significant detrimental impact on nearby residential amenity and nor would its use have an adverse impact on highway safety.

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's 11336-03-003-Rev.1, 11336-03-004-Rev.1, 11336-03-005-Rev.1, 11336-03-006-Rev.1 and Read/505/1285/02.

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 22 May 2012.

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

4. The floodlights hereby permitted shall not be used outside of the hours 0900 to 2200 Monday to Saturday, and 0900 to 2000 on Sundays, unless otherwise agreed by the Local Planning Authority.

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

5. No development shall commence until details of the design and layout of the Artificial Grass Pitch have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The Artificial Grass Pitch shall not be constructed other than in accordance with the approved details.

REASON: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy G1.

6. Prior to commencement of any site works, including delivery of building materials and excavations for foundations or services, the root protection/construction exclusion zones for all trees identified in the tree impact and protection report [Bowland Tree Consultancy Ltd, dated the 2<sup>nd</sup> of February 2012 [T1 – T22/G1/G2 inclusive] shall be protected in accordance with BS5837 2012 [Trees in Relation to Design, Demolition & Construction]

Details of all tree protection measures shall be agreed in writing and implemented under the supervision of a qualified Arboriculturalist in liaison with the Countryside/Tree Officer for Ribble Valley Borough Council.

A tree protection-monitoring schedule shall be submitted, agreed in writing and monitored by the local planning authority. The local planning authority will inspect all tree protection measures before any site works are begun.

The root protection/construction exclusion zone 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 works shall be implemented without the local planning authority's prior written consent. All tree works shall be in accordance with BS3998 2010 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 Langho Tree Preservation Order benefit from maximum physical protection from the potential adverse effects of the development.

In order to comply with planning policies G1, ENV13 of the District Wide Local Plan.

In order to ensure that trees of visual amenity value are protected against adverse affects of the development.

## 7. TEMPORARY ACCESS TRACK

The temporary maintenance access shall be constructed above existing ground level between trees T4 and T6, using load bearing ground plate type protection method on woodchip spread onto ground below plates. The details shall be submitted for approval in writing and shall be constructed, with out excavations, soil stripping or site grading under the supervision of a qualified arboriculturalist in liaison with the local authority's Countryside/Tree Officer.

### SERVICE TRENCH

The service trench shall be constructed between tree T1 and T23/G1 in accordance with Paragraph 11.3 of BS5837 Trees in Relation to Construction [Principles of avoiding root damage during construction] under the supervision of a qualified arboriculturalist in liaison with the local authority Countryside/Tree Officer. The details/method statement for this work shall be submitted to and approved by the local planning authority.

### PERMANENT PEDESTRIAN PATH

On completion of the service trench the permanent pedestrian access path shall be constructed using a two dimensional grid/three dimensional load spreader and fill Geo-grid system, the details of which shall be submitted for approval and constructed under the

supervision of a qualified arboriculturalist in liaison with the local authority Countryside /Tree Officer.

REASON: In order to prevent root damage and ground compaction near to trees protected by a tree preservation order, to ensure the long-term survival of trees under which an access road/path cannot be avoided.

In order to maintain an established healthy Rhizosphere thereby safeguarding the long-term survival of protected trees.

8. Land drainage or subsoil drainage water must not be connected into the public sewer system directly or by way of private drainage pipes. It is the developers' responsibility to provide adequate land drainage without recourse to the use of the public sewer system.

REASON: To ensure a satisfactory means of drainage in accordance with Local Plan policy G1.

9. As stated in drawing 11336-03-005 the surface water must discharge to Park Brook Water course. Surface water from this development will not be permitted to connect to the public network.

REASON: To ensure a satisfactory means of drainage in accordance with Local Plan policy G1.

#### INFORMATIVES

The applicant is advised that the design and layout of the Artificial Grass Pitch should comply with the relevant industry Technical Design Guidance, including guidance published by the National Governing Bodies for Football, the Football Association.

Particular attention is drawn to: 'Artificial Grass Pitches' published by the Football Foundation <http://www.footballfoundation.org.uk/apply/facilities-grants/facilities-grant/help-with-your-application/technical-guidance/>

APPLICATION NO: 3/2012/0272/P (GRID REF: SD 373450 439471)  
PROPOSED NEW BUILD HOLIDAY COTTAGE DEVELOPMENT AT STANDEN HEY TO CREATE 2 NO. HOLIDAY COTTAGES. DEMOLITION OF RUINED FORMER CART SHED AND GRANARY. RE-SUBMISSION OF PLANNING APPLICATION 3/2011/0793/P. STANDEN HEY, WHALLEY ROAD, CLITHEROE, LANCASHIRE, BB7 1PP

PENDLETON PARISH COUNCIL: No objections to this application.

LCC ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objection in principle to the application on highway safety grounds. There is adequate off road parking provided within the development and the additional vehicular activity from the site will have a marginal impact on the general level of activity in this immediate area.

UNITED UTILITIES:	No objection to the proposed development.
ADDITIONAL REPRESENTATIONS:	<p>Four letters of objection have been received from nearby neighbours, whose points of objection have been summarised as follows:</p> <ol style="list-style-type: none"> <li>1. Not in-keeping with the original yard layout or design.</li> <li>2. Excessive scale of development/overdevelopment.</li> <li>3. Location of the building will impact on people's visibility when driving/walking past the site entrance.</li> <li>4. Impact on highway/pedestrian safety.</li> <li>5. If approved, this will be inconsistent with previous schemes on the site.</li> <li>6. Impact on residential amenity.</li> <li>7. Insufficient parking.</li> <li>8. The revised development area has preserved rights and easements for residents.</li> <li>9. Visual impact of developing this site.</li> <li>10. Further urbanisation of this location.</li> <li>11. In-sufficient detail relating to the landscaping of the site.</li> <li>12. Drainage concerns/flooding.</li> <li>13. The site lies some 0.5miles down an unlit track, with even further to walk on the A671 to a bus stop, how is this an appealing and sustainable site?</li> <li>14. Impact on the Public Right of way passing the site.</li> <li>15. Will the site be developed in an acceptable manner, history tells us no.</li> <li>16. Insufficient passing spaces on the existing track.</li> <li>17. Increase in noise from holiday makers.</li> <li>18. Are 'holiday lets' not just another 'loophole'?</li> <li>19. Applicant has made error after error when developing the surrounding site, with existing tenants still complaining regarding unsatisfactory workmanship.</li> </ol>

### **Proposal**

Proposed new build holiday cottage development at Standen Hey to create 2 no. holiday cottages. Demolition of ruined former cart shed and granary. Re-submission of planning application 3/2011/0793P.

### **Site Location**

The site in question sits on land within the Higher Standen Hey Farm complex of residential buildings, which lies off Whalley Road, Clitheroe. The site lies approximately 675metres from Whalley Road, and just under a mile from the settlement boundary of Clitheroe. A mixture of open agricultural land and residential curtilages surrounds the site.

### **Relevant History**

3/2011/0793/P - Proposed new build holiday cottage development creating 2no. holiday cottages, and demolition of ruined former cart shed and granary – Refused.

## **Relevant Policies**

Policy G1 - Development Control.  
Policy G5 - Settlement Strategy.  
Policy ENV3 – Development in Open Countryside.  
Policy RT1 – General Recreation and Tourism Policy.  
Policy T7 – Parking Provision.  
Policy T7 – Parking Provision.  
National Planning Policy Framework.  
SPG ‘Extensions and Alterations to Dwellings’.

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

The application is a re-submission of a previously refused scheme. This scheme again proposes the demolition and clearance of a dilapidated former cart shed/granary building on the site, that has fallen significantly into disrepair to the extent that it is now unsafe, in order to erect a pair of semi-detached, three-bedroom holiday lets. The new building has been moved and slightly re-orientated on site to take account of the previous reasons for refusal, and the Agent has provided slightly more detailed plans to enable the correct assessment of the proposal in relation to the existing dwellings within the courtyard. The building will still be constructed in the style of a granary/barn/agricultural building, built in reclaimed stone and slate, and the windows will be oak brown UPVC and the doors timber. The permission also includes the formation of two areas of amenity space for each unit and the creation of a parking area to the front (southwest facing) elevation of the building.

The main issues to consider with this scheme are the principle of the development, the position, size, scale, massing and location of the scheme and the impact on the amenities of the occupiers of the neighbouring dwellings. There are no highway safety concerns.

The policy basis against which this scheme should be appraised is set out in the context of national, regional and local development plan policies. At a national level the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that at the heart of the NPPF is a presumption in favour of sustainable development which means that for decision making purposes that:

*Where the development plan is absent, silent or relevant policies are out of date, granting permission unless*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
- *specific policies in this framework indicate development should be restricted.*

Chapter 3, Supporting a prosperous rural economy, of the NPPF is also considered to be an important consideration given the nature of the proposal, noting within paragraph 28 that *‘Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should, amongst other things:*

- *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings; and*

- *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.*

I am mindful of the statement in NPPF cited above which advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The site under consideration here lies outside the saved settlement boundary of Clitheroe (approximately 675m away), therefore Policies RT1 and G5 of the DWLP would normally be considered. However, the policies of the DWLP were formulated during the 1990s with the plan being adopted in 1998 and the basis of the plans formulation was framed around the strategic framework set by the Lancashire Structure Plan. The circumstances that are prevalent now require developments to meet the requirements of NPPF and as such this site is considered to meet the three dimensions of sustainable development as outlined in NPPF – economic, social and environmental, and as such is considered acceptable in principle.

The Local Plan Policies still provide detailed guidance to assessing the design, position, size, scale, massing and location of the scheme and the impact on the amenities of the occupiers of the neighbouring dwellings. Local Plan Policies G1, G5 and ENV3 are still considered important materials considerations, and they state the following,

- G1 - Development must be sympathetic to existing and proposed land uses in terms of size, intensity and nature, and that the density, layout and relationship between buildings is of major importance, with particular emphasis placed on visual appearance and the relationship to the surroundings.
- G5 – Outside the main settlement boundaries and the village boundaries, planning consent will only be granted for small-scale developments, which are small-scale tourism developments subject to RT1, with the Policy recognising the need to protect the countryside from inappropriate development.
- ENV3 – In the open countryside outside the AONB and areas immediately adjacent to it, development should be required to be in keeping with the character of the landscape area, and should reflect local vernacular, scale, style, features and building materials. Whilst the Borough Council has no wish to unnecessarily restrict development, it is essential that only development that has benefits to the area be allowed. Even when such development is accepted, it must acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting.

The scheme proposes two, three-bedroom units with large bedrooms (an en-suite for one), bathroom, and an open plan kitchen/dining/living room, creating approximately 134.1 sq.m. of floor area per unit. The building will measure 4.99m to the eaves and 7.5m to the ridge. Having considered this scale and size of development with other recently approved holiday let proposals, this proposal is now considered acceptable. Concern was previously raised in terms of the scale, massing and position of the new building, namely its elevated position in relation to the adjacent properties on site including a barn conversion further within the site and a single storey building directly to the southwest of the new building. As noted earlier, Policy G1 states that ‘development must be sympathetic to existing and proposed land uses in terms of size, intensity and nature, and that the density, layout and relationship between buildings is of major importance, with particular emphasis placed on visual appearance and the relationship to the surroundings. With this application the Agent has supplied additional plans indicating sections

through the site which provide a more thorough appreciation of the scale of the development in relationship with the nearby dwellings. In assessing them it is clear that due to the re-positioning of the building on site, and the distance between the new building and the existing dwellings, the proposed development would not be overly dominant or incongruous (as previously considered) and would therefore have an acceptable and localised visual impact on the setting and character of the site.

With regards to the potential impact on the amenity of the occupiers of the adjacent dwellings, the previous concern relating to the introduction of a pair of holiday lets within such close proximity to the single storey building has no been allayed by virtue of the re-positioning of the building on site, and the introduction of strategically placed stone walls to provide additional privacy. There is a distance of over 28m between the front elevation of the new building and the barn conversion opposite so there are no concerns with regards to the potential loss of privacy to habitable room windows (as advised within the SPG 'Extensions and Alterations to Dwellings')

With regards to the loss of the historical remains from the site, due to their age they are still considered to be a Heritage Asset and have historical interest. The Agent has submitted a Heritage Statement with the application, however there are no historic images or maps with the statement that provide any meaningful detail on the site. What it does highlight however is the fact that the remains are in such poor state that they are unsafe and will need to be removed at some point anyway.

Chapter 12, Conserving and enhancing the historic environment, of the NPPF notes within paragraph 131 that *'In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

Paragraph 132 continues advising that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be'*. Paragraph 133 advises further noting *'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- i. the nature of the heritage asset prevents all reasonable uses of the site; and*
- ii. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- iii. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- iv. the harm or loss is outweighed by the benefit of bringing the site back into use.'*

Therefore, in assessing the scheme against points i to iv of paragraph 133 of the NPPF, considering the benefit of the creation of additional tourism accommodation in a sustainable location close to Clitheroe, the loss of this non-designated Heritage Asset is considered to be entirely acceptable.

Finally, whilst I am mindful of all the points of objection made by the nearby neighbours, it is worth clarifying the Inspector's Appeal Decision (APP/T2350/A/02/1102917) in relation to a previous proposal at this site (3/2000/0499/P) where he stated that the building proposed at that time would 'unhappily add to the residential development at this site, and it would be a further urbanisation of the group, contrary to local and national policy drawn up to safeguard the countryside from unnecessary new residential development'. It is clear that national planning policy and guidance has significantly changed since this decision to a presumption in favour of sustainable development, advising that where the development plan is absent, silent or relevant policies are out of date, Local Planning Authorities should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Therefore as I do not consider there to be any adverse impacts from approving this scheme, as the scheme is not considered harmful and detrimental to both the visual amenity of the area, and the setting and character of the site, bearing in mind the above comments and whilst I am mindful of the points of objection from the occupiers of neighbouring properties, I consider the scheme to comply with the relevant policies, and I recommend the scheme 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 area, an adverse impact on the setting of the location, a significant detrimental impact on nearby residential amenity, nor would its use have an adverse impact on highway safety.

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's Cow/414/1275/10, Cow/414/1275/11 and Cow/414/1275/13

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

3. Precise specifications or samples of all walling and roofing materials (including garden walls) and details of the proposed fenestration and doors (including materials) 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 Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order amending, revoking or re-enacting that Order) any future extensions and/or alterations to the dwelling including any development within the curtilage as defined in Schedule 2 Part 1 Classes A to H 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 in accordance with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order amending, revoking or re-enacting that Order) the building 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.

6. for the avoidance of doubt, the curtilage for these two holiday lets shall be that land outlined in red on the proposed plan, drawing no. Cow/414/1275/10.

REASON: For the avoidance of doubt, and in the interests of the amenity of the area in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. The unit(s) of accommodation shall not be let to or occupied by any one person or group of persons for a continuous period of longer than 3 months in any one year and in any event shall not be used as a permanent accommodation. A register of such lettings shall be kept and made available to the Local Planning Authority to inspect on an annual basis.

REASON: In order to comply with Policies G1, G5, ENV3 and RT1 of the Ribble Valley Districtwide Local Plan. The building is located in an area where the Local Planning Authority would not normally be minded to grant the use of building for a permanent residential accommodation.

8. The car parking spaces shall be marked out and made available (in accordance with the approved plan), before the use of the premises hereby permitted becomes operative.

REASON: To comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and to allow for the effective use of the parking areas.

9. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans.

REASON: To prevent pollution of the water environment in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

## NOTES

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 9 in the parish of Pendleton abuts the site.
2. Development on this site should be drained on separate foul and surface water systems. All foul drainage must be connected to the foul sewer and only uncontaminated surface water should be connected to the surface water system.

However, where there are established combined systems the possibility of deviation from this general policy may be discussed with the Council's Chief Technical Officer.

3. Under the terms of the Water Resources Act 1991, the prior written consent of the Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. (Controlled waters include rivers, streams, groundwater, reservoirs, estuaries and coastal waters).

The foul drainage system should be sited so as not to cause pollution of any watercourse, well, borehole, spring or groundwater. Establishments of this nature can cause problems when connected to a septic tank. The applicant would be advised to consider the use of a package sewage treatment plant for preference. All downspouts should be sealed directly into the ground ensuring the only open grids present around each dwelling are connected to the foul sewerage systems.

4. The foul drainage from the proposed development shall be discharged to a septic tank and soakaway system which meets the requirements of British Standard BS6297:1983, there shall be no connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10m of any ditch or watercourse or within 50m of any well, borehole or spring.
5. A separate metered supply will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

The applicant should contact United Utilities Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

APPLICATION NO: 3/2012/0277/P (GRID REF: SD 375039 442594)  
PROPOSED ERECTION OF NEW SPORTS HALL AND REORIENTATION OF EXISTING  
TENNIS COURTS AT CLITHEROE ROYAL GRAMMAR SCHOOL, CHATBURN ROAD,  
CLITHEROE

TOWN COUNCIL:

Object on following grounds:

- The development will be detrimental to residential amenity as the new sports hall will be located too close to the nearby residential properties.

- That a time limit be placed on the use of the floodlights on the tennis courts to prevent nuisance being caused to local residential in an evening.
- That before any development takes place remedial action be carried out to address potential flooding.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

No objections in principle to this application on highway safety grounds and note there are no proposals for the development for out of school hours to attract additional vehicle movements to the site.

UNITED UTILITIES:

No objections subject to technical conditions.

ENVIRONMENT AGENCY:

No objections.

NATURAL ENGLAND:

No objections, but request that the Authority consider securing measures to enhance biodiversity of the site. Recognises that it is in close proximity to Coplow Quarry, Salthill and Belman Park Quarries including all the sites of special scientific interest but given the nature and scale of this proposal they raise no objection.

SPORT ENGLAND:

Does not wish to raise an objection to this application. The proposal is to locate a new sports hall in the location of the existing tennis courts (4 in total). The tennis courts will be relocated in a position north of the sports hall in an area that is currently amenity grassland. There are no plans showing the layout of the tennis courts and I assume before the tennis courts have been replaced as the design and access statement infers this is the case. Sport England welcomes the creation of a new sports facility in this location.

ADDITIONAL  
REPRESENTATIONS:

15 letters of objection and a petition with 64 signatures objecting to the proposal has been received. The issues in the petition and the letters of objection include the following:

- Overbearing impact of the development due to the height and proximity in relation to residential properties would lead to loss of residential amenities.
- Visually inappropriate with a utilitarian design and poor materials it would be an eyesore.
- Increase in noise due to the likely out of school use of the building.
- Traffic problems caused by the users of the proposal.
- The property would lead to overlooking due to windows that face towards residential properties.
- Reorientation of tennis courts would lead to loss of green open space.
- Increase in noise due to increased activity.
- Parking issues.

- Loss of views in particular of Pendle Hill.
- Is it possible to condition and guarantee no out of school hours.
- Slightly light pollution caused by the proposal.
- The funding of the scheme is dependent on release of surplus land, which in itself could lead to additional development pressure.
- Questions whether a bat survey would need to be submitted.
- Better sites exist elsewhere in the immediate vicinity of the school grounds and there should be guidance as to a long term strategy of the school.
- Concern over loss of G6 land.
- The proposal is contrary to Policy RT11 of the Districtwide Local Plan in that the building is of poor quality and would result to loss of visual amenity and loss of privacy due to the location of the entrance to the sports hall.
- Concern over drainage issues with water run off.
- Concern over construction traffic and the likely delivery of materials at early hours which was noticed in the last development.
- Security measures are not incorporated into the scheme.
- Lack of contact with local residents prior to this application being submitted.

### **Proposal**

The proposal is for details consent for a new sports hall with a floor space of approximately 1000m<sup>2</sup>. The main sports hall measures approximately 35m x 20m but also has two lean-to single storey elements to incorporate the range of office and changing rooms and a store room building which is at the front and side of the building. The front extension measures approximately 8m x 30m with a maximum height of 6m and this is partly glazed and of brickwork detail and would incorporate the entrance to the sports hall and office and changing room facilities and the rear lean-to extension would measure approximately 5.5m x 16.5m and would have a maximum height of approximately 6m. Again this is constructed of brick and powder coated louvre details and cladded roof. The scheme also incorporates the re-orientation of the existing tennis courts and as a result the tennis court will be located nearer to the gardens of properties on Green Park Drive.

The sports hall is located adjacent to the relatively recently constructed education block and is to be of a similar material to that building. The maximum height of the building is approximately 12.5m.

The sports hall is located in an elevated piece of land compared to the properties on Chatburn Road and although part of the building will be set into the existing ground level due to the sloping nature of the site, the element of the building nearest to the education building will be cut into the slope. The result is that the roof scape of this proposed building will be approximately 1m above the ridge of the existing education building.

The building is located approximately 34m from the nearest property on Chatburn Road and 75m from the nearest property on Green Park Drive. The tennis courts, due to their reorientation would not extend any further out but will now project further along the boundaries of the properties on Green Park Drive and due to their reorientation in a more south easterly direction will result in some of the tennis courts being closer to additional properties on Green Park Drive.

### **Site Location**

The building is located within the existing Clitheroe Royal Grammar School boundary off Chatburn Road and the sports hall will be partly behind properties from 152 to 162 Chatburn Road, within the settlement boundary of Clitheroe.

### **Relevant History**

3/2006/0348/P – Removal of portakabins and erection of classroom. Approved with conditions.

3/2010/0241/P – All weather pitch and fencing. Approved with conditions.

### **Relevant Policies**

Policy G1 - Development Control.

Policy ENV13 - Landscape Protection.

Policy G2 - Settlement Strategy.

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

The issues to consider in the determination of this proposal relate to the principle of development in considering an additional sporting facility, residential amenity issues that may arise resulting from the development, highway safety implications and landscape and ecology considerations.

The land in which the proposal is situated it is within the settlement boundary of Clitheroe and within the school grounds and as such given the nature of the proposal which relates to the use of the facility for the school provision I consider that the principle of the use itself is appropriate.

Highway considerations are an important factor in all proposed developments and I note the concerns expressed from local residents regarding the possibility of additional traffic resulting from the development. It is evident from the consultation response from the County Surveyor that he does not consider the proposal would result in a significant increase in vehicular movements that would lead to issues of highway safety. During the process of the application it has been confirmed that there is to be no significant out of hours school use and that the applicant is willing to accept a condition specifying the hours of use and the intended use of the building which would not permit general community use.

Landscape and ecology issues have been assessed by the Council's Countryside Officer who is satisfied that although there will be some loss of trees this does not result in significant ecology issues or landscape concerns. The trees that are to be removed are not of significant species subject to appropriate conditions it is considered that this proposal will not lead to any significant detriment on landscape matters. As the school grounds is in close proximity to the adjacent quarries and a Site of Special Scientific interest, the Council has consulted with Natural England

who they themselves recognise that the proposal given its distance away from this area would not result in harm to this designation.

The final areas of concern relate to residential amenity as well as the visual impact of the proposal and whether or not the design is in keeping with the locality. Having regard to the design, the building is of a modern construction but relates sufficiently well to the immediate school environment. It is of a height that does not dominate the school grounds and other school buildings and as such I am satisfied that notwithstanding the views expressed regarding its utilitarian design, that the building is appropriate for its function and locality.

It is evident that there is great concern from local residents regarding the impact the proposal would have in relation to residential amenity and concerns such as overlooking, noise and overshadowing have all been expressed. The building is a considerable distance way from the adjacent properties at Chatburn Road and would be approximately 36m from windows of the nearest property and although it is on elevated land in relation to these properties, I am satisfied that this distance and having regard to topography, would not lead to any issues in relation to overshadowing or dominate in a way to result in an impressive development. I am also satisfied that for the same reason it would not have an effect on the properties located on Chatburn Park Drive. I recognise that there will be some perception of overlooking due to the front elevation of the proposed sports hall facing towards the rear gardens of Chatburn Road houses. However these are either high-level windows, entrance or office windows and such any overlooking that would result to significant loss of privacy when having regard to the distances involved would be minimal. It is recognised that there will be additional activities which may involve pedestrian movements and additional noise from the coming and goings that would have a slight additional impact on residential amenity. In assessing this impact it should be noted that this is part of the school grounds and there would be coming and going to the adjacent tennis courts and as such I do not believe this would be harm of a proportion to even consider a recommendation of refusal. This issue is reinforced by the Council's Environmental Health Section who have in part assessed this proposal in relation to any likely increase in noise generated from the development as well as the additional construction work.

In relation to the reorientation of the tennis courts, I accept that this may have a greater impact than the existing tennis court arrangements on properties facing towards Chatburn Park Drive but I also consider that other than possible minor engineering work, that the tennis court and its reorientation would be unlikely to require the benefit of planning permission and it would be classified as permitted development.

I consider that having regard to all issues raised including the concern relating to drainage issues that a recommendation of approval for the scheme is appropriate and that adequate planning conditions can be imposed to minimise any harm to adjacent residential amenity.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal would not result in any significant adverse impact on adjacent residential amenity, highway safety or landscaping and visual impact and as such be compliant to policies in the Districtwide Local Plan.

**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 plan reference numbers L116A, L115A, L114, L112, L117A, L17.

REASON: For avoidance of doubt.

3. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the arboricultural / tree survey [ID.No1.01-Birch/1.02-Birch/1.03-Sorbus/1.04-Willow/1.05-NorwayMaple/1.06-NorwayMaple /2.01-Lime/2.02-Lime/2.03-Hawthorn/2.04-Ash inclusive] shall be protected in accordance with the BS5837 2012 [Trees in Relation to Construction] the details of which shall be agreed in writing, implemented in full.

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 and construction exclusion zone 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 a Tree Preservation Order/ Conservation area/considered to be of visual, historic or botanical value are afforded maximum physical protection from the adverse affects of development.

In order to comply with planning policies G1, ENV13 of the District Wide Local Plan.

In order to ensure that trees of visual amenity/botanical/historical value are protected against adverse affects of the development

4. No tree work shall carried out until such time that the value of the trees identified to be felled/pruned [ID No 1.07-Hawthorn/1.08-Hawthorn/1.09-Hawthorn/2.05-Ash/2.09-Hawthorn /2.13-Ash/4.06-Sycamore/4.07-Norway Maple inclusive] have been conclusively established in relation to their potential use by bats. The trees shall be subject of a detailed investigation by a qualified and licensed ecologist during the optimum time and in accordance with the Bat Conservation Trust Good Practice Guidelines.

The results of the investigation shall be submitted to the local planning authority

REASON: To ensure that there are no adverse effects on the favourable conservation status of a bat population

To protect the bat population from damaging activities and reduce or remove the impact of development.

5. The development hereby permitted shall not be commenced until details of the landscaping of the site 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 Policy G1 of the Ribble Valley Districtwide Local Plan.

6. 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 and the adopted Supplementary Planning Guidance – “Extensions and Alterations to Dwellings”.

7. No development shall take place 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:
  - (i) the parking of vehicles of site operatives and visitors
  - (ii) loading and unloading of plant and materials
  - (iii) storage of plant and materials used in constructing the development
  - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - (v) wheel washing facilities
  - (vi) measures to control the emission of dust and dirt during construction
  - (vii) a scheme for recycling/disposing of waste resulting from construction works
  - (viii) Commencement and finishing hours of the construction activity.

REASON: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

8. The use of the sports hall in accordance with this permission shall be restricted to the hours between 0830 and 1830 on weekdays and 0830 to 1330 on Saturdays and there shall be no operation on Sundays or bank holidays.

REASON: To comply with Policies G1 of the Ribble Valley Districtwide Local Plan. The use of the building outside these hours could prove injurious to the character of the area and in order to safeguard residential amenities.

9. The site must be drained on a separate system, with only foul drainage connected into the combined sewer. Surface water must discharge to either soakaway/SUDS to the nearby pond or directly to the watercourse and may require the consent of the local authority. Surface water should not be allowed to discharge to the public sewerage system because we have known flooding issues immediately downstream of the site and any additional surface water discharge would compound the issue.

REASON: To ensure a satisfactory means of drainage in accordance with Policy G1 of Ribble Valley District Wide local Plan.

10. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface water has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

REASON: To ensure a satisfactory means of drainage in accordance with Policy G1 of Ribble Valley District Wide local Plan.

APPLICATION NO: 3/2012/0363/P (GRID REF: SD 360062 437234)  
APPLICATION TO VARY CONDITION NO. 2 OF PLANNING PERMISSION 3/2009/0646/P SO THAT THE CONDITION IS AMENDED TO INCLUDE DRAWING NO. 0914/04D (TO ADD A THIRD BEDROOM TO APARTMENT NO. 11). 11 BOBBIN MILL TERRACE, VICTORIA STREET, LONGRIDGE, LANCASHIRE

LONGRIDGE TOWN COUNCIL: No objection.

LCC ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objection to the application.

ADDITIONAL REPRESENTATIONS: There have been no additional representations received within the statutory 21-day consultation period.

### **Proposal**

This application seeks to vary Condition no. 2 of planning permission 3/2009/0646/P in order to add a third bedroom to Apartment no. 11. They seek to achieve this by amending the approved plan drawings.

## **Site Location**

The site is located within the settlement boundary of Longridge, as defined by the Ribble Valley Districtwide Local Plan. The site is a recently completed development at the former Bobbin Mill for 11 new properties, and is surrounded by a mixture of other residential properties.

## **Relevant History**

3/2011/0019/P - Application for non-material amendment to planning consent 3/2009/0646/P - inclusion of additional single bedroom to ground and first floor apartments. Second floor apartment to remain unaltered – Granted.

3/2010/0668/P – Application for non-material amendment to planning consent 3/2009/0646P, to allow revision of rear boundary of properties from 2m high (on garden side) brick wall to concrete post and timber panel fence; revision of rear access to properties to improve privacy of rear gardens and revision of communal space to the apartments from grass to paving to reduce maintenance issues – Granted.

3/2010/0525/P - Application to discharge condition no. 5 (materials), condition no. 6 (ground investigation), condition no. 11 (archaeology), condition no. 8 (door and window, head and sills) and condition no. 13 (renewables), of planning consent 3/2009/0646P – Granted.

3/2009/0646/P - Demolition of existing industrial building along the Victoria St. frontage of Carefoot plc works site and construction of a residential development comprising: - 4no. 3 bed new build terraced houses, 1no. pair new build 3 bed semi-detached houses, 1no pair of 3 bed semi-detached houses in a converted existing stone building, 3no. 2 bed apartments in a converted existing stone building (affordable housing). Associated gardens, communal areas and car parking facilities. – Granted Conditionally.

## **Relevant Policies**

Policy G1 - Development Control.

Policy G2 – Settlement Strategy.

Policy T7 – Parking Provision.

Policy L5 of the RSS 2008.

National Planning Policy Framework.

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

The main issues with regards to this proposal is whether or not the introduction of an additional bedroom within the Apartment will have any impact on highway safety given the potential for additional vehicle numbers associated with a larger property. There will be no visual impact as the bedroom will use an existing window within the building, and there will be no impact on the residential amenity of nearby neighbours, as the bedroom will face out over the front of the properties.

The LCC County Surveyor has raised no objections in principle to the proposal due to town centre location of the site and that the occupiers of the recently completed properties on Victoria Street mainly park on the road outside their properties, as opposed to within the car park, the proposal will not detrimentally impact on highway safety at this location.

Therefore, the scheme is considered to comply with the relevant policies and is recommended accordingly.

#### SUMMARY OF REASONS FOR APPROVAL

The requested variation of the condition is in accordance with the presently applicable policies and would not result in any seriously detrimental effects upon visual amenity, the amenities of any nearby residents or highway safety.

RECOMMENDATION: That planning permission be GRANTED and that Condition 2 be varied to read:

2. This permission shall be implemented in accordance with the proposal as amended by letter and plan received on the 26 of November 2009, and indicated on Plan Reference no's 0914/01, 0914/02, 0914-300/2d, 0914/04D, 0914/05, 0914/06, 0914/07E, 0914/08B, 0914/09, 0914/20, 2009-106-001 and 2009-106-003.

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

APPLICATION NO: 3/2012/0427/P (GRID REF: SD 373624 440918)  
PROPOSED VARIATION OF CONDITION 2 OF PLANNING PERMISSION 3/2010/0054/P TO AMEND THE CAR PARKING LAYOUT, TO AMEND THE PROPOSED KITCHEN WINDOW SILL LEVELS AND TO CONFIRM THE WINDOW CONFIGURATION TO THE FLATS AT LAND AT GEORGE STREET, CLITHEROE

TOWN COUNCIL: No comments received at time of report preparation .

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objection in principle to this application on highway safety grounds.

ADDITIONAL REPRESENTATIONS: No comments received at time of report preparation.

#### **Proposal**

This is a variation of condition application which seeks to amend the plans referred to in condition 2 of planning consent 3/2010/0054 which concerned itself with the erection of 25 affordable units at land to the rear of Primrose Mill. Revisions are sought to the details of the parking layout, the sill levels of kitchen windows throughout the development and to confirm the window arrangements for the flats.

#### **Site Location**

The site is to the immediate south of a social housing scheme at the end of George Street. To the west lies the railway line with this site forming part of the overall Primrose regeneration scheme. It is within the saved settlement boundary of Clitheroe and is also partly covered by the Primrose Area Policy (A1).

## **Relevant History**

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

3/2010/0054/P – Proposed regeneration of open land (including the former EA depot – part) for residential development (25 affordable units), to form part of the wider Primrose housing scheme (3/2008/0526/P), including access link to existing contour housing scheme. Approved with conditions 24 March 2010.

3/2010/0838/P – Application for modification of Section 106 Agreement to clarify the affordable housing obligations following grant funding and vary elements of the wording associated with letting and management. Approved with conditions 22 October 2010.

3/2011/0081/P – Application to discharge conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of planning consent 3/2010/0054/P – some conditions discharged.

3/2011/0913/P – Application to discharge conditions 2, 5, 7, 8 and 11 of 3/2010/0054/P – some conditions discharged.

3/2012/0326/P – Application for the modification of Section 106. Variation/modification of provisions in supplemental agreement dated 22 October 2010. Approved with conditions 11 May 2012.

## **Relevant Policies**

Policy G1 - Development Control.

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

Prior to October 2009 when a developer wanted to make a small material change to a scheme that already had planning permission, it was often necessary to submit a further full planning application. However, with effect from 1 October 2009 amendments to planning applications must now be dealt with by way of a formal application for either a 'non material amendment' or a 'minor material amendment'. The government has advised that applications for minor material amendments should be made by way of a variation of condition application as is the case in this instance.

As Members will note from the planning history section of this report, there have been two applications made to discharge conditions imposed on the original approval for the erection of 25 dwellings that are now completed on site. However, as part of that process, it became apparent that the scheme as built varied in three respects from the drawings that were referenced under planning condition 2 of 3/2010/0054/P as follows.

The originally submitted and approved site layout drawing denoted the external landscape and parking areas to the front of properties and made provision for eight marked out disabled parking bays. The development has been completed with two marked out disabled bays and with parking bays and planting beds immediately in front of the dwellings shown in a slightly different configuration than that initially submitted on drawing 901REVP2. A plan has been submitted that now accurately reflects what has been constructed on site and in respect of the planting areas, I do not raise any concerns in respect of these. The County Surveyor has been

consulted regarding the revised parking arrangements and commented that in relation to the plan initially submitted to form part of this application, that the identification of a potential 21 designated disabled parking bays had no particular merit with such a high level of provision. Clarification has been sought from the applicant on this matter and a plan has been received that details the two bays marked out as disabled (as is evident on site) and that the parking layout on the remainder of the site would potentially provide 21 possible disabled car parking bays if required at some point in the future. The County Surveyor has confirmed in an email dated 23 May that the revised plan L2882-04-REVQ retains the flexibility to introduce additional disabled bays, should they be required, without any adverse impact on the general parking provisions. Thus, the scheme as now detailed is satisfactory.

The two other revisions sought are associated with window detailing on the flats and to kitchen windows on the front elevations of properties. The plans submitted in relation to the initial approved scheme detailed ground floor kitchen windows to the same dimensions as first floor windows on all blocks of dwellings. However, as constructed, they have a height of approximately 1.06m where as the first floor windows are approximately 1.2m in height. On block 4 which is the apartment block, there are no windows in the south east gable and a plan has been submitted to reflect the 'as built' position. In respect of the detailing of the windows, I do not raise any objection to the revisions shown and do not consider they would prove detrimental to either visual or residential amenity.

Therefore, having regard to all the above, I am of the opinion that there would be no significant detriment to visual or residential amenity as a result of the revisions sought nor would the amended parking layout be to the detriment of highway safety. 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 planning permission be GRANTED subject to the following condition(s):

1. This permission shall be implemented in accordance with the proposal as amended by email and drawing number L2882-04-REVQ proposed site plan received on 23 May 2012 and drawing numbers L2882-14-REVD; L2882-15-REVG; L2882-16-REVE; L2882-17-REVG; L2882-18-REVE; L2882-19-REVG; L2882-20-REVE; L2882-21-REVE; L2882-22-REVD; L2882-23-REVE; L2882-24-REVD; L2882-25-REVE; and L2882-26-REVA.

**REASON:** For the avoidance of doubt since the proposal was the subject of agreed amendment and to clarify which plans are relevant.

2. Details of the landscaping of the site shall be as approved previously under application 3/2011/0081/P. The approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development whether in whole or in 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 Policy G1 of the Ribble Valley Districtwide Local Plan.

3. This permission shall relate to a Section 106 Agreement dated 24 March 2010 which includes mechanisms for the delivery of affordable housing and appropriate contributions and triggers for highway improvements and open space; Supplemental Agreement dated 22 October 2010 and Deed of Variation dated 10 May 2012.

REASON: For the avoidance of doubt since the original Section 106 Agreement covering the site has been subject of a Supplemental Agreement and the Deed of Variation in order to comply with Policies G1 and H21 of the Ribble Valley Districtwide Local Plan.

4. The 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 as agreed under application 3/2011/0081/P and retained in perpetuity.

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

5. The windows on the gable elevations of blocks 1 and 2 shall be obscure glazed in accordance with the details agreed under application 3/2011/0913/P and remain in that manner in perpetuity.

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

6. The provision and implementation of a surface water regulation system shall be as agreed under application 3/2011/0081/P. The scheme shall be completed in accordance with the approved plans.

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

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

APPLICATION NO: 3/2011/0892/P

(GRID REF: SD 374095 442172)

PROPOSED RESIDENTIAL DEVELOPMENT AT LAND OFF MILTON AVENUE, CLITHEROE

PARISH COUNCIL:

Object for the following reasons:

1. The proposal will lead to over development.
2. There will be access difficulties as vehicles park on both sides of Milton Avenue.
3. Concern that the proposed affordable housing in terms of cost is more than what the Council consider to be affordable.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Has no objections in principle to this proposal on highway grounds. There are a number of highway matters regarding aspects of the proposed development that could prove detrimental to residents and the operation of the local highway network. However, many of these matters will be resolved under Reserved Matters should permission be granted at this Outline stage.

Below are extracts from the formal response with Members referred to the file for full details.

Means of Access

As the access road to the site extends southwest from Milton Avenue, the existing road width should be maintained for a minimum distance of 10m into the site, with footways to either side. The site plan indicates that there will be no footway provision within the site.

Furthermore, the site plan indicates at Point 10, a "possible link into adjacent site". The layout shown, in terms of carriageway width and footway provisions, would not be suitable as a means of access to an additional area of development.

There are no requirements to alter the existing junction alignment at Waddington Road and Milton Avenue as a consequence of the anticipated additional vehicular movements generated by the development. The capacity inherent within the present layout can accommodate the levels of use anticipated, taking into account relevant growth factors, committed development in the vicinity and additional site activity.

In relation to the pedestrian accessibility of the site, the site master plan identifies a possible footpath link between the development and Chester Avenue. However, this link would run along third party land and there are no legal agreements identified or suggested that would resolve this ownership issue. Without such a link there are no specific provisions to promote pedestrian access to this site.

Given the town centre location of this site, the provision of appropriate pedestrian links to the Interchange and other amenities must be addressed as a priority.

#### Request for Planning Obligations.

Should the LPA 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 acknowledged that a number of measures provided under proposed s278 highway works support sustainable development. However, it is considered that further sustainable measures may be necessary to promote and support sustainable development, particularly in respect of public transport.

#### **Highways Contributions**

A Highways contribution of £72,900 will be sought. This is based on 50 dwellings of unknown room size, 35 for open sale and 15 affordable, with an approximated Accessibility score of 20, as follows:-  $35 \times £1,620 = £56,700$  and  $15 \times £1,080 = £16,200$ .

#### **Cycle and Pedestrian measures**

Measures should be considered for a pedestrian link to Footpath 20 and consideration of other appropriate cycle links, such as leisure/amenity links to River Ribble and commuter/leisure links to Clitheroe town centre.

While the interchange is located close to the site, convenient pedestrian and cycle links need to be provided to maximise the utility of these amenities.

As a guide, a contribution of £50,000 would assist with the creation of these links, in liaison with previous undertakings from the developer and the planning authority.

#### **Pedestrian Crossing**

In view of the increased pedestrian activity associated with the site, consideration should be given to the introduction of a

pedestrian priority crossing on Waddington Road. In these circumstances, it is suggested that a zebra crossing would be most appropriate form of crossing to consider.

As a guide, the introduction of a zebra crossing would cost in the region of £15,000 to £20,000, depending on the necessity for any servicing alteration and other associated highway works.

### **Traffic Regulation Orders**

- (i) The existing 20mph Speed Limit transition point is to the north of Milton Avenue. With the introduction of additional vehicular activity and turning movements from Waddington Road, it would be appropriate to provide an additional buffer within the 20mph area of operation. For this reason, the 20mph Speed Limit should be extended further to the north on Waddington Road and to include access to the cemetery.

The costs of preparing, advertising and bringing the TRO into operation to be met by the applicant.

- (ii) There is the potential for on street parking along Milton Avenue as there is no existing Traffic Regulation Order (TRO) prohibiting waiting. The junction with Waddington Road operates successfully at present, serving fewer than twenty dwellings. With the introduction of additional traffic generated by the proposed development there will inevitably be further demand focused at this junction.

For that reason, it is recommended that a Traffic Regulation Order introducing junction protection measures, prohibiting waiting at any time, be introduced on the following lengths of road:-

- a. Milton Avenue, south east side, from its junction with the centreline of Waddington Road for a distance of 13m in a south westerly direction.
- b. Milton Avenue, north west side, from its junction with the centreline of Waddington Road for a distance of 19m in a south westerly direction.
- c. Waddington Road, south west side, from a point 9m north west of its junction with the centreline of Milton Avenue, for a distance of 18m in a south easterly direction.

The costs associated with the processing of the proposed TRO and the introduction of the necessary measures to establish the Order on site to be met by the Applicant.

This TRO will be of benefit to the efficient operation of the

junction as it will enhance access by reducing the potential for delay with ingress and egress onto Waddington Road as a consequence of parked vehicles. There will also be benefit to pedestrians, as visibility will be improved in the vicinity of the junction.

However, the design capacity of the existing junction will accommodate the combined number of existing and anticipated vehicle movements.

On this basis, should the TRO not progress, for whatever reason, this would not raise any specific highway safety concerns and would not be viewed as a justification for raising an objection to the proposal on highway safety grounds.

### **Travel Plan**

Individual Travel Plans should be developed and approved by LCC Travel Plan team, timescales for which would be agreed as a condition of planning approval.

For a development of this size, a contribution of £6,000 is required to enable Lancashire County Council Travel Planning team to provide a range of services as described in 2.1.5.16 of the Planning Obligations in Lancashire paper dated September 2008.

### **Future Items to be discussed under Reserved Matters:-**

There are a range of highways issues that will have to be resolved through Reserved Matters and these will include, but not be exclusive to, the following.

#### **Parking Provisions**

The application quotes an indicative total of 100 car parking spaces for the 50 residential units proposed, 15 of which will be defined as affordable. This corresponds to the appropriate level of provision for the various house types and layout shown on plan.

However, the site plan provided does not specify house types and bedroom sizes. This detail is relevant to the assignment of parking spaces and the overall level of provision may be required to vary from this initial assessment.

#### **Garaging**

In relation to the parking provisions, there are no indications concerning the use of integral garaging on the site. For any

LANCASHIRE COUNTY  
COUNCIL PLANNING  
CONTRIBUTIONS:

such provision, details of their dimensions and layout are essential in order to ascertain if they can be used, in perpetuity, for the safe garaging of private vehicles. A condition should be attached to any future consent regarding this.

This consultation response outlines the Planning Contribution request for Lancashire County Council Services based upon their Policy Paper 'Planning Obligations in Lancashire'.

#### TRANSPORT

There is likely to be a contribution request for sustainable transport measures in relation to this proposed development.

#### EDUCATION

Originally commented on 30 November 2011 as follows:

Development details: 50 dwellings  
Primary place yield: 18 places  
Secondary place yield: 13 places

##### Local primary schools within 2 miles of development:

Clitheroe Pendle Primary School  
St Michael And St John's RC Primary School Clitheroe  
Clitheroe Brookside Primary School  
St James' Church Of England Primary School Clitheroe  
Clitheroe Edisford Primary School  
Waddington And West Bradford C of E Primary  
Chatburn Church Of England Primary School  
Projected places available in 5 years: -6

##### Local Secondary schools within 3 miles of the development:

Clitheroe Royal Grammar School  
Ribblesdale High School/Technology College  
Projected places available in 5 years: 62

##### Requirement based on projections and impact of other developments:

###### *Primary*

*Latest projections*<sup>1</sup> for the local primary schools indicate that there will be a shortfall of 6 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had

planning permission. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 18 places.

#### *Secondary*

*Latest projections*<sup>1</sup> for the local secondary schools indicate that there will be 62 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission. However, planning applications have already been approved for the former Cobden Mill, Barkers Garden Centre and Victoria Mill which have the potential to yield 24 additional pupils, which are expected to attend one of these secondary schools. Therefore, the number of remaining places would be 62 less 24 = 38 places.

Therefore, we would not be seeking a contribution from the developer.

#### Other developments pending approval or appeal decision which will impact upon these secondary schools:

There are also a number of additional housing developments which will impact upon this group of schools which are pending a decision or are pending appeal. Details are as follows:

Henthorn Road\*  
Chatburn Old Road\*

#### Effect on number of places:

The proportion of the combined expected yield from these developments which is expected to impact upon this group of secondary schools is 76 pupils. Therefore, should a decision be made on any of these developments (including the outcome of any appeal) before agreement is sealed on this contribution, our position may need to be reassessed, taking into account the likely impact of such decisions.

#### Summary of response:

The latest information available at this time was based upon the 2011 annual pupil census and resulting projections. Based upon the latest assessment, LCC would be seeking a contribution for 18 primary places.

Calculated at 2011 rates, this would result in a claim of:  
Primary places: 18 @ (£12,257x0.9) x1.1072= £219,849  
Total contributions: £219,849

NB: If any of the pending applications listed above are approved prior to a decision being made on this development a claim for 13 (the full pupil yield of this development) secondary school places could be made against this development. Calculated at 2011 rates, this would result in a maximum secondary claim of:

Secondary places: 13 @ (£18,469\*0.9) x1.1072= £239,252  
The total of the claim would therefore increase to a maximum of: £459,101

A revised response was received on 16 April 2012 that updated the calculation made in respect of primary places in respect of the indexation factor applied. This reduces the education claim to £209,484

*Latest projections produced at Spring 2011, based upon Annual Pupil Census January 2011*

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\* - *Indicates that a claim has been made against these developments for an education contribution. If an education contribution is secured against any of these developments they will not be counted towards the impact upon the shortfall of places and thus the secondary school provision would not be required.*

## WASTE MANAGEMENT

The County Council makes vital major investments in waste management infrastructure for reasons of environmental protection and sustainability. Also, the necessity to secure the County Council's budget position as a waste disposal authority, through investing in an early switch away from land filling, has become all the more apparent, since the recent announcement on the rise in landfill tax in this year's National Budget . Every District in the County is being provided with advanced treatment facilities to treat waste prior to land filling, 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 £24,000.

## SUMMARY

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

Education £209,484

Waste Management £24,000

- COUNTY ARCHAEOLOGY: There are no significant archaeological implications.
- ENVIRONMENT AGENCY: Have no objection to the development subject to the imposition of conditions.
- UNITED UTILITIES: Have no objections to the development subject to the imposition of conditions.
- ADDITIONAL REPRESENTATIONS: A total of 85 letters of objection have been received and a petition with 235 signatures presented at the Planning and Development Committee meeting on 24 May 2012. Members are referred to the file for full details of these which can be summarised as follows:
1. The submitted Transport Assessment is based on false assumptions and is fundamentally flawed underestimating the impact of additional traffic that would be generated by the development thus undermining the viability of the scheme eg the traffic counts were taken when Moorlands School was on holiday.
  2. If the measures suggested in the Transport Assessment are taken for sightlines where will the displaced cars park?
  3. The unadopted road running down to the playground will become a shortcut (rat run) and this coupled with a general increase in traffic volumes in the area would make it dangerous for children coming and going to the playground.
  4. The roads that will be used to access this proposal are unable to accommodate the increased volume of traffic, let alone construction traffic, due to the design of the existing development which was built in the first half of the last century when vehicles were not as abundant.
  5. Milton Avenue was designed to be an avenue not a thoroughfare for a housing estate.
  6. The area is congested enough with the large volume of traffic using the roads around – car park and post office sorting office without further housing.

7. Parking is already a problem for residents as many people working in the town centre prefer to park on the streets rather than paying to use the public car park.
8. Pedestrian access to the town centre under the railway bridges on Waddington Road and by the bus terminus is not very safe at the moment. Increased traffic will increase the danger.
9. Any HGV traffic accessing the site would have to travel through Waddington as access from Waddington Road cannot be achieved through Clitheroe itself as the bridge heights do not allow such traffic.
10. Any further development should be located on the bypass side of town therefore allowing for reduced town traffic – Clitheroe cannot provide the work for all the people moving into such developments and anyone moving into the town is more likely to find work out of town consequently the need to get to the bypass should be a major consideration for any development.
11. On several occasions in the past few years the houses near to the bridge have come very close to being flooded and there has been flooding in the field itself.
12. Question whether the proposed development and existing sewerage system will be compatible in terms of size of sewer, its level for connection and gradient for proposed flushing.
13. The infrastructure of the area is not adequate enough to support any further housing – school, health care (doctors and dentists), emergency services, water supply, drainage, gas and electricity supply.
14. Reference to frequent flooding under the Waddington Road railway bridge at which point traffic takes the alternate route off Waddington Road ie Chester, Cowper and Milton Avenue.
15. Believe the land is green belt.
16. Question whether all brownfield sites and empty properties have been considered and reviewed prior to any greenfield site request.
17. Granting of the application would prevent a more viable use of the site for accommodating the elderly.
18. We should retain land for agriculture.

19. There is no necessity to build more houses when there are so many empty properties and others for sale or rent – who will buy them?
20. The development is not in keeping with the local area nor supports the Local Plan and requirements for additional affordable housing within the Clitheroe area.
21. The planning application leaves opportunity for further access and development into the field containing the old barn.
22. Some of the properties will allow direct views into neighbouring elderly persons flats.
23. Loss of privacy and security.
24. Loss of light.
25. Detrimental/disturbance to wildlife – bats, birds, small mammals.
26. Loss of view.
27. Detrimental impact on house prices.
28. The plans are out of date as they show the corporation yard which was developed a number of years ago.

### **Proposal**

This is an outline application to develop a site of approximately 1.23 hectare for residential use. The matters of access are being applied for at this time with the number of dwellings stated as 50.

With regard to the mix of dwellings this has not been fixed at this time, however information submitted with the application indicates a mix of detached, semi-detached and terraced units of varying sizes. In terms of scale, the majority of blocks will be two-storey in height with 2.5 storey blocks in key locations if required to terminate important vistas. The proposed sizes are expressed in the submitted Design and Access Statement as maximums of 9.6m width, 11.2m depth and 8.3m high and minimum dimensions of 4.5m width 8.1m depth and 8.1m high.

The proposed layout is a matter reserved for consideration at a later date. However a master plan has been provided in accordance with the regulations and this shows a single point of access leading from Milton Avenue. The layout is in the form of a cul-de-sac and retains an access route to the farmland to the north-west.

The scheme makes provision at 30% of the total number of dwellings proposed on site for affordable units. This equates to 15 units offered as a split between shared ownership and rental units.

## **Site Location**

This is a greenfield site set to the west of Chester Avenue car park that lies within the settlement boundary of Clitheroe. There are residential properties to its south (Corbridge Court) and north (the end terraces and semi-detached dwellings fronting Milton Avenue and Cowper Avenue), the aforementioned car park and a children's playground are to its east with open fields beyond the settlement limit to the west.

The site is generally square in shape with land levels sloping gently from northwest to southeast and an established tree belt separating it from the car park to the east. There is a hedgerow to its northern, southern and western boundaries with a barn immediately beyond the northwest corner of the site.

## **Relevant History**

3/2000/0196/P – Residential development engineering operations. Withdrawn.

6/2/795 – Outline application for use of land for residential purposes. Refused 29 April 1960.

## **Relevant Policies**

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy G11 - Crime Prevention.

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 H19 - Affordable Housing - Large Developments and Main Settlements.

Policy H21 - Affordable Housing - Information Needed.

Policy RT8 - Open Space Provision.

Policy T1 - Development Proposals - Transport Implications.

Policy T7 - Parking Provision.

Affordable Housing Memorandum of Understanding.

Addressing Housing Needs.

Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 19 Consultation Draft.

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 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.

National Planning Policy Framework.

Technical Guidance to the National Planning Policy Framework.

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

Members will recall that this application was initially brought before them for determination at the meeting on 24 May 2012. However, in light of concerns raised in relation to the dates on which the survey incorporated into the Transport Assessment was undertaken and other associated highway matters, the application was deferred for officers to obtain further clarification from the County Surveyor. The issues identified in the following text are as previously presented but with the highway safety section amended to reflect the wishes of Committee in terms of clarification on highway related matters.

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

### **Principle of Development**

The policy basis against which this scheme should be appraised is set out in the context of national, regional and local development plan policies.

At a national level the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that *at the heart of the NPPF is a presumption in favour of sustainable development* which means that for decision making purposes that:

- *Where the development plan is absent, silent or relevant policies are out of date, granting permission unless*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
  - *specific policies in this framework indicate development should be restricted.*

The NPPF requires LPAs to consider housing applications in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable sites. As at 1 April 2012, Ribble Valley can demonstrate a 5.2 year supply of housing including a 10% allowance for slippage, but no detailed site adjustments for deliverability.

The issue of a five year supply is a somewhat complex one as we move forward with the preferred development option in the Core Strategy at a time when government advice has highlighted that the Regional Strategy (RS) is soon to be abolished and that it will fall upon LPAs to determine what the housing requirement should be for their own borough. The most relevant policies of the RS are those that relate to housing requirements (Policy L4) and affordable housing (Policy L5). The Council has established that it will continue to determine planning applications against the existing RS figure of 161 dwellings per year in line with Government Guidance and as Members will recall, this is a minimum requirement not a maximum. Even though the Council is undertaking a review of its housing requirements as part of the plan making process, the requirement going forward is most appropriately addressed within the Core Strategy examination and statutory plan making process. Therefore, whilst mindful of the figure of 200 dwellings per year, agreed by a special meeting of Planning and Development Committee on 2 February 2012 as the annual housing requirement (following

work undertaken by Nathaniel Litchfield & Partners) it is the 161 per year requirement which remains the relevant consideration for decision making purposes on planning applications at this time. As stated, the current figure would appear to demonstrate a 5.2 year supply against that requirement but this is without any detailed site adjustments for delivery. Members must also bear in mind that irrespective of the five year supply issue, some of the policies of DWLP are considered out of date (in particular the settlement strategy) and thus the statement in NPPF cited above which advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits is at this time the overriding consideration. There are no provisions within the NPPF to advocate resisting development 'in principle' once a five year supply of deliverable sites is achieved. The site under consideration here is within the saved settlement boundary of Clitheroe. As such, Policy G2 of the DWLP allows for consolidation and expansion of development plus rounding off development. The site is not considered to comply with the definitions of any of these as offered in the supporting text of the policy. However, the policies of the DWLP were formulated during the 1990s with the plan being adopted in 1998 and the basis of the plans formulation was framed around the strategic framework set by the Lancashire Structure Plan. It was against the planned housing requirements in that document that settlement boundaries were drawn and definitions given to appropriate limits of development so as not to undermine the urban concentration strategy for Lancashire. The circumstances that are prevalent now with the need to meet the requirements of NPPF and maintain a deliverable five year supply of housing are such that this site is considered to meet the three dimensions of sustainable development as outlined in NPPF – economic, social and environmental. Contained within the settlement boundary as it is, and being of a scale that is not considered inappropriate to the locality (Clitheroe being the key service centre in the borough) subject to supporting infrastructure, it is concluded that the use of the site for residential development as a principle would be consistent with the national policy framework, extant Regional Strategy and at the scale proposed the principles of the emerging Core Strategy together with relevant material considerations which the Council must currently take into account.

### Affordable Housing

In considering the affordable element of the proposal it is important to have regard to Policies H19 and H21 of the DWLP and the Council's Affordable Housing Memorandum of Understanding (AHMU). It is recognised that the latter has now been superseded by the document entitled Addressing Housing Needs but given the scheme was submitted in November 2011 and negotiations have been ongoing regarding compliance with the document at the time the scheme was made valid, it has been considered unreasonable to renegotiate the terms on the basis of the document that only came into force in January of this year.

The scheme is submitted with 30% of the site being offered as affordable units. The initial offer made was that 15 units be provided on a shared ownership basis. Since submission, negotiations have been ongoing with the Council's Housing Strategy Officer that have resulted in a revision to the affordable provision on site by a reduction in the amount of shared ownership units to 8 and that 7 of the properties are offered for rental. It is hoped that an RSL would deliver these units but should that not prove to be the case, there is a clause to allow the shared ownership units to be offered as discount sale properties.

Such a clause has been incorporated into other agreements and is agreed to by the Council's Housing Strategy Officer.

The legal agreement content sub heading later within this report provides specific details for the clauses covering the affordable elements.

### Highway Safety

It is clear from the observations of the County Surveyor that he has no objection in principle to the proposal on highway grounds. As Members will note many of the objections to this development from nearby residents relate to matters of highway safety and the ability of the existing road network in the area to cope with the traffic generated by this development. In respect of safety there have been no reported collisions involving personal injury during the last five years on Milton Avenue. There has been one collision involving a slight injury at the junction of Milton Avenue/Eastham Street with Waddington Road – the motorist arriving at the junction from Eastham Street. Comments have been received about the suggested mitigation measures as outlined in the submitted Transport Assessment of corner protection measures at the junction of Milton Avenue and Waddington Road to prevent parking at the junction corners and to have no waiting at any time restrictions imposed along the pedestrian route from the site to the Town Centre (including the corners of Chester Avenue) as this can on occasion be blocked by parked cars. The County Surveyor has commented that with the introduction of additional traffic there will inevitably be further demand focused at the junction of Milton Avenue and Waddington Road and whilst he recommends a Traffic Regulation Order (TRO) introducing junction protection measures, he makes clear that the design capacity of the existing junction will accommodate the combined number of existing and anticipated vehicle movements. Thus he concludes that whilst the TRO would be of benefit to the efficient operation of the junction, should it not for whatever reason progress, this would not raise any highway concern that could be viewed as a justification for objecting to the development on highway safety grounds.

In respect of pedestrian linkages to the town centre referred to in the consultation response from the County Surveyor, an appropriately worded condition could be imposed to require details of all off site works of highway improvement be submitted for approval.

Members will note from the response that a series of financial contributions are sought from the County Surveyor for works associated with this development. To clarify for Members the contributions sought for sustainable transport measures would be used for cycle and pedestrian measures and the development of individual travel plans.

It is noted that LCC consider the costs of preparing, advertising and bringing the TRO into operation should be met by the applicant. As stated the scheme could progress in highway safety terms without the benefit of the TRO ie the need to deliver these works does not arise as a direct consequence of the highway impact of the development proposed and thus I consider it would be unreasonable to seek such contribution for the developer as it is not necessary to make the development acceptable in planning terms.

Reference has already been made to the fact that Members expressed concern over highway related matters and that they wished officers to seek clarification on such matters. Firstly, the date of the survey included in the submitted Transport Assessment was in July 2011. The County Surveyor has confirmed that LCC operated schools would have been in term time and thus the date of survey was not questioned by him in giving observations on the scheme. Objectors commented that Moorland School was on holiday on that particular date and in light of questions raised regarding the validity of that survey, given the nearest school was not in session that day, the applicants have undertaken another survey on Tuesday, 29 May 2012.

The results of that survey were provided to the LPA on 30 May 2012. The County Surveyor has examined the new survey data and commented that

*I have looked through the details of the surveys, both July 2011 and May 2012, with particular reference to any additional turning traffic relating to Moorlands School on Eastham Street, and the sensitivity of the Railway View Road/Waddington Road junction.*

*The May 2012 survey includes the main periods of traffic activity to/from Moorlands School. Although all LCC schools were operating at the time of the previous count, traffic associated with this school did not form part of the original data. The additional traffic amounted to;*

*In the am, 94 vehicles exiting from Eastham Street, with 93 entering from Waddington Road (South) and 6 from the north.*

*In the pm, 122 vehicles exiting from Eastham Street, with 99 entering from Waddington Road (South) and 8 from the north.*

*The inclusion of this data earlier in the application process would have been helpful as it clearly reflects a more comprehensive and verifiable representation of the existing distribution of turning movements at this junction. However, the impact of the additional highway activity shown in the more recent count confirms that the junction is operating comfortably within its capacity and that the inclusion of the Moorlands School movements is not significant in terms of the capacity of the existing highway infrastructure.*

Furthermore, I am satisfied that the level of anticipated traffic generated by the proposed development at Waddow View and accessed via Milton Avenue will not be significant in terms of the existing junction capacity. This is also true in respect of the available capacity of the main through route, B6478 Waddington Road, where there is no evidence of any detrimental impact on its safe and efficient operation.

Questions were also raised at the meeting about the response of the County Surveyor in respect of a potential TRO. This section of the report has already explained that the County Surveyor does not consider a TRO necessary in this instance. His response as detailed earlier within this report does indeed make reference to a potential TRO but this was in response to the offer made by the applicants in the submission documents. This is an application made in outline with detailed matters of access being applied for at this time. Therefore, it was in examining the detailed submission in respect of access that the need or not of a TRO was considered and dismissed by the Council's highway expert. There are strict guidelines in terms of contributions that can be asked for in legal agreements. Having discussed the highway implications of this development against those explicit guidelines in terms of what is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to a development, the conclusion initially reached was and remains that there is no place for insisting on a TRO to protect the junction of Milton Avenue with Waddington Road as a direct result of this development.

It is noted that the objector who spoke at the meeting which this scheme was initially presented to, made reference to the use of Catterick in the Transport Assessment submitted in support of the application and questioned whether that was appropriate. Again, clarification has been sought from the County Surveyor on this matter and he has provided comments on this which outline that TRICS is the national system of trip generation analysis used in the UK and Ireland. It contains details of over 6,000 transport surveys and over 100 types of development. It is a

very powerful and flexible system, and allows great variation in the calculation of both vehicular and multi-modal trip rates.

Where there is no direct analysis available for a location, the TRICS system provides guidance on the selection criteria for appropriate, comparable sites that will allow reference to robust and reliable data.

This is one of the tools used to examine the data contained in the Transport Assessment in order to determine the proposal's level of impact on the existing local highway infrastructure.

Catterick Garrison has been chosen as a comparison for Clitheroe by virtue of similarities in a number of relevant factors. The use of Catterick Garrison as a comparable location to Clitheroe as a means of determining transport assessment questions appears reasonable to the County Surveyor. The TRICS system is not intended as a means of direct comparison, but looks to provide a robust basis for a variety of possible development scenarios. Whilst the County Surveyor has not gone into the particulars of the locations in great detail, there are a number of important factors that recommend them for comparison. Therefore use of the Catterick Garrison comparator is in line with standard highway practice in assessing development schemes.

#### Public Open Space

On a site of this size under Policy RT8 of the DWLP the layout will usually be expected to provide adequate and usable public open space or for the developer to provide a contribution towards sport and recreational facilities within the area where the overall level of supply is inadequate.

Given the proximity of the site to an existing facility, the proposal put forward here is for a commuted sum to be put towards sport and recreational facilities for the under 8s at the adjacent Chester Avenue play area and for older children a contribution to be made towards facilities at the Castle grounds. The total sum of money to be paid is £39,000 (based on a calculation used at Barrow Brook phases 1 and 2) and this will be split between the Town Council and Borough Council as the Chester Avenue facility is owned by the Town Council. Chris Hughes, the Council's Head of Cultural and Leisure Services is liaising with the Town Council on this matter with details to be finalised in the Section 106 Agreement should Committee be minded to approve the application.

#### Infrastructure Provision

Members will note that there have been objections raised to the development on the grounds of insufficient infrastructure capacity with specific reference made to flooding, drainage and education amongst other things.

The application has been submitted with a Flood Risk Assessment. The site is in Flood Zone 1 which is defined as having little or not probably of flooding and the Environment Agency are satisfied with the assessment submitted. They have requested a condition to require the submission of details of surface water drainage and this requirement is reiterated by United Utilities. Indeed United Utilities comments that surface water should not be allowed to discharge to the foul/combined sewer as this will help to prevent foul flooding and pollution of the environment. It is conceivable that the most likely source of flood risk from the sewer network that has been referenced by objectors is due to surcharging of the system in periods of intense rainfall. The submitted FRA makes reference to this and comments that foul flooding

often occurs in areas prone to overland flow and can result when the sewer is overwhelmed by heavy rainfall and will continue until the water drains away. This is why the Environment Agency and United Utilities have requested a specific condition requiring details of surface water drainage and subject to a satisfactory scheme being designed they do not consider the scheme would lead to an increased risk of flooding in the immediate vicinity.

In respect of education provision Committee will note the comments from colleagues at LCC regarding this matter under the consultee responses section at the beginning of this report. A scheme of this size results in a claim of £209,484 towards primary places but with no contribution towards secondary provision. The applicant is fully aware of the contribution sought and has been in direct contact with LCC regarding this matter. The latest draft version of the Section 106 Agreement includes this provision. Subject to agreement over the clauses within the Agreement there are no objections raised in principle from officers of LCC to the proposed educational aspects of this proposal.

#### Nature Conservation/Trees/Landscaping/Ecology

As stated previously, this is a greenfield site and the application has been submitted with an Extended Phase 1 Habitat Survey. The site comprises improved pasture and the areas of hedgerow and trees are described as not being of high ecological value although they are likely to support breeding birds. The existing stone farm building to the north western boundary of the site provides suitable habitat for roosting bats with the trees considered to be of low potential value for roosting bats. The survey identifies that the key ecological impacts of the development will include potential impacts to nesting birds within trees and hedgerows and to bats within the stone farm building. Therefore, should the application be approved, conditions will need to be imposed to ensure that any vegetation clearance work takes place outside the bird breeding season and that mitigation for the loss of breeding bird habitat should be provided.

In respect of the tree coverage on site, a tree survey has been undertaken for the trees that separate the site from Chester Avenue car park. Whilst these trees are outside the development site they are within influencing distance of the development and root protection areas have been taken into account in devising the scheme. On the basis of the information provided, the scheme is not considered to significantly affect the established tree belt and again conditions will need to be imposed to ensure the trees are protected during construction work should Committee be minded to approve the application.

#### 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 two of its boundaries and car park and play area to the third. The layout shows a green buffer between the development and existing houses on Milton Avenue and Cowper Avenue with the retention of the existing hedgerow on this site boundary. In visual terms I am of the opinion that no significant detriment would be caused were the development to be approved. The site is within the settlement limit and would be a logical place for this scale of development to take place.

In respect of scale parameters the height limits of 8.1m and 8.3m would not, I consider, appear over dominant when compared with surrounding development. Committee should remember these are an indication of the lower and upper limits for development and further information will then be submitted at reserved matters stage to provide precise details of each unit in terms of scale and appearance.

Objectors have commented that the indicative masterplan provides for a future potential access to the field to the north. Whilst the County Surveyor has made reference to the possible link in his observations, Committee should consider the scheme as presented on its own merits. Should a scheme be devised for the land to the north at some future date that would be assessed at such time under policies that are in place then.

### Residential Amenity

In considering residential amenity it is important to have regard to the relationship of the site with surrounding land uses as well as the actual layout shown on the submitted masterplan. Members should be aware however that layout is a matter reserved for consideration at a latter date and thus the masterplan provided indicates an approximate location of buildings and how the built form could relate to the surrounding residential properties.

To the east of the site are the streets of Cowper Avenue and Milton Avenue which are set at a right-angle to the site meaning it is the gable elevation of three properties that face onto the application site (no's 12 and 19 Milton Avenue and no 20 Cowper Avenue). Reference has already been made to the layout of the proposed development under a separate heading within this report and the approach taken to that means that the development blocks would be set between 22-24m away from the gable elevations of the aforementioned properties (all of which have windows in their gable elevations at first floor facing into the site). I consider this to be sufficient distance between built form so as not to have a detrimental impact in terms of overlooking/overbearing nature of development.

Turning to properties on Corbridge Court. This is a complex of elderly persons accommodation that lies to the south of the site which has its rear elevation facing towards the proposed development. It is a two-storey development that has a stepped footprint meaning distances from the site boundary range from approximately 9m to 5m. The indicative masterplan shows detached properties in this part of the overall site which in the main would be set at a slight angle to the rear elevation of Corbridge Court (only that dwelling facing towards numbers 38 and 39 would appear to have the same exact orientation) with suggested garaging set closer to the aforementioned existing residential accommodation than the proposed rear building lines of the proposed houses. Approximate distances between residential accommodation would range between 19 and 21m with garaging set closer at between 9m to 14m. As already stated layout is not a detailed matter being applied for at this time and the masterplan provided, whilst indicating approximate locations of built form, is for illustrative purposes. Any submitted reserved matters application would need to be in general conformity with the principle of the urban grain as laid out on that plan ie the location, arrangement and design of the development blocks and plot arrangement but further detailed consideration and minor repositioning of development blocks could be secured at that stage if it was considered necessary in relation to the properties on Corbridge Court. I raise this as Members will be aware that the indicative guideline for facing habitable rooms at first floor expressed as 21m in the Council's SPG on extensions and alterations to dwellings. I am of the opinion that there is scope within the site to secure minor repositioning to ensure that the 21m threshold would be met at reserved matters stage should Members be minded to establish the principle of residential development as

acceptable on this site. It is for that reason that on the basis of the details being applied for at this stage, and in the knowledge that there is the ability to address this relationship at reserved matters stage, I conclude that the properties to the south of the site would not be so significantly affected by the development in terms of overlooking/overbearing nature of development as to warrant a recommendation of refusal.

Comments have been received about loss of light and loss of privacy but subject to detailed consideration being given to privacy matters at reserved matters stage when precise details are available of window positions in new dwellings, privacy levels should not be significantly compromised. The distances between respective built form has already been referred to in terms of overbearing/oppressive nature of development and I do not consider that any adjacent properties would suffer any significant detriment from potential loss of light were this scheme to proceed.

### Section 106 Agreement

The application was submitted with a draft Legal Agreement that covered matters of affordable housing provision. The agreement has been subject to change since the original submission to take account of consultee responses in respect of contributions sought. To clarify for Members the Section 106 Agreement will stipulate the following:

#### 1. Affordable Housing

- The total number of affordable units shall consist of 15 new build dwellings.
- 8 of the units shall be shared ownership properties.
- 7 of the units shall be affordable rental properties.
- Delivery of the affordable units shall be phased with the provision of market units to ensure that not more than 50% of the private housing is occupied until the affordable dwellings are developed.
- In terms of eligibility for the properties, this shall relate to a boroughwide connection.

#### 2. Education

- A sum of £209,484 to be paid in two equal instalments, the first of which being payable on the occupation of 50% of the units and the remainder on completion of the scheme.

#### 3. Highways

- A sum of £73,000 to be paid in two equal instalments, the first of which being payable on the occupation of 50% of the units and the remainder on completion of the scheme.

#### 4. Off-Site Open Space Contribution

- A sum of £39,000 to be paid upon completion of the scheme in respect of the administration and upgrading and management of public open space, namely the play area at the corner of Milton Avenue and Chester Avenue adjacent to the site and the play area in Clitheroe Castle grounds.

5. Wheeled Bin Provision

- To pay upon first occupation of any dwelling the wheelie bin contribution applicable to that dwelling and capped at a maximum sum of £5,000 in respect of the completed site.

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 within a period of 6 months (from the date of this decision) as outlined in paragraphs numbered 1-5 under the Section 106 Agreement sub heading within this report and subject to the following conditions:

1. Application for approval of reserved matters must be made not later than the expiration of 3 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 3 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. No development shall begin until 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) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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. The submission of reserved matters in respect of layout, scale, appearance, landscaping and implementation of development shall be carried out in substantial accordance with the Design and Access Statement and Masterplan Drwg No 11-021-1001.

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

4. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority.

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

5. The new estate road/access between the site and Milton Avenue 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.

6. Prior to occupation of the 1st dwelling a residential Travel Plan to improve accessibility of the site by sustainable modes shall be submitted to and approved in writing by the Local Planning Authority in consultation with Lancashire County Council Highways Travel Plan Team.

The full Travel Plan should include the following matters:

- Appointment of a named Travel Plan Co-ordinator
- Travel survey
- Details of cycling, pedestrian and public transport links to the site
- Details of secure, covered cycle parking
- SMART Targets for non-car modes of travel
- Action plan of measures to be introduced
- Details of arrangements for monitoring and review of the Travel Plan

The approved Travel Plan shall be implemented, monitored and reviewed (including undertaking any necessary remedial or mitigation measures identified in any such review) in accordance with the approved Travel Plan for a period of time not less than 5 years following completion of the development.

REASON: To minimise the use of private cars in the interests of sustainable development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. No development shall begin until details for the provision of surface water drainage works including a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

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

8. In the event that 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) should be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. Works should then be carried out in accordance with the approved strategy.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan to ensure that any required remediation strategy will not cause pollution of ground and surface waters both on and off site

9. No development shall begin until a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods, has been 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 Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan.

10. No development shall take place until details of the provisions to be made for artificial bird (species) nesting sites/boxes have been submitted and approved by the Local Planning Authority. The approved works shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing with the Local Planning Authority.

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

11. No development shall begin until a detailed mitigation strategy has been submitted to and approved in writing by the Local Planning Authority to assess the impact of any works that may affect species identified in the Phase 1 Habitat Survey, their breeding sites or resting places. The details submitted shall include protection, mitigation and enhancement measures in accordance with the Impact Assessment details identified in the Phase 1 Habitat Survey (paras 4.1-4.6 inclusive).

The biodiversity mitigation measures as detailed in the approved mitigation plan shall be implemented in accordance with any specified timetable and completed in full prior to substantial completion or first bringing into use of the development, whichever is the sooner.

REASON: In order to reduce the impact of the development on biodiversity and bat/bird species in accordance with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan.

12. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified on the Tree Constraints Plan Ref:BTC196-TCP and in the Arboricultural Constraints Appraisal dated 8 April 2011 shall be protected in accordance with the BS5837 2012 [Trees in Relation to Construction] the details of which shall be agreed in writing, implemented in full, 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 zones 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 considered to be of visual, historic or botanical value are afforded maximum physical protection from the adverse affects of development in accordance with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan.

13. No development shall take place 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:

- (i) the parking of vehicles of site operatives and visitors
- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (v) wheel washing facilities
- (vi) measures to control the emission of dust and dirt during construction
- (vii) a scheme for recycling/disposing of waste resulting from construction works

REASON: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

14. The dwellings shall achieve a minimum Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

REASON: In order to encourage an energy efficient development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

15. 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.

16. No development shall commence until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail how the site will be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to either soakaway or watercourse and may require the consent of the Environment Agency. Such a scheme shall be constructed and completed in accordance with the details so approved.

REASON: To ensure a satisfactory means of drainage in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

NOTE(S):

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserved the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Executive 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.
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.
3. 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.
4. The applicant/developer is advised to contact Graham Perry (Wastewater Asset Protection) at United Utilities to discuss full details of site drainage proposals.

APPLICATION NO: 3/2011/1064/P (GRID REF: SD 374023 441156)  
PROPOSED RESIDENTIAL DEVELOPMENT SCHEMES TOTALLING 113 DWELLINGS (81 MARKET AND 32 AFFORDABLE UNITS) COMPRISING 81 DWELLINGS ON LAND OFF WOONE LANE ADJACENT TO PRIMROSE PHASE 1 SITE (OUTLINE APPLICATION INCLUDING DETAILS OF ACCESS, LAYOUT AND SCALE) AND 32 DWELLINGS ON LAND REAR OF 59-97 WOONE LANE (DETAILED APPLICATION) PLUS RELATED HIGHWAY IMPROVEMENTS AT WHALLEY ROAD/PRIMROSE ROAD JUNCTION, CLITHEROE

TOWN COUNCIL:

Object to the application. Members are referred to the file for full details of the response which can be summarised as follows:

1. Whilst welcoming the provision of 32 affordable homes, the Town Council feel they cannot support the application for a number of reasons.
2. Despite the arguments of the developer, this cannot be treated as one site – there are 400 yards and over 150 properties between the plots.
3. The scheme would be contrary to paragraph 24 of PPS3 and the Council's affordable housing policies having all the social housing on the Mearley Croft site and none on the Primrose Village phase 2 site.

4. Policy A1 allows for limited residential development within the northern part of the defined area and this exceeds that area.
5. Concerns over flooding.
6. The three storey buildings facing on to Woone Lane would be out of keeping with the current Victorian street scene.
7. Policy A1 calls for highway adaptations – none of which are proposed here and thus concerns are raised over matters of highway safety.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Has no objections in principle to this proposal on highway grounds. Members are referred to the file for full details of these comments which are summarised as follows:

The application involves two discrete sites and these will be discussed separately.

1. The "affordable" site located to the rear of 59-97 Woone Lane.

This incorporates 32 dwellings, with access from a new junction to the south east side of Woone Lane close to its junction with Victoria Street, Clitheroe.

a. Access from Woone Lane

The vehicular access road is 5.5m wide for over 60m from Woone Lane. This is sufficient to accommodate two-way movements and to facilitate safe manoeuvring to/from Woone Lane and the car parking areas to the north east of the junction.

The visibility splay provided secures sightlines in both directions consistent with MfS2 requirements.

The provision of 2.0m wide footways to either side of the junction for the extent of the frontage onto Woone Lane is also to be welcomed.

The gradient along parts of the access road is up to 1 in 15. While this is in excess of the 1 in 20 recommended for an access falling from a priority road, it serves a short residential cul-de-sac, with limited access required for additional traffic.

b. Highway Safety

In order to discourage on street parking on Woone Lane in

front of Plots 1-7, there should be no break in the fence or other barrier between the properties and the adjacent footway.

2. An extension of development at Primrose Mill.

a. Access from Woone Lane

The vehicular access to the site will be formed from within the established Primrose Mill site. There are no further requirements regarding the use of the Woone Lane access for the purposes of supporting the additional 81 residential dwellings.

b. Highway Improvements at A671 Whalley Road

The Transport Assessment makes clear the need to secure an appropriate highway improvement at the junction of Whalley Road and Primrose Road in order to accommodate the additional traffic anticipated as a result of (both aspects of) this application.

In considering the levels of traffic associated with developments in the local area, it will be appropriate to consider an additional traffic element relating to the recently committed development at Henthorn Road. While this should not be a determining factor, there are significant peak hour flows identified that will impact on movements at this junction.

The methodology employed and the source data used to determine traffic counts and junction modelling are satisfactory and fairly represent this location and the anticipated traffic demands.

In line with the PICADY model for the Base 2016 plus Development (Table 6.9), the resulting delays on Primrose Road are not acceptable, as they would have a detrimental impact on the capacity of the local highway infrastructure and on highway safety in the vicinity of this junction.

The timing of the implementation of the proposed highway improvements is of particular concern and this is acknowledged in the conclusion to the TA

The highway improvement shown on Drawing N01951/06 provides a ghost island, right-turn lane and local widening on Whalley Road and Primrose Road. All land required for this improvement is indicated as being in the control of the applicant and can, therefore, be achieved under a subsequent Section 278 Agreement.

The subsequent PICADY modelling of the proposed measures indicates a satisfactory set of results, well within acceptable

parameters for the establishment of a sustainable junction treatment.

However, it should be noted that revisions are required in these assessments to include the additional Committed Development at Henthorn Road. Revised figures should be provided and noted as taking precedence over those included in the TA of December 2011.

#### c. Highway Safety

It is also relevant to note that there were no reported collisions at the junction of Primrose Road with A671 Whalley Road during the last five years, 28 February 2007 to 1 March 2012. Appropriate measures will need to be secured to enhance this level of safe manoeuvring should the application be successful. For this reason, significant highway works will be required at this junction to accommodate the additional turning traffic and pedestrian activity.

#### d. PROW

There are two Public Rights of Way running within the Primrose Mill site, Footpaths 17 and 17a. These routes and possible subsequent links are to be retained. There are a number of items relevant to both aspects of the application.

#### a. Planning Obligations

Should the LPA 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 acknowledged that a number of measures provided under proposed s278 highway works support sustainable development. However, it is considered that further sustainable measures may be necessary to promote and support sustainable development, particularly in respect of public transport. Until agreement has been reached on the Transport Assessment the LHA is unable to provide full details on the request for planning obligations relating to highways and transport. The planning obligations are expected to cover:

- contribution for sustainable transport, walking, cycling and public transport, and
- request for contribution for advice and assistance with the Travel Plan.

The initial response from LCC Highways dated 2 April 2012 identified a Highways contribution of £184,200.

The initial calculation was based on house type and number, in

relation to the accessibility score for the site. This provided a figure of £184,200. However, any planning obligation request needs to satisfy the three tests under CIL:

- Necessary to make a development, acceptable in planning terms
- Directly related to the development and
- Fairly and reasonably related to the scale and kind of development.

A further response from LCC dated 4 May 2012 outlines that the approach used to determine the maximum level of planning contribution relates to the strengths/weaknesses of the development in respect of its location and scale.

It is important that all opportunities which help to deliver sustainable transport from the development to all key services/destinations are supported. As Clitheroe is a key destination in the area for employment etc it is not unreasonable that a request is made to enhance the sustainable links. Whilst it is noted its influence may not be significant in respect of modal shift, it does provide improvements which support greater use of public transport from this development than would otherwise occur.

It is important that the relevant priority be assigned to sustainability, with the intention of improving opportunities for the use of sustainable transport modes from this development which is located at the edge of the existing built environment.

The potential costs do not include any physical highway works and there are no signing or road marking improvements proposed.

In addition, a 20mph Speed Limit has subsequently been introduced along Woone Lane as part of an ongoing LCC road safety initiative. This has removed the need to introduce measures designed to assist with compliance with the previous 30mph Speed Limit.

It has been possible to identify the following additional works that will satisfy the three tests under CIL. These measures have a combined cost of £122,000.

#### b. Public Transport

A range of bus stop locations are accessible within a 400m radius of the centre of the smaller Woone Lane site. However, it would be beneficial to relocate stops or provide additional provision. These changes could allow for the introduction of

appropriate road markings, street furniture and possible footway improvements.

Consideration should also be given to the provision of specific stops in relation to Phase 2 of the Primrose Mill development as the centre of this new plot takes it beyond the 400m radius onto Woone Lane. Therefore, both new stops and the potential penetration of the site or contribution to the extension of the existing C1 service should be examined.

The provision of new or upgraded stops would be subject to a suitable design being agreed, the intention would be to pursue stops to LCC Quality Bus Standards, including illuminated shelters to LCC specification, raised footway (160mm kerb height) and Bus Clearway Markings.

Initial estimates for the costs of this provision would be £20k per location plus a £2k commuted sum for future maintenance. LCC would require acceptance to future maintenance of the shelters by the Borough Council be obtained as part of this process.

In this instance and in light of the outline nature of the application, the anticipated costs should reflect three potential locations for new or improved stops. Accordingly, the public transport provisions will amount to £60,000, plus £6,000 commuted.

#### c. Cycling

Measures should be considered to link both aspects of the proposed development to the nearby lodge. There are clear benefits for healthy walking and cycling routes to, from and through this feature.

As a guide, a contribution of £50,000 would assist with the creation of these links, in liaison with previous undertakings from the developer and the planning authority.

#### d. Travel Plan

A Full Travel Plan should be made a condition of the outline planning approval, and developed along the stated timescales (these are included in the full response from the County Surveyor)

A contribution of £6000 would be requested to enable Lancashire County Council Travel Planning team to provide a range of services as described in 2.1.5.16 of the Planning Obligations in Lancashire paper dated September 2008.

LCC (PLANNING  
CONTRIBUTIONS):

Amended plans were received on **17 May** and the County Surveyor has commented in a further response dated 31 May that there were concerns regarding the proposed width of the right turn lane into Primrose Road. A further drawing was received on **31 May** and that satisfied the concerns of the County Surveyor as it showed an arrangement that complies with basic design principles as set out in the Design Manual for Roads and Bridges, Volume 6.

This consultation response outlines the Planning Contribution request for Lancashire County Council Services based upon their Policy Paper 'Planning Obligations in Lancashire'.

#### TRANSPORT

There is likely to be a contribution request for sustainable transport measures in relation to this proposed development.

#### YOUTH AND COMMUNITY

Clitheroe has been identified as a priority for the Young People's Service and the existing Young People's Centre within Clitheroe is now classed as a Key Centre for service delivery. Therefore, we would like to request a planning contribution in relation to this proposed new development at land off Woone Lane and land at Primrose Village.

As there may be more young people accessing our centre from this proposed development, the planning contribution could be appropriately used to contribute towards additional furniture and equipment as well as the creation of a further project room within the centre to cope with the extra demand.

Based on the methodology for the Young People's Service, the total contribution request at the rate of £600 per dwelling were there is 2 bedrooms or more, the planned contribution amounts to £65,340.

#### EDUCATION

Development details: 100 dwellings  
Primary place yield: 35 places  
Secondary place yield: 25 places

Local primary schools within 2 miles of development:

St James' Church Of England Primary Clitheroe  
St Michael And St John's RC Primary Clitheroe  
Clitheroe Edisford Primary School  
Clitheroe Brookside Primary School  
Clitheroe Pendle Primary School  
Barrow Primary School  
Waddington And West Bradford CofE VA Primary  
Projected places available in 5 years: -8

Local Secondary schools within 3 miles of the development:

Ribblesdale High School/Technology College  
Clitheroe Royal Grammar School  
Projected places available in 5 years: 62

Requirement based on projections and impact of other developments:

**Primary**

*Latest projections*<sup>1</sup> for the local primary schools indicate that there will be a shortfall of 8 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 35 places.

**Secondary**

*Latest projections*<sup>1</sup> for the local secondary schools indicate that there will be 62 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

However, planning applications have already been approved for the former Cobden Mill, Barkers Garden Centre and Victoria Mill which have the potential to yield 24 additional pupils, which are expected to attend one of these secondary schools. Therefore, the number of remaining places would be 62 less 24 = 38 places.

Other developments pending approval or appeal decision which will impact upon these secondary schools:  
There are also a number of additional housing developments which will impact upon this group of schools which are pending a decision or are pending appeal. Details are as follows:  
Henthorn Road  
Land off Milton Ave  
Land off Chatburn Old Road  
Old Manchester Offices

Effect on number of places:  
The proportion of the combined expected yield from these developments which is expected to impact upon this group of secondary schools is 83 pupils. Therefore, should a decision be made on any of these developments (including the outcome of any appeal) before agreement is sealed on this contribution, our position may need to be reassessed, taking into account the likely impact of such decisions.

Summary of response:  
The latest information available at this time was based upon the 2011 annual pupil census and resulting projections.  
Based upon the latest assessment, LCC would be seeking a contribution for 35 primary places.  
Calculated at 2011 rates, this would result in a claim of:  
 $(£12,257 \times 0.9) \times \text{BCIS Indexation } (304.20 \text{ April } 2011 / 288.4 \text{ Q4 } 2008 = 1.054785)$   
 $= £11,635.65 \text{ per place}$   
 $£11,635.65 \times 35 \text{ places} = £407,248$

NB: If any of the pending applications listed above are approved prior to a decision being made on this development the claim could increase up to maximum of 35 primary places and 25 secondary places. (Secondary – 62 places available less 24 approved applications less 83 pending applications = shortfall of 45 places) Calculated at 2011 rates, this would result in a maximum secondary claim of:

Secondary places:  $(£18,469 \times 0.9) \times \text{BCIS Indexation } (304.20 \text{ April } 2011 / 288.4 \text{ Q4 } 2008 = 1.054785) = £17,532.74 \text{ per place}$   
 $£17,532.74 \times 25 \text{ places} = £438,319$

The total of the claim would therefore increase to a maximum of: £845,567

*<sup>1</sup>Latest projections produced at Spring 2011 based upon Annual Pupil Census January 2011.*

## WASTE MANAGEMENT

The County Council makes vital major investments in waste management infrastructure for reasons of environmental protection and sustainability. Also, the necessity to secure the County Council's budget position as a waste disposal authority, through investing in an early switch away from land filling, has become all the more apparent, since the recent announcement on the rise in landfill tax in this year's National Budget . Every District in the County is being provided with advanced treatment facilities to treat waste prior to land filling, 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 £54,250.

### SUMMARY

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

Education £407,248

Waste Management £54,250

Youth & Community £65,340

**ENVIRONMENT AGENCY:** Initially stated they had no objection in principle to the proposed development subject to imposition of conditions.

Further correspondence dated 30 April 2012 raised an issue regarding an Environment Agency easement between Mearley Brook and the proposed development only being 5m instead of the 8m required. On the basis of this, they raised an objection to the development until the layout had been revised such that there is no development including private garden spaces within 8m of the top of the bank/edge of the retaining wall of Mearley Brook. At the time of report preparation discussions were ongoing regarding this matter. It is understood that agreement has been reached and such details will be reported verbally to Members at the Committee meeting.

**UNITED UTILITIES:** No objection in principle to the proposed development subject to the imposition of conditions.

**ADDITIONAL REPRESENTATIONS:** 17 letters of objection have been received. Members are referred to the file for full details which can be summarised as follows:

1. Involves building beyond settlement on greenfield land.
2. Locating all affordable housing units in a distinct location away from market housing is not conducive to

- a well balanced community.
3. Question the level of details submitted regarding the layout for the road and information contained within the transport assessment.
  4. Correspondence questioning whether the land required to implement the highway proposals is in the ownership or control of the applicant or part of the adopted public highway.
  5. Concerns over highway safety – works to the junction of Primrose Road and Whalley Road are welcomed but this does not address the matter of additional traffic using Woone Lane and the resultant highway safety issues/problems.
  6. The highway mitigation put forward designs out the needs of existing users of the area with a potential loss of access to a neighbouring business and thus have a major impact on business viability.
  7. Whilst permission has already been granted for a large number of properties, there has been no improvement in local facilities.
  8. Concerns over flooding.
  9. Concerns over ecological impacts of the development on the county biological heritage site and where the highway improvement works are necessary.
  10. A three storey building would dominate the skyline.
  11. Potential overlooking of surrounding properties.
  12. Impacts on residential amenity in terms of noise disturbance.
  13. Devaluation of properties.
  14. Concerns that two developments are put in under one application.
  15. Question the content of the Section 106 Agreement.

## **Proposal**

This is a hybrid application in respect of the co-joined development schemes intended to form part of the overall Primrose regeneration. Primrose phase II is an outline submission for the erection of 81 dwellings; Mearley Croft is a full submission for the erection of 32 affordable dwellings with the final element of this hybrid application being full details of junction improvements at Whalley Road/Primrose Road. These component parts are described in full below.

### **Primrose Phase II (2.48 hectare excluding link road through Phase I)**

This part of the development site is a triangular shaped field and includes a highway link through Phase I back to Woone Lane. Submission is made in outline for 81 dwellings on this parcel of land for a mix of two bed duplex, three bed mews/town houses/detached and four bed detached houses. Matters to be determined at this stage are access, layout and scale and in terms of scale and massing, details are provided to indicate the scheme would accommodate 1½, 2 and 2 ½ storey properties ranging from minimum heights of 5.5m for the duplex unit at 1½ storey to a maximum height of 9.5m for the 2½ storey units. Details submitted in the design and

access statement indicate that the majority of dwellings would be two storey with maximum heights of 8.5m.

#### Mearley Croft (0.88 hectare)

Details are submitted in full for this part of the scheme which comprises 32 affordable dwellings (17 affordable rent and 15 shared ownership) accessed off Woone Lane opposite to 1 Victoria Street. With regard to the layout, this has been dictated by the topography of the site and also had a bearing on the access point on to Woone Lane. An amended plan dated 26 April 2012 details revisions asked for by the highway engineer regarding boundary treatment to Woone Lane.

The layout has dwellings that front on to Woone Lane (plots 1-7) with three of these being split level. Plots 8-11 on the north side of the access road step down in line with gradient of that section of the site. The remainder of the site is relatively level and has an approximate width of between 30m-40m which dictates a single side development with the access way tight against the north western boundary, ie to the rear of properties that front on to Woone Lane.

The massing to Woone Lane has been designed at 2-3 storey with the massing for the remainder of the site (except for the three split level dwellings) varying from single storey bungalows to a three storey apartment block.

In terms of materials, the dwellings will be constructed of buff coloured artificial stone under concrete tiled roofs. All plots have private garden areas with 52 parking spaces throughout the development site.

#### Junction Improvements – Whalley Road/Primrose Road

This part of the scheme constitutes a full application for improvements to the present road geometry including widening of Primrose Road on the approach to its junction with Whalley Road to provide a flare and include a pedestrian refuge. In addition, it was initially proposed that Whalley Road be widened along its north eastern edge to facilitate a right turn lane on to Primrose Road and the side road to the opposite side of Whalley Road. Amended plans were received on 17 May 2012 to revise the red edge of the proposal in respect of the junction improvements with a further plan submitted on 31 May 2012 to show satisfactory arrangements for the turning lane from Whalley Road into Primrose Road. These plans removed the proposed widening of Clitheroe Road.

#### Site Location

This co-joined hybrid application covers three distinct parcels of land in the Primrose Lodge area of Clitheroe as follows.

#### Primrose Phase II

This is a triangular shaped grassland field set to the south west of the approved Primrose development site. The land slopes from north east to south west with levels ranging from 71.5m to 61.75m. The north west boundary of the site is defined by the Clitheroe to Manchester railway line on a raised embankment with residential properties on Kemple View beyond that. The south east boundary is formed by an access track and public right of way with Primrose

House beyond. It falls outside the defined settlement boundary of Clitheroe within land designated open countryside.

### Mearley Croft

This parcel of land has a frontage of approximately 75m to Woone Lane adjacent to No 97 and then extends across the rear of that terraced row up to No 59 and back towards Mearley Brook. The land comprises former allotments, garages and garden sheds and areas of scrub and self sown trees. The site is within the settlement limit of Clitheroe, is covered by the Primrose Area Policy and the majority of it is on land designated as a County Biological Heritage Site.

### Junction Improvements

The works detailed above are at the junction of Primrose Road/Whalley Road on the approach into the town. The land necessary to accommodate the road widening on Primrose Road presently has trees in situ subject of a tree preservation order.

### 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.

### Relevant Policies

Policy G1 - Development Control.  
Policy G2 - Settlement Strategy.  
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 H2 - Dwellings in the Open Countryside.  
Policy H19 - Affordable Housing - Large Developments and Main Settlements.  
Policy H20 - Affordable Housing - Villages and Countryside.  
Policy H21 - Affordable Housing - Information Needed.  
Policy RT8 - Open Space Provision.  
Policy T1 - Development Proposals - Transport Implications.  
Policy T7 - Parking Provision.  
Policy A1 - Primrose Area Policy.  
Affordable Housing Memorandum of Understanding.  
Addressing Housing Needs.  
Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 19 Consultation Draft.  
DP1 – Spatial Principles North West of England Regional Spatial Strategy to 2021.  
DP2 – Promote Sustainable Development - North West of England Regional Spatial Strategy to 2021.  
DP7 – Promote Environmental Quality - North West of England Regional Spatial Strategy to 2021.

L1 – Health Sport Recreation Cultural and Education Services - North West of England Regional Spatial Strategy to 2021.

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

L5 – Affordable Housing - North West of England Regional Spatial Strategy to 2021.

National Planning Policy Framework.

Technical Guidance to National Planning Policy Framework.

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

The matters for consideration in the determination of this application are the principle of development, highway safety, ecological interests, infrastructure provision, visual and residential amenity. For ease of reference these are broken down into sub-headings for discussion but given the number of comments made about the nature of the application with three component parts it is considered appropriate to provide observations on that matter first.

The application details residential development on land to the rear of no's 59-97 Woone Lane (referred to as Mearley Croft) together with an extension of the ongoing Primrose Phase I housing scheme onto land (off Woone Lane) to the west of Primrose Mill. These are intended to form a further part of the "Primrose Village" project and comprise three interdependent elements – Primrose Phase II (81 residential units outline application); Mearley Croft (32 affordable units detailed application) and highway junction improvements at Primrose Road/Whalley Road junction (detailed application). Linking the three elements on an interdependent basis has been done to provide a clear picture of the overall Primrose masterplan as well as the ability to secure phased delivery of the various component parts in a logical manner. I am not aware of any provision in planning law or ministerial advice to suggest that a single planning application for such interdependent elements should not be accepted. Reference will be made elsewhere within this report to the contributions to the lodge restoration, timing of highway works and location of affordable housing units and it is only when considering all three red edged sites within this submission together that the appropriately phased delivery of these aspects can be secured. Therefore notwithstanding the questions raised over the split site aspect of the submission it is, in this particular instance, considered acceptable in its form and therefore it is the detail of the submission that warrants due consideration as follows:

#### **Principle of Development**

The policy basis against which this scheme should be appraised is set out in the context of national, regional and local development plan policies.

At a national level the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that *at the heart of the NPPF is a presumption in favour of sustainable development* which means that for decision making purposes that:

- *Where the development plan is absent, silent or relevant policies are out of date, granting permission unless*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
  - *specific policies in this framework indicate development should be restricted.*

The NPPF requires LPAs to consider housing applications in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable sites. As at 1 April 2012, Ribble Valley can demonstrate a 5.2 year supply of housing, including a 10% allowance for slippage but no detailed site adjustments for deliverability.

The issue of a five year supply is a somewhat complex one as we move forward with the preferred development option in the Core Strategy at a time when government advice has highlighted that the Regional Strategy (RS) is soon to be abolished and that it will fall upon LPAs to determine what the housing requirement should be for their own borough. The most relevant policies of the RS are those that relate to housing requirements (Policy L4) and affordable housing (Policy L5). The Council has established that it will continue to determine planning applications against the existing RS figure of 161 dwellings per year (in line with Government guidance) and as Members will recall, this is a minimum requirement not a maximum. Even though the Council is undertaking a review of its housing requirements as part of the plan making process, the requirement going forward is most appropriately addressed within the Core Strategy examination and statutory plan making process. Therefore, whilst mindful of the figure of 200 dwellings per year, agreed by a special meeting of Planning and Development Committee on 2 February 2012 as the annual housing requirement (following work undertaken by Nathaniel Litchfield & Partners) it is the 161 per year requirement which remains the relevant consideration for decision making purposes on planning applications at this time. As stated, the current figure would appear to demonstrate a 5.2 year supply against that requirement, but this is without any detailed site adjustments for delivery. Members must also bear in mind that irrespective of the five year supply issue some of the policies of the Districtwide Local Plan are considered out of date (in particular the settlement strategy) and thus the statement in NPPF cited above which advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits is at this time the overriding consideration. There are no provisions within the NPPF to advocate re-siting development 'in principle' once a five year supply of deliverable sites is achieved and thus in assessing this application it is important to look at the component parts in turn having regard to the above considerations as follows.

In respect of Primrose Phase II this triangular parcel of land lies outside but immediately adjacent the settlement boundary of Clitheroe as defined in the DWLP within land designated open countryside. This element of the proposal would bring forward 81 dwellings and at this scale would, I consider, fall outside the scope of small-scale developments envisaged within Policy G5 that essentially seeks to protect the countryside from inappropriate development. By virtue of the change it would bring to the landscape, consideration will need to be given to Policy ENV3 with a view taken on the extent to which the proposal may impact upon landscape character and this is covered elsewhere within this report.

It is important to remember, however, that the Policies of the DWLP were formulated during the 1990's with the Plan being adopted in 1998. The basis of the Plan's formulation was framed around the strategic framework set by the Lancashire Structure Plan against which the Plan established its settlement boundaries to reflect the applicable planned housing requirement and the necessary allocation of land to meet that at that time. It should be acknowledged that clearly we are some time on from when those boundaries were established. There will be a need therefore to identify how any boundaries would need to address identified requirements that are relevant now and that have been set, in our instance, through the RS whilst at the same time being mindful of the aforementioned work undertaken as part of the plan making process in

terms of housing numbers and the Development Strategy of the emerging Core Strategy that is out for consultation.

Therefore in establishing whether the development of this parcel of land for residential purposes would in principle be acceptable it is the requirements of NPPF that take precedence over the dated policies of the DWLP in respect of this site ie a presumption in favour of sustainable development as outlined above. The NPPF outlines that there are three dimensions to sustainable development – economic, social and environmental and these give rise to the need for the planning system to perform a number of roles. In terms of an economic role NPPF comments that LPA's should ensure that sufficient land of the right type is available in the right places and at the right time and also identify and co-ordinate development requirements including the provision of infrastructure. A social role is ensured by providing the supply of housing required to meet the needs of present and future generations and an environmental role by contributing to protecting and enhancing the natural, built and historic environment. Having carefully assessed this aspect of the proposal against these it is considered that the development of this site immediately adjacent to the settlement boundary of Clitheroe would accord with the requirements of the NPPF. Reference will be made later in this report to the environmental role which this development will have in terms of the restoration of Primrose Lodge as a local nature reserve as well as the infrastructure improvements to the local highway network. Whilst this component part of the overall scheme would provide market housing (the affordable housing being on the Mearley Croft site) this is considered to fulfil the social role identified above as the Council has to provide a supply of housing to meet identified requirements – at the moment the RS target of 161 dwellings per year.

The Mearley Croft aspect of the proposed scheme lies within the settlement limit of Clitheroe and is subject of saved area policy A1. This concerns itself with the wider Primrose Area on which consent has already been granted for residential development (3/2008/0526/P) and funds secured by a Legal Agreement for works associated with the restoration of the lodge area itself as a local nature reserve (see discussion under Public Open Space heading for further details of this). Policy A1 concerns itself with environmental improvement works at Primrose Lodge and does indicate a potential residential area to the northern part of the defined Policy area to the extent required to fund such works. Policy A1 was drafted in the early 1990's with the draft Primrose brief prepared in December 1992. The situation on site has changed significantly in the intervening years with buildings falling into disrepair, land to the north-east being redeveloped for housing and a day care centre, consent being granted for the redevelopment of the mill site and associated land for residential purposes and the further deterioration in the condition of the lodge. Thus I am of the opinion that a more pragmatic approach needs to be taken, as indeed Committee took when considering 3/2008/0526/P against Policy A1, in permitting a slightly more extensive area for residential development than that outlined in Policy A1. There are substantial wider benefits to be derived that would still secure the over-arching aim of Policy A1 which is to secure the restoration of Primrose Lodge.

Therefore having examined the potential development as submitted under this co-joined hybrid application it is considered that being of a scale that is not inappropriate to the locality (Clitheroe being the key service centre in the borough) subject to supporting infrastructure, it is concluded that the use of Primrose Phase II and Mearley Brook sites for residential development in principle would be consistent with the National Policy Framework, extant Regional Strategy and at the scale proposed the principles of the emerging Core Strategy together with relevant material consideration that the Council must currently take into account.

## Affordable Housing

In considering the affordable element of the proposal it is important to have regard to Policies H19, H20 and H21 of the DWLP and the Council's Affordable Housing Memorandum of Understanding (AHMU). It is recognised that the latter has now been superseded by the document Addressing Housing Needs but given the application was submitted and made valid prior to the adoption of the updated document by Health and Housing Committee, an approach has been taken to negotiations on this element that has had regard to both documents.

The scheme is submitted with all of the affordable housing offered on the Mearley Croft part of the overall site and none on the Primrose Phase II parcel of land. The intended 32 dwellings would provide a 28.3% affordable offer for the combined scheme which is slightly below the Council's normal target of 30% affordable housing. The applicants have put forward the case in the form of a Planning Obligations Delivery Plan that the relaxation from the 30% is required to enable delivery of both the Mearley Croft scheme in its entirety at an early stage in development process and also the highway junction improvements on Primrose Road/Whalley Road. They consider the financial benefit to the developer of this relaxation will be used to facilitate the aforementioned obligations.

This aspect of the scheme has been slightly modified since initial submission in terms of the number of bedrooms to be provided in some of the properties with the scheme now detailing 17 affordable rental units (9 x 1 bed apartment; 4 x 2 bed bungalows and 4 x 3 bed houses) and 15 shared ownership properties (8 x 2 bed houses and 7 x 3 bed houses). In terms of securing early delivery of this part of the overall proposal, there is a clause within the Section 106 Agreement stating that all the affordable units be completed and transferred to a Registered Provider before commencement of the development of Phase II.

The Strategic Housing Working Group have considered the proposal and confirm that the principle of affordable housing delivery on the Mearley Croft site with none on Primrose Phase II has been previously discussed and accepted by the Group. The tenure mix and house type is as requested and it is due to their request that the bungalows and/or apartments be built to lifetime home standards and for the over 55's and that these amendments have been made to the initially submitted Section 106 Agreement to the effect that the bungalows will be built to lifetime home standards and allocated for use by households where at least one person is over 55 years and that the apartments provided as affordable rent be either supported housing accommodation or for the over 55 years.

On the basis of this it is concluded that the affordable element of the scheme is acceptable.

## Highway Safety

It is clear from the observations of the County Surveyor that he has no objections in principle to the proposal on highway grounds. Since his initial comments were received, an amended site plan has been received for the Mearley Croft site which shows a continuous 1.2m high black railing to the back edge of the new footway fronting Woone Lane outside plots 1 to 7 and revised figures were submitted as requested to take into account the committed development at Henthorn Road. He is satisfied with the details so submitted. Members will note from the objections received that matters have been raised specifically about the junction improvements with correspondence received that questions whether all the land necessary to carry out the works is within the control of the applicant or LCC as highway authority. I have raised this matter with the County Surveyor and understand that notwithstanding the representations

received, LCC and the applicant have investigated this matter and conclude the works and be achieved within land they control. As Members will be aware such disputes are separate legal matters and should not have a bearing on the decision making process. However, a revised plan was received on 17 May 2012 that has in the applicants opinion, taken at any potential land ownership questions into account and removed the land in question. Re-notification has taken place and the County Surveyor did initially express concerns over the layout shown in respect of the width for the proposed right turn lane. The applicants then submitted a further plan on 31 May and on the basis of the details shown on that drawing, no objections are raised as it establishes a junction layout that corresponds to the essential highway design criteria for a right turn ghost island. Again, objections have been received by a business that operates adjacent to the former mill site about access arrangements and I reiterate comments made when considering the application for the mill site (3/2008/0526/P) that it would be unreasonable to either seek amendments or impose conditions that facilitate a turn around movement simply to meet a need to already exist for a business that operates outside of the application site.

Therefore, having regard to the observations of the County Surveyor on this matter in respect of the initially submitted and subsequently received plans, I must conclude that there would be no significant detriment to highway safety were this scheme to proceed. Suitably worded conditions should be imposed to ensure the appropriate phasing of the junction improvements at Whalley Road/Primrose Road – they are not required to enable the Mearley Croft scheme to process but need to have been carried out prior to Primrose phase II.

#### Public Open Space

On a site of this size under RT8 of the DWLP the layout will usually be expected to provide adequate and useable public open space or for the developer to provide a contribution towards sport and recreational facilities within the area where the overall level supply is inadequate.

In this particular instance the developer is offering a financial contribution towards the landscape regeneration scheme at Primrose Lodge. Members may recall that when the initial outline consent was granted for the Primrose Mill site under 3/2008/0526/P there was an accompanying Legal Agreement which, amongst other things, contained a sequence of payments towards the lodge restoration (£250,000 in total at various trigger points in the development stages). The first payment has been made and detailed studies commissioned and undertaken to inform the landscape strategy going forward. It is hoped that the final scheme will deliver not only landscape regeneration and associated woodland management but will include repair of the water features, restoration of a permanent lake and more stable water channels. It will also include a new strategic footpath and cycle link between Primrose Road and the Town Centre. Talks are ongoing with the appropriate agencies in terms of securing a long-term management plan for this area and possibly designating it as the town's third local Nature Reserve. Members will be aware that the site has recently been designated as Receptor Site for conservation credits with the Environment Bank as the northwest's first biodiversity offsetting scheme. Registering the lodge under this scheme has the potential to raise additional capital to create a local nature reserve and the £140,000 being offered as part of this scheme will make a substantial contribution towards achieving that aim. On the basis of this it is considered that as the area once restored will become available as a local nature reserve not only for the benefit of residents of these schemes but the wider community this approach to meeting the requirements of Policy RT8 is acceptable.

### Nature Conservation/Trees/Landscaping/Ecology

As stated previously the sites of Primrose Phase II and Mearley Croft are greenfield in nature and thus ecological assessments, arboricultural implications assessments and landscaping site assessment studies have been submitted for consideration in the determination of this application.

In respect of Primrose Phase II a Phase I habitat survey identifies that the majority of the site is improved grassland and bordering the site along the northeastern perimeter is a defunct hedgerow which whilst species poor, is a mature feature. Within the site are a number of scattered trees, predominantly young, both broad leaved and coniferous in nature which along with the hedgerow provide potential foraging and commuting habitat for bats. The survey recommends that all or part of the site boundaries are enhanced with hedgerow and tree planting and that any vegetation clearance works are timed to take place outside the nesting bird season. Therefore should the application be approved conditions will need to be imposed to cover such matters.

Turning the Mearley Croft site, this lies immediately adjacent to Primrose Lodge which is a designated County Biological Heritage Site. This part of the application site is dominated by semi-natural broadleaved woodland with Himalayan Balsam and Japanese Knotweed present in the surveyed area. The ecological survey concludes that no protected species were identified on site but that some of the trees do have potential to support roosting bats and nesting birds. There has been an arboricultural survey submitted which identifies that 17 trees, 15 groups and some trees from 4 further groups must be removed to facilitate the proposed development. It is recognised that the loss of such an area of tree coverage will represent a significant reduction in the arboricultural value of the site and have an effect on the wildlife corridor that is currently formed around Mearley Brook.

Regard has also been had to the felling work necessary to facilitate the junction improvements at Whalley Road/Primrose Road and that the trees to be lost are part of a TPO that covers the Stalwart site presently under construction. The Order covering that site was made at a time when it was considered expedient to do so having regard to particular circumstances at that time. The planning circumstances relevant at this time in relation to these 2 trees is different and it is acknowledged that their loss whilst regrettable is necessary in order to achieve highway benefits and enable a development to proceed that will make additional contributions to an ongoing environmental regeneration project. A plan was received on 17 May 2012 that details a proposed revised outline planting scheme to plot 8 on the Stalwart development currently under construction ie the junction plot. Tree and hedgerow planting is shown to the garden area and should Committee be minded to approve the application, a condition should be imposed to ensure this planting is carried out in the first available planting season following completion of the junction improvement works.

The Council's Countryside Officer has had involvement in this scheme from an early stage and it is recognised that a level of arboricultural mitigation could be provided through works across the wider site. He is also mindful of the significant non-arboricultural improvements that are proposed across the wider Primrose Site on the lodge itself through the restoration/regeneration of that area and the habitat improvements that it will bring. It is therefore having regard to the wider Primrose area and works currently underway in order to restore the lodge area that there is no objection raised to this development from the Council's Countryside Officer subject to the imposition of site specific conditions covering matters of tree/hedgerow protection, landscape details and bat/bird mitigation species protection and civil enforcement measures.

### Infrastructure Provision

Members will note that concern has been raised by objectors to potential flooding and it is clear from the comments of the Environment Agency that in this respect they are satisfied that the development would not cause an unacceptable risk of flooding or increase flood risk elsewhere. They did raise concerns over easement rights and discussions have been ongoing between the applicant and the Agency in this respect. It is understood that agreement can be reached on the matters identified by the Agency and at the time this report was finalised, I was awaiting written confirmation of this from the Environment Agency. It maybe that they seek imposition of conditions to secure technical matters and their response will be reported verbally to Members at the meeting.

Members will also see from the observations of LCC in respect of education that an assessment has been carried out on the basis of a development of 100 dwellings and not the 113 stated in the description of development. The reason for this is that LCC does not ask for education contributions in respect of properties for either the over 55s or on single bed apartments. This is in line with their updated paper dated November 2011 and is brought to Committee's attention to avoid any confusion in this matter.

### Layout/Scale/Visual Amenity

As stated previously, this is an application made in part as an outline scheme but with 2 parts submitted with full details.

In respect of the Primrose Phase II element, this has been submitted in outline to establish the principle of development on this parcel of land. To assist the LPA in making a decision on this part of the proposal there is a requirement for applicant to provide a basic level of information on matters including parameters of scale, layout, general siting and form of development. As matters of access, layout and scale are being applied for at this time, a layout has been submitted to show how the scheme would fit into the immediate surroundings with existing residential development to the north western boundary beyond the railway line, approved but yet to be constructed residential development to the east with a public footpath to the south and open fields beyond that. I am of the opinion that notwithstanding concerns raised by objectors regarding the loss of greenfield land, no significant detriment would be caused were the development to be approved. With any development there is an inevitable visual impact and in this case I consider that the impact would be of a localised nature and not prove significantly detrimental to the visual amenities of the area. The access point into the site is fixed from Phase I with the majority of housing to the west of the access way being side on due to easement issues. To the eastern part of the site is a courtyard of housing, the middle part of the site forms a cul-de-sac arrangement to give a strong street scene and closure to the development boundary. The site is enclosed by the aforementioned railway line and public right of way network and at a density of approximately 32 dwellings per hectare I consider it would be in keeping with the area. The scheme provides a mix of house types and in terms of scale the submission outlines upper limits for development ranging between 6m to 9.5m. There will be a 50% mix of detached and terrace/town housing with 28 dwellings being 2½ storey.

Committee should remember that as scale is a detailed matter being applied for at this stage, the heights provide precise details of each unit in that respect. On the basis of the information provided and having regard to the scale of surrounding development, I do not consider that the parameters of scale shown for this aspect of the proposal would prove significantly detrimental to the visual amenities of the area.

Turning to the Mearley Croft aspect of the proposal this is submitted with full details of the design and layout of the scheme. Reference has already been made to the sloping nature of the land from the Woone Lane frontage down to Mearley Brook with the layout put forward having regard to the changing levels. There would be two development blocks fronting Woone Lane – a three storey apartment block and terrace of four two-storey dwellings to the east of the proposed site access (these are split level dwellings with a three storey elevation to the rear due to land levels). Given the land levels these blocks would be set down from Woone Lane with site sections provided to show such details. On the basis of these a three-storey element would be approximately 9.5m above the existing road level and terrace block approximately 7m high. Having regard to the wider street scene I am of the opinion that the terraced row would be in keeping with the area and cause no significant detriment. In terms of the three-storey apartment block, I am conscious that this would be prominent being the first units to the south of Woone Lane on the approach from the main Primrose area. However, whilst it would have a ridge higher than the surrounding properties I do not consider the potential impact of this one element to be so significantly detrimental to the street scene as to warrant an unfavourable recommendation. The remainder of the units within the site are a mix of heights – bungalows, two-storey and a three-storey block and having regard to the scale and massing of the properties on Woone Lane that back onto the site I do not consider that there would be any significant detriment to the visual amenities of the area were this scheme to proceed.

The third element of this interlinked scheme is the extent of works necessary to facilitate highway improvement works at the junction of Primrose Road/Whalley Road. Reference has been made to the loss of tree coverage elsewhere within this report and here it is important to consider the visual impact of the works involved. The nature of works within the highway are not an uncommon feature with the main impact arising from the loss of trees and widening of the junction. Having carefully considered the visual impact of these, I am of the opinion that whilst loss of trees is regrettable, they are not of such significant amenity value as to recommend unfavourably on visual amenity grounds. Discussions surrounding the TPO have been covered elsewhere has reference to the proposed planting scheme to take place within the garden area of plot 8 on the Stalwart site by way of mitigation.

### Residential Amenity

In considering residential amenity it is important to assess the relationship of the various component parts of the scheme with properties outside of the respective red edged areas as well as that between dwellings proposed as part of this scheme.

Primrose Phase II has properties set to the north beyond the railway line with the planning layout denoting the gable elevations of properties facing onto the rear elevation of those dwellings at a distance of approximately 40m. I am mindful that objectors have commented about overlooking but do not consider the impact on residents of Kemple View would prove significantly detrimental to their existing amenities.

In respect of the internal relationship of the development site a layout shows properties mainly facing onto internal access road/shared accesses and from the submitted plan it would appear that separation distances are satisfactory.

In assessing the potential impacts of the dwellings proposed at Mearley Croft it is important to assess the relationship of the scheme with no's 59 to 97 Woone Lane that back onto the site and no's 108 Woone Lane and 1 Victoria Street that are opposite the entrance and some of the frontage plots. There would be a distance of approximately 12m between the proposed end of

terrace unit (plot 7) and 108 Woone Lane. The latter has windows in the elevation facing towards the site at both ground and first floor. Whilst the distance does not meet the indicative 21m as expressed in the Council's SPG for Extensions and Alterations to Dwelling regarding distance between facing habitable room windows at first floor, I am mindful of the particular site conditions in relation to this scheme. This report has already made reference to the sloping nature of the site and outlined these properties will be set down from the existing level of Woone Lane by approximately 1m. This coupled with the respective positioning of windows leads me to conclude that there would be no direct overlooking between these two properties. The relationship between with the remainder of the site with the rear of the terrace 59 – 97 Woone Lane is acceptable as there are distances of between 27 to 40m between built forms and this will respect privacy levels and ensure that the development does not have an overbearing/oppressive nature on existing residents. The internal layout presents a satisfactory scheme in terms of residential amenity.

Therefore after giving a very careful consideration to this aspect of the scheme I consider that the residential amenities of properties surrounding the Primrose Phase II and Mearley Close sites should not be significantly affected by the works put forward as part of this proposal.

The works involved in the junction modifications would impact on the development currently underway on the former Stalwart Lodge with the proposed dwelling on plot 8 having a reduced curtilage area from that originally approved. However, potential purchasers of that dwelling will be aware of the planned works and given the scheme would still allow for an area of private amenity space I do not consider the relationship would be unsatisfactory.

### Section 106 Agreement

The application was submitted with a draft Legal Agreement that covered matters of affordable housing, education, highway and public open space. The Agreement has been subject to change since original submission to take account of consultee responses in respect of contributions sought. To clarify for Members the Section 106 Agreement will stipulate the following:

#### 1. Affordable Housing

- *The total number of affordable units shall consist of 32 properties on the Mearley Croft site.*
- *17 of the units shall be affordable rental units (9 x 1 bed apartments, 4 x 2 bed bungalows, 4 x 3 bed houses).*
- *15 of the units shall be shared ownership properties (8 x 2 bed houses, 7 x 3 bed houses).*
- *In terms of eligibility for the properties this shall relate to a boroughwide connection.*
- *In terms of delivery all 32 dwellings on the Mearley Croft site to be completed and transferred to a Registered Provider before commencement of the development on Phase II.*
- *The bungalows be designed to lifetime homes standard where possible and allocated for over 55 years.*
- *The affordable rent apartments be offered as either supported housing or housing for over 55 years.*

## 2. Education

- *A sum of £407,248 to be paid to LCC in two equal instalments, the first of which being payable prior to the sale of the 35<sup>th</sup> market dwelling on the Phase II site with the remaining balance to be paid prior to the sale of the 70<sup>th</sup> market dwelling on the same site.*

## 3. Sustainable Transport

- *A sum of £122,000 to be paid to LCC as a sustainable transport contribution in two instalments. The initial £61,000 to be paid prior to the sale of the 35<sup>th</sup> market dwelling on the Phase II site with the remaining balance to be paid prior to the sale of the 70<sup>th</sup> market dwelling on the same site.*

## 4. Public Open Space – Off-Site Contribution

- *To pay the Council a commuted sum of £140,000 in respect of the improvement and regeneration of Mearley Lodge.*
- *The initial £70,000 to be paid prior to the sale of the 35<sup>th</sup> market dwelling on the Phase II site with the remaining balance of £70,000 prior to sale of the 70<sup>th</sup> market dwelling on the same site.*

## 5. Wheeled Bin Provision

- *To pay the wheeled bin contribution by two separate instalments calculated at the rate of £90 per dwelling prior to the first occupation of a dwelling constructed on each of Mearley Croft and Phase II as appropriate.*

## SUMMARY REASON 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 within a period of 6 months (from the date of this decision) as outlined in paragraphs numbered 1-5 under the Section 106 Agreement sub heading within this report and subject to the following conditions:

## FULL ASPECTS OF PROPOSAL

1. The development of 32 affordable dwellings on the Mearley Croft site as detailed on drawing 3501/P/001 rev A received on 26 April 2012 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 of Section 91 of the Town and Country Planning Act 1990.

2. The new estate road/access between the Mearley Croft site and Woone Lane 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.

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 development hereby permitted on the Mearley Croft site shall commence until details of the landscaping of the site 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 prior to commencement of the development unless otherwise agreed by the Local Planning Authority, 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 Policy G1 of the Ribble Valley Districtwide Local Plan.

5. No development shall begin on the Mearley Croft site until a detailed method statement for the removal or treatment and control/long term management/eradication of Japanese Knotweed and Himalayan Balsam on the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of proposed measures to prevent the spread of Japanese Knotweed and Himalayan Balsam during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/rot/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

REASON: In the interests of protecting nature and conservation issues to prevent the spread of non native invasive species in accordance with Policies G1, ENV7, ENV9, ENV10 and ENV13 of the Ribble Valley Districtwide Local Plan.

6. No tree felling shall take place on the Mearley Croft site until such time that all the trees identified for removal have been conclusively established in relation to their potential use by bats. The trees shall be subject of a detailed investigation by a qualified and licensed ecologist during the optimum time and in accordance with the Bat Conservation Trust Good

Practice Guidelines. The results of the investigation shall be submitted to and approved in writing by the Local Planning Authority prior to any felling taking place and works carried out in accordance with any mitigation measures identified.

REASON: To protect the bat population from damaging activities and reduce the impact of tree felling for development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. No development or tree works shall take place until all trees indicated to be removed have been surveyed for the presence of birds the details of which shall be submitted and approved in writing by the Local Planning Authority. The details shall include details of those birds as identified on the RSPB register of birds of conservation concern and those trees the condition of which indicate that they have the potential to be used by birds as a nest site. All works shall thereafter be carried out in accordance with any mitigation measures identified.

REASON: To ensure that bird species of conservation concern are protected in accordance with the Wildlife & Countryside Act 1981 as amended and the conservation [Natural Habitats & c.] Regulations 1994

8. No development shall take place until details of the provisions to be made for building dependent species of conservation concern artificial bird nesting boxes and artificial bat roosting sites have been submitted to and approved in writing by the Local Planning Authority.

The details shall be submitted on a building dependent bird/bat species development site plan and include details of plot numbers and the numbers of per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated [north/north east elevations for birds & elevations with a minimum of 5 hours morning sun for bats] and type and make of bird boxes and bat roof tiles i.e. lbstock.

The artificial bird/bat boxes shall be incorporated into those dwellings/buildings during the construction of those individual plots identified on the submitted plan in accordance with the approved details and under the supervision of the local RSPB Swift/Swallow Officer in liaison with the Council's Countryside Officer.

REASON: To enhance nesting/roosting opportunities for bird/bat species of conservation concern and reduce the impact of development in accordance with Policy ENV7 of the Ribble Valley Districtwide Local Plan and to ensure that bird and bat species are protected and their habitat enhanced, in accordance with the Wildlife & Countryside Act 1981 as amended, the Conservation [Natural Habitats & c.] Regulations 1994 and the Lancashire Biodiversity Action Plan.

9. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified on the planning layout drawing no 3501/P/001 rev A and in the arboricultural/tree survey [Report Ref TEP.3116.001 October 2011] to be retained shall be protected in accordance with the BS5837 2012 [Trees in Relation to Construction] the details of which shall be agreed in writing, implemented in full, 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 zones 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 comply with planning policies G1, ENV13 of the Districtwide Local Plan to ensure that trees of visual amenity/botanical/historical value are protected against adverse affects of the development.

10. No work on site shall commence until an Arboricultural method statement detailing the working methods to be employed with the earth works/ground re-grading adjacent to the root protection zones of retained trees have been submitted to the local planning authority and approved in writing.

REASON: To ensure that retained trees as identified on the detailed approved plans are afforded the maximum protection from the adverse effects of development in accordance with Policy ENV13 of the Ribble Valley Districtwide Local Plan.

11. No development shall commence until a scheme to treat and remove suspended soils from surface water run off during construction works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON: To ensure the protection of Mearley Brook in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

#### OUTLINE ASPECTS OF PROPOSAL

12. Application for approval of reserved matters for Primrose Phase II of the development identified on drawings 3500/P/001; 3500/P/002 rev A and 3500/P/003 must be made not later than the expiration of 3 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 3 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 of Primrose Phase II because the application in respect of this phase of development was made for outline permission and comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

13. No development on Primrose Phase II shall begin until 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) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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.

14. The submission of reserved matters in respect of layout, scale, appearance, landscaping and implementation of development of Primrose Phase II shall be carried out in substantial accordance with the Planning Layout 3500/P/001 and Scale and Massing Layout 3500/P/003 and Design and Access Statement.

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

15. No development hereby permitted on the Primrose Phase II site shall commence until details of the landscaping of the open pasture site located adjacent to Pendleton Brook and gap planting of hedgerow running along the north eastern and adjacent to footpath 17 along the south west boundary have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details and extent of native tree, woodland and hedgerow planting including details of the appropriate types and numbers of trees and shrubs and their distribution on site.

The approved landscaping scheme shall be implemented in the first planting season prior to commencement of the Primrose Phase II development, unless otherwise agreed by the Local Planning Authority, 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 Policy G1 of the Ribble Valley Districtwide Local Plan.

16. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all existing hedgerow, trees and woodland shall be protected in accordance with the BS5837 2012 [Trees in Relation to Construction] the details of which shall be agreed in writing, implemented in full, 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 zones 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: To aid integration of new development into the wider landscape, ensure that trees of visual amenity/botanical/historical value are protected against adverse affects of the development in accordance with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan.

17. Prior to occupation of the 1st dwelling on the Primrose Phase II site a Travel Plan to improve accessibility of the site by sustainable modes for residential uses shall be submitted to and approved in writing by the Local Planning Authority in consultation with Lancashire County Council Highways Travel Plan Team.

The full Travel Plan should include the following matters:

- details of Travel Plan Co-ordinator
- residents travel survey
- Details of cycling, pedestrian and public transport links to and within the site
- Details of the provision of cycle parking for the properties where suitable space is not available
- SMART Targets for non-car modes of travel
- Action plan of measures to be introduced, including residents packs
- Details of arrangements for monitoring and review of the Travel Plan

The approved Travel Plan shall be implemented, monitored and reviewed (including undertaking any necessary remedial or mitigation measures identified in any such review) in accordance with the approved Travel Plan for a period of time not less than 5 years following completion of the development.

REASON: To minimise the use of private cars in the interests of sustainable development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

#### CONDITIONS RELEVANT TO WHOLE OF PROPOSAL

19. This permission shall be implemented in accordance with the proposal as detailed on the following drawings:

3500/P/001 Planning Layout Primrose Phase II  
3500/P/002 rev A received 17 May 2012 Location Plan  
3500/P/003 Scale and Massing Layout Primrose Phase II  
3501/P/001 rev A received on 26 April 2012 Planning Layout Mearley Croft  
3501/P/002 rev A received 9 May 2012 House Type A Mearley Croft  
3501/P/003 House Type B Mearley Croft  
3501/P/004 House Type C Mearley Croft  
3501/P/005 House Type D Mearley Croft  
3501/P/006 House Type E Mearley Croft  
3501/P/007 House Type F Mearley Croft  
3501/P/008 rev A received 26 April 2012 Plots 1-3 Mearley Croft  
3501/P/009 Plots 4 - 7 floor plans Mearley Croft

3501/P/010 Plots 4 - 7 elevations Mearley Croft  
3501/P/011 amended received 2 May 2012 Plots 8 - 11 elevations Mearley Croft  
3501/P/012 amended received 2 May 2012 Plots 8 - 11 floor plans Mearley Croft  
3501/P/013 Plots 12 - 14 floor plans Mearley Croft  
3501/P/014 Plots 12 - 14 elevations Mearley Croft  
3501/P/015 rev A received 26 April 2012 Plots 15 - 20 floor plans Mearley Croft  
3501/P/016 rev A received 2 May 2012 Plots 15 - 20 elevations Mearley Croft  
3501/P/017 Plots 21 - 24 floor plans Mearley Croft  
3501/P/018 rev A received 26 April 2012 Plots 21 - 24 elevations Mearley Croft  
3501/P/019 Plots 25, 26, 31 & 32 floor plans & elevations Mearley Croft  
3501/P/020 Plots 27 - 30 floor plans Mearley Croft  
3501/P/021 Plots 27 - 30 elevations Mearley Croft  
3501/P/022 Site Section Plots 4 - 7 Mearley Croft  
3501/P/050 received 26 April 2012 Site Section Plots 1 - 3 Mearley Croft  
N01951/08 rev B received 31 May 2012 Proposed Improvements to Whalley Road/Primrose Road Junction  
BD/SL/100 rev A received 17 May 2012 Planning Layout (with highway improvements)

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

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

- (i) the parking of vehicles of site operatives and visitors
- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (v) wheel washing facilities
- (vi) measures to control the emission of dust and dirt during construction
- (vii) a scheme for recycling/disposing of waste resulting from construction works

REASON: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

21. The dwellings shall achieve a minimum Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

REASON: In order to encourage an energy efficient development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

22. This 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.

23. No development shall begin on any phase of development until a scheme identifying how a minimum of 10% of the energy requirements generated by that phase of development will be achieved by renewable energy production methods, has been submitted to and approved in

writing by the Local Planning Authority. The scheme for that phase of development 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 Policies G1 of the Ribble Valley Districtwide Local Plan.

24. No development shall begin on any phase of development until a scheme for the provision of surface water drainage works including the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme on each phase of development shall thereafter be completed in accordance with the approved plans.

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

25. No part of the Primrose Phase II development hereby approved, shall commence until a scheme for the programming, implementation and construction of the works of highway improvements at the junction of Primrose Road/Whalley Road as detailed on drawing N01951/08 rev B Proposed Improvements to Whalley Road/Primrose Road Junction has been submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall thereafter be carried out in accordance with the approved scheme.

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 and scheduled to take place at an appropriate stage of development before work commences on site.

26. Prior to commencement of the junction improvements detailed in condition 25 of this consent, a landscaping scheme for plot 8 of the Stalwart Lodge site as detailed on drawing BD/SL/100 rev A shall 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 completion of the junction improvements as detailed in condition 25 of this consent, unless otherwise agreed by the Local Planning Authority, 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 Policy G1 of the Ribble Valley Districtwide Local Plan.

27. No development shall begin on any phase of development approved by this planning permission until the following details have been provided for that phase:

- 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 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 be present 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.

28. No development shall begin on any phase of development approved by this permission until a scheme for the disposal of foul and surface waters for that phase has been submitted to

and approved in writing by the Local Planning Authority. The scheme shall detail how the site(s) will be drained on a separate system, with only foul drainage connected into the foul sewer. The scheme shall thereafter be constructed and completed in accordance with the approved plans.

REASON: To ensure a satisfactory means of drainage in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

NOTE(S):

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserved the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Executive 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.
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.
3. 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.
4. The applicant/developer is advised to contact Graham Perry (Wastewater Asset Protection) at United Utilities to discuss full details of site drainage proposals.
5. Where this consent refers to phases of development in conditions this is to differentiate between the Mearley Croft site and Primrose Phase II site as shown on drawing 3500/P/002 rev A (location plan).

APPLICATION NO: 3/2012/0327/P (GRID REF: SD 373629 436607)  
PROPOSED MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL (C3); NURSING HOME (C2); CAR PARKING; OPEN SPACE AND ANCILLARY LANDSCAPING AT LAND TO THE EAST OF CLITHEROE ROAD (LAWSONSTEADS) WHALLEY

PARISH COUNCIL: Is mindful that this application differs from the previously rejected application, yet it is evident that attempts to alleviate the concerns expressed previously by the Parish Council have not been and the Parish Council would support any objection forwarded by RVBC, LCC or any statutory consultee on the following issues:

1. Education – The lack of places in Whalley and the Ribble Valley schools is the norm for both primary and secondary pupils. The resultant transport of pupils out of the area is financially and environmentally flawed. The Parish Council is strongly opposed to the education of local pupils away from the local community as appears the likely outcome of this proposed development.
2. Traffic in the village – the Parish Council seek a plan that provides adequate parking for long-stay motorists that enable time limited parking to be introduced in the village. Any increase in traffic in the village centre has an impact and the cumulative effect of this proposal, (and those that already have planning permission) cannot be disregarded as a triviality.
3. Traffic on the village extremities – the Parish Council is strongly of the opinion that it is not appropriate to add to the traffic using the already hazardous junction at the top of Wiswell Lane where it joins the A671.
4. Consultation – Public meetings in response to Core Strategy and the earlier dismissed application from this developer have demonstrated emphatically that this development is not wanted by the people of Whalley.
5. Drainage – As previously noted the amount of water passing through the watercourses and the inadequate culvert under King Street will be exacerbated by this scheme.
6. Existing policy – Policy G5 contemplates only small-scale development outside the settlement boundaries and the village boundaries. This is not a small-scale development. Policy ENV3 recognises the need to protect and enhance open countryside, protect and conserve natural habitat and traditional landscape features. This development destroys these features. A development abutting Clitheroe Road will fill the only open space when approaching the village from Clitheroe and will obscure the views of Whalley Nab from this approach.
7. Ribble Valley village – Whalley Parish Council has no confidence that the second tier of Local Government, RVBC, (despite the imminent publication of plan for consultation of the Ribble Valley Core Strategy 2008/2028) or the third tier LCC, aren't providing the rationale, leadership or resources to combat this accumulation of development and attendant problems to the village.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

Has no objection in principle to this application on highway safety grounds. As all matters are reserved at this time there are no detailed comments to make on the specific highway implications and impact as these will be provided as and when appropriate.

COUNTY ARCHAEOLOGY:

No objections subject to the imposition of conditions.

LANCASHIRE COUNTY  
COUNCIL PLANNING  
CONTRIBUTIONS:

The consultation response from the Planning Contributions Team at LCC outlines contributions based upon their policy paper 'Planning obligations in Lancashire'.

TRANSPORT

Precise details will be provided by the transport team.

EDUCATION

Development details: 55 dwellings

Primary place requirement: 19 places

Secondary place requirement: 14 places

Local primary schools within 2 miles of development:

WHALLEY CHURCH OF ENGLAND PRIMARY

LANGHO AND BILLINGTON ST LEONARD'S C of E VA  
PRIMARY

BARROW PRIMARY SCHOOL

Projected places in 5 years: 27

Local Secondary schools within 3 miles of the development:

ST AUGUSTINE'S ROMAN CATHOLIC HIGH SCHOOL  
BILLINGTON

RIBBLESDALE HIGH

Projected places in 5 years: 16

Education requirement:

*Primary*

*Latest projections*<sup>1</sup> for the local primary schools show there to be 27 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission. Other developments pending approval or appeal decision which will impact upon these secondary schools:

There are also a number of additional housing developments which will impact upon this group of schools which are pending a decision or are pending appeal as follows:

Old Manchester Offices

Woone Lane

Effect on number of places:

The proportion of the expected yield from these developments which is expected to impact upon this group of primary schools is 9 pupils. Therefore, should a decision be made on any of these developments (including the outcome of any appeal) before agreement is sealed on this contribution, our position may need to be reassessed, taking into account the likely impact of such decisions.

#### *Secondary*

*Latest projections*<sup>1</sup> for the local secondary schools show there to be approximately 16 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

However, planning applications have already been approved for the former Cobden Mill, Victoria Mill, Petre House Farm and Barkers Garden Centre which have the potential to yield 24 additional pupils, which are expected to attend one of these secondary schools. Therefore, the number of remaining places would be 16 less 24 = -8 places. With a potential yield of 14 pupils from this development, there would be a shortfall of places and this would be the number of places for which a contribution would be sought.

#### Summary of response:

The latest information available at this time was based upon the 2012 annual pupil census and resulting projections.

Based upon the latest assessment, LCC would be seeking a contribution for 14 secondary school places.

Calculated at 2012 rates, this would result in a claim of:

Secondary places:

$(£18,469 \times 0.9) \times \text{BCIS Indexation (304.20 April 2011 / 288.4 Q4 2008 = 1.054785)}$

= £17,532.74 per place

Total Contributions: £17,532.74 x 14 places = £245,458

NB: If any of the pending applications listed above are approved prior to a decision being made on this development a claim for primary school places could be made to a maximum of 8 places

(Primary - 27 places less 7 approved applications = 20 less yield of 19 = 1 place less 9 pending applications = shortfall of 8 places)

Calculated at 2012 rates, this would result in a maximum primary claim of:

Primary places:

(£12,257 x 0.9) x BCIS Indexation (304.20 April 2011 / 288.4 Q4 2008 = 1.054785)

= £11,635.65 per place

£11635.65 x 8 places = £93,085

The total of the claim would therefore increase to a maximum of: £338,543

ENVIRONMENT AGENCY: No objection in principle to the proposed development subject to the imposition of conditions.

UNITED UTILITIES: Have no objection to the proposal subject to the imposition of conditions. United Utilities does have capacity within its waste water infrastructure to serve this proposal on the basis of planning permissions granted up to Thursday, 12 April 2012. If further planning permissions are granted before this application is determined the position may change.

ADDITIONAL REPRESENTATIONS: Twenty nine letters of objection have been received: Members are referred to the file for full details, which can be summarised as follows:

1. No such planning applications should be considered until the results of the Core Strategy are decided and finalised.
2. Does not comply fully with guidance in NPPF. The approach has been to make token concessions only with the main emphasis on maximising the built up area.
3. It is outside the development boundary for the village.
4. Loss of a green field – preference should be for brown field development.
5. This is not a mixed use application contributing no more than residential accommodation.
6. The application has not been subject to community scrutiny as they are required to do so.

7. The applicant has failed to demonstrate the merits of developing this site at the present time. There are other sites which are preferable in sequential and rural sustainability terms.
8. Reference to the SHLAA.
9. Allowing any development on this land will ultimately result in a loss of all the land. CEG needs this foothold in order to expand the site later as it does not make economic sense for them with only 55 houses.
10. The application does not provide for any dedicated new public accessible open space.
11. Impact on heritage assets, listed buildings and conservation area.
12. Impact on landscape and visual amenity.
13. The principle concerns that lead the Council to refuse the previous application have not been overcome by this revised proposal.
14. Given existing traffic situation call for a complete moratorium on all applications until mitigation measures are drawn up and implemented by the highways authority paid for by means of a community infrastructure levy on developments.
15. The development will increase traffic at the Wiswell Road turning and indeed throughout the village to the detriment of health, the quality of life for pedestrians as well as highway safety.
16. Question whether bus stop will be re-sited.
17. The proposed car park is a long way from the village for shoppers.
18. Will destroy habitats for wildlife.
19. Reference to need to conserve public views across the site. Genuine attempts have been made to mitigate the damage to views from public footpaths but no consideration given to people who cannot use the footpaths.
20. Pollution – river and sewage systems will be overburdened and an increased risk of flooding.

21. Question capacity of primary and secondary schools to cope with the development.
22. Noise both during construction and after when people are living there.
23. Question impact on health service provision.
24. Adverse effect on tourism. If Whalley becomes congested and is turned into a town the people will not visit and businesses will be impacted upon.
25. The nursing home will be an oppressive three-storey structure and a blot on the landscape.
26. Loss of view.
27. Loss of light.
28. There is an abundance of properties for sale so why need to build more.
29. Devaluation of property.

## **Proposal**

This application seeks outline permission with all matters reserved for a residential led mixed use scheme. The proposed development would comprise up to 55 dwellings (including 30% affordable), a 50 bed space nursing home with ancillary car parking and landscaping associated with that use and open space throughout the development.

The dwellings would be a mix of sizes and types including new family and affordable homes including 2, 3, 4 and 5 bed accommodation in a mix of detached, semi detached, terraces and apartments. Precise details of siting, design, layout and landscaping of the residential elements of the proposal will be provided at reserved matters stage. The Design and Access Statement submitted in support of the application refers to 2.5 storey dwellings at a maximum height of approximately 9m and minimum height of approximately 7.5m.

In respect of the nursing home, this will be a maximum of three storeys in height approximately 2000m<sup>2</sup> in floor space and occupy part of the site closest to the proposed entrance on to Clitheroe Road.

Whilst the application is not seeking approval of access details at this stage, it is envisaged that access to the development would take the form of a single priority controlled junction on to Clitheroe Road.

## **Site Location**

The application site lies to the east of Clitheroe Road having a frontage approximately 95m long between Nos 34 Clitheroe Road and No 2 Wiswell Lane. To the north of the site lie Oakhill

College, playing fields and residential development on Wiswell Lane, to the east open fields with the A671 beyond and to the south and west existing residential properties. TPO No 1 1957 covers trees to the northern boundary of the site with Oakhill College with the Haweswater Aqueduct running north west/south east through the southern edge of the site as it extends from Hayhurst Road to Spring Wood. The site is greenfield extending to approximately 3.8 hectare in size and has a topography rising west to east from Clitheroe Road across the site. It is outside the defined settlement boundary of Whalley within land designated open countryside in the Ribble Valley Districtwide Local Plan.

### **Relevant History**

3/2011/0111/P – Proposed outline application for a mixed use development comprising residential (C3), nursing home (C2) and primary school (D1) and associated access, car parking and ancillary landscaping. Refused 13 January 2012.

### **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 ENV13 - Landscape Protection.

Policy ENV16 - Development Within Conservation Areas.

Policy ENV17 - Details Required with Proposals in Conservation Areas.

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 T1 - Development Proposals - Transport Implications.

Policy T7 - Parking Provision.

Affordable Housing Memorandum of Understanding.

Addressing Housing Needs.

Whalley Conservation Area Appraisal and Management Guidance.

Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 19 Consultation Draft.

DP1 – Spatial Principles North West of England Regional Spatial Strategy to 2021.

DP2 – Promote Sustainable Development - North West of England Regional Spatial Strategy to 2021.

DP7 – Promote Environmental Quality - North West of England Regional Spatial Strategy to 2021.

L1 – Health Sport Recreation Cultural and Education Services - North West of England Regional Spatial Strategy to 2021.

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

L5 – Affordable Housing - North West of England Regional Spatial Strategy to 2021.

National Planning Policy Framework.

Technical Guidance to National Planning Policy Framework.

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

Matters for consideration in the determination of this application are the principle of development, highway safety, ecological interests, infrastructure provision, impact on heritage assets, visual and residential amenity. For ease of reference, these are broken down into the following sub-headings for discussion.

### **Principle of Development**

The policy basis against which this scheme should be appraised is set out in the context of national, regional and local development plan policies.

At a national level the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that *at the heart of the NPPF is a presumption in favour of sustainable development which means that for decision making purposes that:*

- *Where the development plan is absent, silent or relevant policies are out of date, granting permission unless*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
  - *specific policies in this framework indicate development should be restricted.*

The NPPF requires LPAs to consider housing applications in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable sites. As at 1 April 2012, Ribble Valley can demonstrate a 5.2 year supply of housing, including a 10% allowance for slippage but no detailed site adjustments for deliverability.

The issue of a five year supply is a somewhat complex one as we move forward with the preferred development option in the Core Strategy at a time when government advice has highlighted that the Regional Strategy (RS) is soon to be abolished and that it will fall upon LPAs to determine what the housing requirement should be for their own borough. The most relevant policies of the RS are those that relate to housing requirements (Policy L4) and affordable housing (Policy L5). The Council has established that it will continue to determine planning applications against the existing RS figure of 161 dwellings per year (in line with Government guidance) and as Members will recall, this is a minimum requirement not a maximum. Even though the Council is undertaking a review of its housing requirements as part of the plan making process, the requirement going forward is most appropriately addressed within the Core Strategy examination and statutory plan making process. Therefore, whilst mindful of the figure of 200 dwellings per year, agreed by a special meeting of Planning and Development Committee on 2 February 2012 as the annual housing requirement (following work undertaken by Nathaniel Litchfield & Partners) it is the 161 per year requirement which remains the relevant consideration for decision making purposes on planning applications at this time. As stated, the current figure would appear to demonstrate a 5.2 year supply against that requirement, but this is without any detailed site adjustments for deliverability. Members must also bear in mind that irrespective of the 5 year supply issue, some of the policies of the DWLP are considered out of date (in particular the settlement strategy and thus the statement in NPPF cited above which advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits is at

this time the over riding consideration. There are no provisions within the NPPF to advocate resisting development 'in principle' once a 5 year supply of deliverable sites is achieved. In assessing this application therefore it is important to look at the component parts in turn having regard to the above considerations as follows.

The site lies outside but immediately adjacent the settlement boundary of Whalley as defined in the DWLP within land designated open countryside. This proposal would bring forward 55 dwellings and a 50 bed care home and at this scale would, I consider, fall outside the scope of small-scale developments envisaged within Policy G5 that essentially seeks to protect the countryside from inappropriate development. By virtue of the change it would bring to the landscape, consideration will need to be given to Policy ENV3 with a view taken on the extent to which the proposal may impact upon landscape character and this is covered elsewhere within this report.

It is important to remember, however, that the Policies of the DWLP were formulated during the 1990's with the Plan being adopted in 1998. The basis of the Plan's formulation was framed around the strategic framework set by the Lancashire Structure Plan against which the Plan established its settlement boundaries to reflect the applicable planned housing requirement and the necessary allocation of land to meet that at that time. It should be acknowledged that clearly we are some time on from when those boundaries were established. There will be a need therefore to identify how any boundaries would need to address identified requirements that are relevant now and that have been set, in our instance, through the RS whilst at the same time being mindful of the aforementioned work undertaken as part of the plan making process in terms of housing numbers and the Development Strategy of the emerging Core Strategy that is out for consultation.

Therefore in establishing whether the development of this parcel of land for residential purposes would in principle be acceptable it is the requirements of NPPF that take precedence over the dated policies of the DWLP in respect of this site ie a presumption in favour of sustainable development as outlined above and granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The NPPF outlines that there are three dimensions to sustainable development – economic, social and environmental and these give rise to the need for the planning system to perform a number of roles. In terms of an economic role NPPF comments that LPA's should ensure that sufficient land of the right type is available in the right places and at the right time and also identify and co-ordinate development requirements including the provision of infrastructure. A social role is ensured by providing the supply of housing required to meet the needs of present and future generations and an environmental role by contributing to protecting and enhancing the natural, built and historic environment. Having carefully assessed the proposal against these it is considered that the development would accord with the requirements of the NPPF.

Therefore having examined the potential development as submitted under this application it is considered that being of a scale that is not inappropriate to the locality (Whalley being a key service centre in the borough) subject to supporting infrastructure, it is concluded that the development of this site for residential purposes and the provision of a care home as a principle would be consistent with the National Policy Framework, extant Regional Strategy and at the scale proposed the principles of the emerging Core Strategy together with relevant material consideration that the Council must currently take into account.

## 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 'Addressing Housing Need in Ribble Valley' document that is an update to the previous document entitled 'Affordable Housing Memorandum of Understanding'. The updated document requires that on sites of five dwellings or 0.2 hectare or more the Council will seek 30% of the units on site to be affordable. It also requires that on sites of 30 units or more 15% of the units to be for the elderly. Of the 15% elderly accommodation a minimum of 50% to be affordable and included within the affordable offer of 30%. The remaining 50% of the elderly accommodation could be market housing and be sold at market value or rent but with a local connection requirement applied to these units.

The scheme is made in outline for 55 units. A draft Heads of Terms document was been submitted outlining that 30% (17) of these will be affordable comprising a mix of two bedroom dwellings (60%) and three bedroom dwellings (40%). The tenure split offered being one third social rented, one third affordable rent and one third intermediate (shared ownership). The submitted document provided details in terms of phasing and a fallback mechanism to address circumstances in which, despite reasonable endeavours having been used by the owners, the affordable dwellings had not been purchased by an Affordable Housing Provider. In those circumstances the affordable dwellings would be sold on the open market.

The Council's Housing Strategy Officer examined the details submitted and consulted with the Strategic Housing Working Group. As a result of that the following issues were identified;

*The affordable housing offer is accepted, however there is no provision for over 55 year olds. 8 units should be built to lifetime home standards for over 55 year olds. Of the 8 units, four of these would be included within the affordable housing offer and the remaining four would be required to be offered at open market value with the local connection requirement.*

*That no more than 75% of the market dwellings can be occupied. This should be reduced to no more than 50% of the market dwellings to be occupied.*

*The affordable properties would need to remain affordable in perpetuity and therefore we would not accept the fallback mechanism of if no Affordable Housing Provider purchases the units then they will be sold on the open market free from restriction. If after 6 months of marketing no registered provider is secured and all reasonable effort has been made to secure the registered provider and this can be demonstrated to the Council, then with approval by the Council the shared ownership units can be sold at 40% discount to open market and rental units can be rented at local housing allowance rate.*

*The standard local connection and approved person criteria should be applied. This would give Whalley residents first priority for two months, neighbouring parishes of Read, Sabden, Wiswell, Little Mitton and Billington and Langho for 2 months and finally Ribble Valley wide priority for 2 months. After 6 months the units can be sold to households not meeting the approved person criteria.*

*The mortgagee in possession clause should be inserted into the final agreement.*

Since submission of the Draft Heads of Terms document there has been ongoing dialogue between the applicants and the Council's Housing Strategy Officer. In light of that it has been

agreed that the phasing can be as indicated in the originally submitted document. It is now proposed that 4 of the affordable homes are built to Lifetime Homes Standards and in terms of the open market element of the elderly requirement this is addressed by virtue of the provision of the nursing home as part of the overall proposal. The submitted draft S106 Agreement has taken note of the concerns expressed about a fall back mechanism and that is no longer included. The S106 sub heading later within this report sets out the exact details of the affordable offer but its contents have been agreed in principle by the Council's Housing Strategy Officer as meeting the requirements of the most up to date housing policies.

### Highway Safety

As Members will note this is an outline submission with all matters reserved for future submission. An Illustrative Masterplan has been provided and a Transport Assessment submitted in support of the application. Whilst the application is not seeking approval of access details at this stage, it is envisaged that access to the site will take the form of a simple priority control junction on to Clitheroe Road with the Masterplan also showing potential provision for driveway entrances on to the classified road to serve the properties fronting on to it. The latter is a point mentioned by the County Surveyor in his formal observations to this scheme where he has commented that whilst this may be in-keeping with the frontage development further to the east, the driveways shown would encourage turning movements and potential on-street parking close to the site of the proposed access road. Whilst he concludes that he would wish to see vehicular access to the development limited to a single point with turning movements focused at a junction designed and constructed to the appropriate specification, he is mindful of the outline nature of the application. I have sought clarification from him on this matter and he has stated that should the individual driveways provide turnaround facilities within private garden areas to enable vehicles to access/exit in forward gear, then this may be an acceptable solution. However, this is a matter to be addressed under a future submission and not within this outline application.

It is also important to bring to Members' attention section 7.3 of the submitted Transport Assessment where reference is made to the proposals including further measures to reduce potential for accidents and comprising the following:

- *The introduction of gateway feature signs at the existing point of speed limit change some 250m north of the Wiswell Lane priority control junction.*
- *Localised widening along site frontage on Clitheroe Road to widen the footways on the western side.*
- *Variable speed message (VSM) sign on the approach to the junction with Wiswell Lane.*

These are some of the measures that were put forward in relation to the previous proposal on this site which detailed a different scale and overall nature of development. Similarly, the draft Heads of Terms document that was submitted with the application identified financial contributions towards Traffic Regulation Orders to reduce the speed limit on Clitheroe Road (part) and extend existing restrictions within the vicinity of Clitheroe Road/Brookes Lane/B6246/King Street/B6246 Station Road mini roundabout; within the vicinity of B6246 King Street/B6246 Accrington Road/King Street mini roundabout, and a general TRO to restrict on-street parking within the centre of Whalley to a maximum stay of 2 hours.

Clarification has been sought from the County Surveyor on these matters as they were not referenced to in his initial response to this outline application. Correspondence dated 24 May 2012 confirms in relation to the Heads of Terms document that identifies potential items for

inclusion in a Section 106 Agreement that he has not requested and will not be seeking to pursue any TRO contributions in relation to this outline application. Similarly, in respect of the measures outlined above regarding the highway measures highlighted in the Transport Assessment at this time and in relation to the outline application, there are no demands for highway measures. In light of these comments a submitted draft Section 106 Agreement does not make reference to a TRO contribution or any measures of highway improvement. As all matters are reserved at this time, the County Surveyor will comment on the specific highway implications and impacts when these matters are addressed by the applicant in future submissions. However, as indicated in his initial comments, there are no objections in principle to this application on highway safety grounds.

I am aware of the 'Whalley Transport Study 2012' which was commissioned by Save Whalley Village to look at how traffic would grow under a number of different development scenarios. Whilst that survey looks at sites beyond the confines of the development proposed here, the County Surveyor has taken into account the Capita Symonds study and considered that given the nature of this application, it was unnecessary to refer to the report. He emphasises that his role is to consider the highway impacts of the proposed development and their long term sustainability in relation to the local highway network.

#### Public Open Space

Policy RT8 of the Districtwide Local Plan requires that residential sites over 1 hectare provide adequate and usable 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 for the provision of children's play areas.

The site layout does not specify any areas set aside for formal or informal play but contains a network of green open spaces which have the potential to provide both dedicated and informal play facilities for younger and older children. The supporting documentation indicates the total area to be set aside for such a use would be approx 1.17ha with an area of approximately 0.17ha of this being within the main developed area of the site with the remainder wrapping round the site's southern and eastern boundaries. Subject to details of the layout of these areas being submitted at reserved matters stage I am of the opinion that in principle the amount of public open space provided is adequate and thus the requirements of Policy RT8 of the plan have I consider been met.

The applicants have been made aware that it would not be the intention of the Council to take on any management/maintenance responsibilities for such areas and that a separate management/maintenance regime will need to be arranged. They have not made reference to such facilities within the submitted draft Section 106 Agreement and thus appropriate conditions would need to be imposed on any consent granted to ensure the continued provision of such facilities for the benefit of future residents.

#### Nature Conservation – Protected Trees/Landscape/Trees

This is a greenfield site and there are trees and hedgerows within and aligning the site's established field boundaries. As part of the application an Arboricultural Report has been submitted which reveals a total of 9 items of vegetation (3 individual trees, 3 groups of trees and 3 hedges) within the site. The Illustrative Masterplan seeks to retain all of the trees and makes provision for landscaping within the site including an area of open space focussed around the stream running across the site

Species surveyed include Sycamore, Elm, Ash, Elder, Hawthorn and Oak. There is a tree preservation order on this site (TPO No 1 1957) with the survey indicating that 2 protected trees are in the north eastern corner of the site.

The application is also accompanied by a Phase 1 Habitat Survey that identifies the site consists of an improved pasture field. Other habitats include streams, hedgerow and scattered shrub. There were no signs of water vole or badgers during the survey. The habitat assessment of the stream on site and off site to the south shows that they have some limited potential for crayfish but it is considered unlikely that they would be present due to the small size and shallowness of the stream. The survey report identifies that in respect of breeding birds there are eight species of bird confirmed or probably breeding on the site with a further 14 species possibly breeding. Those habitats with the greatest value to breeding birds within the current application area are the hedgerows and trees and these also serve as important connective habitat linking to the wider landscape. In respect of bats there are no trees within the site that support features that may be used by roosting bats. Common pipistrelle and soprano pipistrelle bats were observed flying along the northern boundary of the site with a higher number observed off site to the south commuting from Whalley village, along a stream and riparian habitat and exiting housing further south, towards Spring Wood. It is considered unlikely that the development proposed would have an adverse impact towards local bat populations. Mitigation measures are recommended which to summarise include avoidance of unnecessary light spill and the retention of existing features used by foraging/commuting and possibly roosting bats.

#### Infrastructure Provision

There have been objections to the development on the grounds that drainage is inadequate and there would be potential increased risk of flooding.

United Utilities were consulted on the application and as Members can see from their response to this development there is capacity within the wastewater infrastructure to serve this development. Members may recall that in relation to the previous larger scale scheme comments were received regarding the capacity of the Whalley Treatment works and that UU initially stated it would not be able to accept the additional flows generated. Following extensive discussions with the applicant stringent conditions were suggested in order to phase the development. As already explained the scheme here is of a smaller scale and as such is considered to be accommodated within the existing network. Again, UU have requested detailed conditions to limit the extent of development to that stated in the application details ie 55 dwellings and that the care home not exceed 50 beds. The reason for this is to ensure that there is no ambiguity in the decision notice over what amount of development has been approved. It is worth noting that this response from United Utilities is a reflection of the current position in respect of committed developments.

The application has been submitted with a Flood Risk Assessment. The site is in flood zone 1 which is defined as having little or no probability of flooding. The Environment Agency have raised no objection in principle to the development and have requested conditions be imposed on any consent granted on the basis of the conclusions of the FRA to ensure the mitigation measures outlined in that document are implemented.

Questions have also been raised about education and it is clear from the observations from LCC on this matter that a scheme of this size would result in a claim of £245,458 towards secondary places. The applicant is aware of the contributions and has included this provision

within their submitted draft S106 Agreement. They have made an adjustment to the figure now that the exact numbers of properties for the over 55 years has been agreed with the Council's Housing Strategy Officer and at the time of drafting this report, confirmation was awaited from LCC on the revised figure.

Therefore, on the basis of the responses received to this application from statutory consultees I must conclude that notwithstanding the concerns raised by objectors, the development of this site in the manner outlined would not lead to significant issues in respect of flooding and drainage. With regards to education subject to appropriate clauses in a S106 Agreement to secure the necessary financial contribution there are no objections to the development in principle raised by colleagues at LCC to the proposed educational aspects of the proposal.

### Heritage

Members will recall that one of the reasons for refusal of the previously submitted scheme on the larger Lawsonsteads site was that the proposed development would, by virtue of its detrimental impact on the setting of and views into and out of Whalley Conservation Area, have an unduly harmful impact upon the character, appearance and significance of the Conservation Area. That scheme extended across the rear of the Woodlands Park development towards the edge of the Conservation Area boundary and then extended in an easterly direction towards the A671. The Council's Design and Conservation Officer concurred with the conclusions of The Conservation Studio (which led to extension of the Conservation Area to the south of the River Calder – see Appraisal 'Green Spaces, Trees, Hedges') that there are impressive and important views over the rest of the Conservation Area from the public vantages of Nab Wood, Moor Lane and the land above Painter Wood Farm. A striking and significant feature of these views is the containment of the built heritage by undulating open countryside. Whalley being framed to the east by the previous application site that rises in elevation to meet Spring Wood. He also expressed concerns at the loss of the important backdrop to ambulatory views on Brookes Lane which emphasise the proximity of surrounding hills and the rural, open character of the Conservation Area. The applicant has had regard to these concerns in the resubmitted scheme and reduced the site area of the proposal. It no longer extends in a southerly direction towards the Conservation Area but limits itself to the road frontage area between Nos. 34 Clitheroe Road and 2 Wiswell Lane and land to the rear of Nos. 34 and 32 Clitheroe Road extending in an easterly direction on the lower slope of the field.

The site's southern boundary is now approximately 40m from the boundary of the Conservation Area but I am conscious of the relationship with that area. Policy ENV16 of the Ribble Valley Districtwide Local Plan 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. Trees, important open spaces and natural features will also be protected as appropriate. The desirability of preserving or enhancing the character or appearance of a Conservation Area will also be a material consideration in deciding development proposals outside the designated area which would affect its setting or views into or out of the area'*.

The Council's Design and Conservation Officer has always stated that he believed it may be possible to develop the land to the north of Lawsonsteads barn and immediately to the east of Clitheroe Road without undue harm to the setting or views into/out of Whalley Conservation Area. Having made an assessment of the visual impact of the scheme now proposed on site I am of the opinion that the proposal would not prove significantly detrimental to the character, appearance and significance of Whalley Conservation Area. The reduced scale of development

now put before Members for consideration has addressed previous concerns raised in respect of harm to its setting and views into and out of the Conservation Area.

### Layout/Scale/Visual Amenity

As stated previously this is an outline application with all matters being reserved for future submission. 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 and Parameters Plan have been submitted to show how the scheme would fit into the immediate surroundings.

In respect of the actual layout of the scheme, there are a number of potential issues that the County Surveyor has raised that would need further consideration at reserved matters stage. For completeness these are summarised here but Members are reminded that the layout as put forward is indicative at this stage. The Illustrative Masterplan shows a small number of properties shown facing directly onto Clitheroe Road and the comments made by the County Surveyor in respect of this in relation to highway safety have been discussed under the appropriate heading of this report. Next he has noted that the level of car parking for the nursing home appears excessive in that for a 50 bed nursing home he would anticipate no more than 10 car parking spaces. It would appear from some of the representations received that people have been under the impression that the car parking shown within the site would be available for use as a public car park for the village. That is not the intention and any parking provided on site would be as ancillary parking in association with the residential care home use. Comments have also been made about the Masterplan and Design and Access Statement where reference is made to a separate 1.2m pedestrian route being established through the site heading broadly northwards from the proposed junction with Clitheroe Road. This may be considered in addition to, but not as an alternative, to the provision of appropriate footway links to and within the site. These are matters for the applicant to have regard to in any future submission should the principle of development be approved under this outline scheme.

The layout of the development has been designed to make use of the topography of the site and reflect the characteristics of adjacent development through the adoption of character areas within the scheme. There is a strong frontage to Clitheroe Road with the character then changing to a more agricultural/rural feel adjacent to the open countryside. The latter being achieved by providing buildings that adopt basic barn and agricultural farmhouse proportions randomly organised around courtyard spaces. Whalley itself does not consist of just one type or style of housing but a range from small terraces to large detached properties and the scheme put forward here makes attempts to reflect that and respond to the edge of settlement location by having a mix of house types that graduate from a tighter urban grain close to Clitheroe Road to a more open character progressing to the east. The Design and Access Statement recognises that the care home is likely to be the tallest element and this is why it has been placed on the lower areas of the site. In addition the roof form would vary within its design in order to break up the potential long linear mass of the building. The dwellings would be a maximum of 2<sup>1</sup>/<sub>2</sub> storeys in height with a maximum height given not being dissimilar to those on Woodlands Park. Clearly detailed matters of design are reserved for future submission and Members should use the indicative layout and scale parameters as a guide in the determination of this application.

The proposed development site lies to the north east of the village of Whalley, on pasture that is contiguous to the existing village. The site slopes from northeast to south/southwest towards Whalley falling from 68.00m AOD in the northeast to 58.00m AOD in the south/southwest. Access and egress is provided via Clitheroe Road where levels are in the region of 55-59m AOD.

The proposals neatly abut the edge of the existing built area of the village, retaining a compact settlement pattern, responding to the existing landscape features including a buffer zone to reduce the impact of the new development on the backs of the existing residential properties on Clitheroe Road – it is proposed to have a sensory garden at the interface of the care home with the back of No. 34 Clitheroe Road and open space along the site's southern boundary to the Lawsonsteads farm complex.

Members will recall that in relation to the previous submission for 300 dwellings, a nursing home, school site, and associated access, car parking and ancillary landscaping the Council commissioned an independent and impartial landscape assessment of the site. That study identified that the open landscape of Lawsonsteads is important to the whole village, forming part of the rural setting of Whalley, and this is an intrinsic feature of Whalley's village identity. In relation to the previous larger scale proposal it was considered that this rural setting would have been substantially affected by the proposals extending the built area on the east side of the village to the edge of the A671 and thus taking away the function of the open land as a breathing space for the village. This was illustrated by the views from Bridleway /footpath 34 on Whalley Nab where the green swathe of pasture curving round the east side of the village would be lost. The significance of this view over Whalley has been reinforced by the recent extension to the Conservation Area to include the fields in this section of Whalley Nab because they are so important for views in to and out of the Conservation Area.

The scheme now before Members is substantially reduced in terms of both scale and nature – 55 houses instead of 300, no reservation of a school site, no offer of parking facilities for the village but there is still proposed a care home, landscaping and provision of open space proportionate to the development now put forward. Whereas previously the development was to rise up the slope of Lawsonsteads to the edge of Spring Wood it now extends some 230m to the east beyond Clitheroe Road (the built form would encroach approximately 200m into the open countryside) – a reduction in site area from approximately 14.6ha to 3.9ha. The proposed development is now contained on the lower slopes of the site on the area between No. 34 Clitheroe Road and 2 Wiswell Lane extending in a south easterly direction away from the roadway to a point roughly level with the rear of the development at Woodlands Park to its south.

The Lawsonsteads site is overlooked from a number of points both within the village and beyond its bounds. The nature of the development site now confined to the lower ground adjacent to Clitheroe Road would in my opinion reflect the character of the rest of the village which utilises the flat ground beside the Calder.

The footpath network east of Whalley is very well used by both local people, walking dogs etc, and visitors who may be using this section of the footpath network to link into other areas such as Spring Wood or the weir on the River Calder so are an important resource for the whole of the village. Within Spring Wood, the proposals would not I consider be visible but the proposed development would be visible from the footpaths around the north side of Whalley Nab.

The views into Lawsonsteads are limited from Clitheroe Road / King St, the main north south route through Whalley, because of a high hedge bounding the east side of the road, on the north side of the village, and the urban fabric itself interrupting views. The Illustrative Masterplan shows that some of this hedgerow will be lost to facilitate access to the site and potentially individual driveways to properties fronting Clitheroe Road. This will open up long views to Spring Wood, and while this will enable drivers and pedestrians to appreciate the longer view, the proposed development in the foreground will be then become visible. However, concentrated on the lower ground as it is I am of the opinion that any sense of openness will remain so locally the landscape character, whilst changed, would not be so significantly compromised as to warrant an unfavourable recommendation on visual amenity grounds.

The proposed development is considered to be of a scale relative to the size of Whalley village. The greatest landscape impact will be on users of the public rights of way between Whalley and Spring Wood; users of the public rights of Way on Whalley Nab and residential properties which abut the proposed development site. The impact on each of these is now substantially reduced from that of the former proposal and indeed there are only a few properties that now border the proposed site given its revised form. Given the reduction in size of the proposal from the previously submitted scheme and containment of development to the lower slopes of the Clitheroe Road frontage section of the wider Lawsonsteads site I am of the opinion that the landscape character of this swathe of countryside bounding the eastern side of Whalley will not be so significantly changed from rural to suburban as to warrant an unfavourable recommendation on visual amenity grounds. The development will be apparent to people walking or driving around the eastern areas of Whalley and I am of the opinion that the effects may be no more than moderately intrusive and would not fundamentally alter the way local people perceive Whalley as a village within a rural setting.

Therefore, having very carefully assessed the visual impact of this scale of development it is concluded that the scheme would not prove significantly detrimental to the visual amenities of the area.

### 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 west of the site are properties on Clitheroe Road and to the north are dwellings that front onto Wiswell Lane.

The proposed nursing home is to be set to the south east of properties fronting Clitheroe Road and at this outline stage again I am of the opinion that in terms of separation distances between built form the distances are acceptable.

I am mindful of the topography of the site and fact that there is a rise in levels of approximately 13m from Clitheroe Road to the eastern site boundary. However, the application has been submitted with illustrative site sections to show the relationship between new built form and those existing on Clitheroe Road. On the basis of these I do not consider that the levels immediately adjoining existing built form would mean the development would have an overbearing and oppressive impact on existing residents. It is noted that the Flood Risk Assessment makes reference to the fact that some site raising may be necessary within the vicinity of the proposed nursing home to facilitate drainage but at this outline stage we do not have such details. If consent were to be granted conditions could be imposed requiring submission of such details in order to properly assess the potential impact on adjoining areas.

Properties to the north on Wiswell Lane are I consider set sufficient distance away so as not to be significantly affected by the development in terms of privacy.

In respect of the internal relationship of the development site, the illustrative layout shows properties facing onto internal access roads leading from the main through route onto Clitheroe Road that terminate around courtyard spaces. From the submitted Illustrative Masterplan it would appear that the separation distance between facing blocks of development are less than the 21m advocated in the Council's SPG on Extensions and Alterations to Dwellings being approximately 16m. 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 worth remembering that this is an outline scheme with matters of layout reserved for future submission. Whilst the 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 if considered necessary at reserved matters stage.

### Miscellaneous

There are a number of points raised by objectors that do not sit easily within the headings given above to consider the main issues associated with this scheme as follows.

Reference is made by objectors to community scrutiny and that the applicants may not have complied with the requirements regarding this. A Statement of Community Involvement has been submitted in support of the application which outlines that they consider the nature and scale of this reduced scheme to be in accordance with the previous proposals (that were subject of consultation processes with stakeholders) – in particular the site specific issues remain the same and the principle of development in this location has, they consider, not changed. It is for this reason that they have not undertaken a further public consultation event but they have had pre application advice with the LPA and this is in accordance with the guidance offered in NPPF.

There is also a concern expressed that this application would, if allowed, ultimately result in the loss of all the land at Lawsonsteads as the current scheme would not make economic sense. I would remind Members that the proposal before Committee should be considered on its own merits and that should an application be submitted at a later date for other parts of the wider site they too would be assessed against plan policy and material considerations relevant at that time. The scheme here is for a development comprising 55 dwellings and a care home with ancillary landscaping and parking and should be determined having regard to the issues covered within this report and the advice offered by our statutory consultees on technical matters.

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

Reference has been made to the ability of Whalley to cope with the additional properties in terms of medical facilities. Whalley is identified as a high ranking settlement in Settlement Strategy outlined in the saved policies of the Districtwide Local Plan which reflects the level of services it has to offer. In relation to the previously submitted application for 300 properties I made enquiries with the Whalley Practice who commented that the Practice is aware of all the

potential building. They had already terminated some outside GP work to match their appointment capacity and also had a very large extension and created 2 extra consulting room to cope with the future additional demand. On the basis that they were not raising any issues in relation to a substantially larger scheme I am satisfied that the Practice would be able to cope with additional demand arising as a result of this reduced development.

Objectors have raised loss of view and effect on house prices but as Members will be aware, these are not material planning considerations.

### Section 106 Agreement Content

The application was submitted with a draft Heads of Terms document that covered matters of affordable housing provision and potential contributions towards wheeled bins, primary and secondary education and a TRO contribution. That document has been the subject of discussions to take account of consultee responses as outlined earlier within this report. Having regard to those responses, a draft Section 106 Agreement has since been submitted to the Council which draws together those responses. To clarify for Members, the Section 106 Agreement will stipulate the following.

#### 1. Affordable housing

3. 30% of the total number of dwellings to be constructed to be provided as affordable homes – 17 units.

4. In terms of tenure, the following will apply:

*5 social rented units*

*6 affordable rented housing units*

*6 intermediate affordable housing units*

5. Delivery of the affordable units to be phased with the provision of market units to ensure that not more than 75% of the market housing is occupied until the affordable units are completed.

6. 4 of the affordable units to be built to lifetime homes standards.

7. In terms of eligibility for the properties, the first priority shall be a Whalley connection, in the second instance to the neighbouring parishes of Read, Sabden, Wiswell, Little Mitton, Billington and Langho. The criteria then cascade to a boroughwide connection and finally somebody satisfying the affordable housing providers own eligibility criteria.

#### 2. Education

8. A sum of £227,925 to be paid towards secondary school provision in two equal instalments. The first of which payable prior to occupation of any dwelling and the remainder to be paid prior to occupation of more than 40 dwellings.

\*the sum of money detailed above represents a recalculation undertaken by the applicant on the revised number of properties eligible for contributions to take account of the properties being for over 55s). At time of report preparation it was yet to be confirmed by

LCC education that this was the correct figure as their initial calculation based on 55 properties was £245,458.

### 3. Wheeled Bin Provision

9. To pay the wheeled bin contribution (£90 per dwelling) prior to occupation of any of the dwellings.

### Conclusion

I am conscious that concerns were raised in relation to the previously proposed development regarding the site's relationship with the Conservation Area, that the scale of development proposed then would prove harmful not only to the Conservation Area but the visual amenities of the wider area and indeed be contrary to the spatial vision set out in the adopted and saved policies of the Ribble Valley Districtwide Local Plan and of the emerging Core Strategy. It was for those reasons that the larger scheme was refused. However, as explained above the proposal now put before members for consideration has taken note of the concerns raised and brought forward a scheme that is reduced in size and nature and considered to have addressed those concerns raised in relation to the previous submission.

Therefore, having carefully considered all of the above matters, I am of the opinion that the scheme would not prove significantly detrimental to visual and residential amenity, nor would it prove detrimental to the Conservation Area or highway safety. 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 satisfactory completion of a Legal Agreement within a period of 6 months (from the date of this decision) as outlined in paragraphs numbered 1-3 under the Section 106 Agreement sub heading within this report and subject to the following conditions:

1. Application for approval of reserved matters must be made not later than the expiration of 3 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 3 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. No development shall begin on any phase of development until detailed plans indicating the access, appearance, landscaping, layout and scale, including a contoured site plan showing existing features, the proposed slab floor levels and road level (hereinafter called the

'reserved matters') for each phase of development has been submitted to and approved in writing by the Local Planning Authority. The development of each phase shall be implemented in accordance with the approved details.

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. The submission of reserved matters in respect of access, layout, scale, appearance, landscaping and implementation of development shall be carried out in substantial accordance with the Design and Access Statement, Parameters Plan PL1158M.104 and Illustrative Masterplan PL1158.M.103.

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

4. Prior to the commencement of each phase of development, a scheme for foul and surface water drainage for that phase shall be submitted to the Local Planning Authority for written approval. The drainage scheme for that phase shall be implemented in accordance with the approved details. Unless otherwise agreed in writing, the approved foul drainage scheme for each phase shall only connect to the foul sewer network at the two connection points identified in the Flood Risk Assessment submitted by Weetwood (dated 30 March 2012, Final Report v1.1) and the amount of development connecting to each of the two chosen connection points shall be in accordance with the details provided by Weetwood (dated 9 May 2012).

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

5. The site must be drained on a separate system with only foul drainage connecting into the public sewer. No surface water shall be allowed to drain into the public sewer.

REASON: To ensure a satisfactory means of drainage in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. Prior to the commencement of each phase of development, a scheme for the improvement, protection and maintenance of existing flood defences for that phase as outlined in Section 4.1.2 of the Flood Risk Assessment (FRA) by Weetwood (dated 30 March 2012; Final Report v1.1) shall be submitted to and approved in writing by the Local Planning Authority. The scheme for each phase of development shall be completed in accordance with the approved plans.

REASON: To reduce the risk of flooding by maintaining existing flood defences in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. Prior to the commencement of each phase of development, a detailed surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of that phase of development, shall be submitted to the Local Planning Authority. The scheme shall demonstrate how surface water run-off generated by that phase will be managed and limited in accordance with the Flood Risk Assessment (FRA) by Weetwood (dated 30 March 2012; Final Report

v1.1) and it will not exceed the run-off from the undeveloped site and it will not increase the risk of flooding elsewhere.

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

8. No more than 55 dwellings (Use Class C3) and a nursing home of 50 bed spaces (Use Class C2) is hereby permitted within the application site.

REASON: In order to ensure that there is sufficient capacity for foul flows from the development at the Whalley Wastewater Treatment Works in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

9. No phase of development shall begin until a scheme identifying how a minimum of 10% of the energy requirements generated by that phase of development will be achieved by renewable energy production methods, has been submitted to and approved in writing by the Local Planning Authority. The scheme relevant to each phase shall then be implemented 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.

10. Prior to commencement of each phase of development details of the landscaping of that phase of development shall 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 for each phase of development shall be implemented in the first planting season prior to commencement of the development unless otherwise agreed by the Local Planning Authority, 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 Policy G1 of the Ribble Valley Districtwide Local Plan.

11. Prior to commencement of each phase of development a landscape management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for all landscaped areas within that phase including play areas shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall also provide precise details of all play equipment and its maintenance and indicate a timescale when the play space(s) shall be provided and made available for use. The landscape management plan shall be carried out in accordance with the details so approved for each phase of development.

REASON: In the interests of residential and visual amenity and to ensure that appropriate provision is made for public open space in accordance with Policies G1 and RT8 of the Ribble Valley Districtwide Local Plan.

12. Prior to any phase of development undertaken post March 2013 affecting natural bankside habitat such as outfalls or culverting, a further survey of the watercourse should be carried out to establish the presence of water voles within the phase. The findings of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority. Any necessary and approved measures for the protection of water voles shall thereafter be implemented in full as part of the development of the relevant phase.

REASON: To ensure protection of water voles and their habitat in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

13. Any application for the approval of reserved matters which includes development adjoining the watercourses on site shall include a scheme for the provision and management of a buffer zone alongside the watercourses, to be submitted to and agreed in writing by the Local Planning Authority. Thereafter each phase of development shall be carried out in accordance with the approved scheme in so far as it relates to that phase of development and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

REASON: To protect ecological, recreation and amenity interests by providing a buffer between the development and the watercourse in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

14. No development shall take place on any phase of development until details of the provisions to be made for building dependent species of conservation concern artificial bird nesting boxes and artificial bat roosting sites for that phase have been submitted to, and approved by the Local Planning Authority. The details shall be submitted on a building dependent bird/bat species development site plan and include details of plot numbers and the numbers of per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated -north/north east elevations for birds & elevations with a minimum of 5 hours morning sun for bats. The artificial bird/bat boxes shall be incorporated into those dwellings/buildings during the actual construction of those individual identified on the submitted plan before the development is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

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

15. All construction work that might directly impact upon breeding birds shall be implemented outside of the main breeding season of February to September.

The actions, methods & timing details included in the mitigation notes attached to the habitat survey [078.02\_rep\_001] shall be adhered to and in the event that any protected species are found or disturbed during any part of the development, work shall cease until further advice has been sought from a licensed ecologist. Mitigation refers to practices adopted to reduce or remove the risk of disturbance, injury or death of a protected species

REASON: In order to reduce the impact of the development on biodiversity and bat/bird species in accordance with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan.

16. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the arboricultural/tree survey [JCA Ref: 9759/C/RG – Individual Trees T3/4/5/7, Groups of Trees G5/8/9 & Hedgerows H1/2/6 inclusive] shall be protected in accordance with the Tree Constraints Plan [BS5837 2012 -Trees in Relation to Design, Demolition & Construction. A tree protection-monitoring schedule shall be submitted and agreed in writing by the Local Planning Authority and all root protection/construction exclusion zone measures inspected by the Local Planning Authority before any site works are begun.

The root protection zone 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 a Tree Preservation Order/ Conservation area/considered to be of visual, historic or botanical value are afforded maximum physical protection from the adverse affects of development in accordance with policies G1, ENV13 of the Ribble Valley Districtwide Local Plan and to protect trees included in the Whalley 1957 Tree Preservation Order

17. All existing habitat features, hedgerows/streams shall be retained and protected during the lifetime of the development from the adverse effects of development works by maintaining construction exclusion zones the details of which shall have first been submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

REASON: In order to reduce the impact of the development on biodiversity in accordance with Policies G1 and ENV10 of the Ribble Valley Districtwide Local Plan.

18. No development shall begin on any phase of development until details of a lighting scheme have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include to details to demonstrate how artificial illumination of important wildlife habitats (trees with bat roost potential and hedgerows used by foraging areas bats) is minimised. The approved lighting scheme shall be implemented in accordance with the approved details.

REASON: In order to reduce the impact of the development on biodiversity and bat/bird species in accordance with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan.

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

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

20. No phase of development shall begin until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority for that phase. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors
- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (v) wheel washing facilities
- (vi) measures to control the emission of dust and dirt during construction
- (vii) a scheme for recycling/disposing of waste resulting from construction works

REASON: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

21. Construction activities shall only be carried out between the hours of 07.00 to 17.00 Monday to Friday, 08.00 to 13.00 Saturday and no activities on Sundays or Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

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

22. No burning of waste shall be permitted on site.

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

23. The dwellings shall achieve a minimum Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

REASON: In order to encourage an energy efficient development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

24. 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.

25. The reserved matters application(s) shall include details of phasing of development across the whole development site. The phasing scheme shall include the following matters:

- a) a plan demarcating the development phases;
- b) details of the number of development plots for both market and affordable housing units;  
and
- c) a programme of delivery of development phases.

All reserved matters applications and consequent development shall be made in accordance with the approved phasing scheme or any subsequent submitted and approved amendments to the scheme.

REASON: For the avoidance of doubt and to ensure that the Local Planning Authority are satisfied with the details and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

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

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

APPLICATIONS APPROVED

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2011/0038/P	Application to discharge condition 10 (archaeological recording) of planning consent 3/2010/0202/P	De Tabley, Ribchester Road Clayton-le-Dale
3/2011/0883/P	Retrospective consent for change in exterior paint to shop front and fascia (concrete grey). Proposed exterior sign to be flat vinyl text (Willow Tree) placed directly on to existing fascia and removable non-slip flooring covering a small proportion of food preparation area	3 Moor Lane Clitheroe
3/2011/1070/P	Application for the discharge of condition no. 5 (schedule of works), condition no. 6 (inspection regime), condition no.7 (materials), condition no. 8 (stone walls/stone slate samples) and condition no. 12 (Velux rooflights), of planning consent 3/2011/0633P	Wycongill Farm Holden Lane Bolton-by-Bowland
3/2012/0221/P (LBC)	Removal of inappropriate concrete render from the rear façade of the property. Replaced with stucco, haired, three coat work using NHL3.5 with NHL5 to bottom 1m section	Primrose House Primrose Road Clitheroe
3/2012/0311/P	Proposed single storey rear extension	99 Ribchester Road Salesbury
3/2012/0066/P	Proposed erection of a porch on the northern elevation of the property	Cowgill House Gisburn Road, Sawley
3/2012/0073/P	Application for non material amendment to planning permission 3/2009/0644/P to allow A) sunroom to have a hip roof in lieu of a gable, B) additional personal door to single storey elevation, C) window in lieu of door to single storey elevation, D) new personal door to north elevation and E) amended position of front porch	Watery Gate Farm Watery Gate Lane Bleasdale, Chipping
3/2012/0078/P	Application for the discharge of condition No 2 (materials), condition No 3 (record of building), condition No 4 (site contamination) and condition No 5 (access gate opening) of planning permission 3/2009/0644/P	Watery Gate Farm Watery Gate Lane Bleasdale, Chipping

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0090/P	Proposals for the temporary use of the area of grassland as a remote compound and material store area in relation to a maintenance project to the water on the rivers Brennand and Whitendale at land off private access track	Newton Road Dunsop Bridge
3/2012/0143/P	Advertisement consent application for 10 No fascia signs and 2 No projecting/hanging signs	Tiggis (formerly La Scala) Longsight Road Clayton-le-Dale
3/2012/0151/P	Revised application for demolition of existing garage and erection of holiday cottage (previous approval 3/2006/0627)	Stables Barn Mill Lane, Waddington
3/2012/0154/P	Extension to existing garage at ground floor and conversion for habitable use. First floor extension over existing garage and extension to existing dormer to rear roofslope	Alder House Alderford Close Clitheroe
3/2012/0163/P	Change of use from 2 No retail shops into 2 No self contained flats	84-86 Lowergate, Clitheroe
3/2012/0167/P	Application to discharge condition no. 8 (materials) of planning consent 3/2011/0675P	Aspinalls Farm Kenyon Lane, Dinckley
3/2012/0169/P	Application to discharge condition no 3 (landscaping) and condition no 4 (micro regeneration certification scheme) of planning permission 3/2010/0937/P	Carlinghurst Farm Dutton
3/2012/0180/P	Proposed change of use from a beauty salon to a café/tea room	2A Whalley Road Hurst Green
3/2012/0193/P	Proposed first floor rear extension and alterations	42 Woodhead Road Read
3/2012/0207/P	Change of use from A1 to A2	4 Wellgate Clitheroe
3/2012/0211/P	Proposed rear dormer	94 Fairfield Drive, Clitheroe
3/2012/0216/P	Removal of existing conservatory and erection of single storey rear extension	7 Abbey Fields Whalley
3/2012/0245/P	Existing rear storage demolition, proposed single storey rear to and two-storey to side, existing gate repositioned and internal alterations to the property (Re-submission of application 3/2011/0864/P)	1 Whittingham Road Longridge
3/2012/0258/P	Proposed single storey side and rear extension	11 Brookside Old Langho
3/2012/0276/P	Repairs to ceiling and coving following fire damage	Church Gates House 5 Gisburn Road Bolton-by-Bowland
3/2012/0279/P	Application to discharge condition no.3 (materials) of planning permission 3/2010/0704P	51 Whalley Road Read

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0286/P	Refurbishment of restaurant and patio area including associated works to the site. Changes to elevations, which include alterations to the roof and extensions (totally 46.1sq.m) along with the removal of one booth	McDonald's Restaurants Ltd Ribble Valley Enterprise Park, Holm Road, Barrow, Clitheroe
3/2012/0288/P	Advertisement Consent for installation of replacement and new signage – 5 no. fascia signs	McDonalds Restaurants Ltd Ribble Valley Enterprise Park, Barrow, Clitheroe
3/2012/0289/P	Various signs in line with refurbishment – 1no. height restrictor, 7no. freestanding signs and 2no. banner units	McDonalds Restaurants Ltd Ribble Valley Enterprise Park, Barrow, Clitheroe
3/2012/0296/P	Proposed new front porch	22 Southfield Drive West Bradford
3/2012/0297/P	First floor side extension above existing garage	Kinross, Whitehalgh Lane Langho
3/2012/0299/P	Proposed non-illuminated hanging sign. Re-submission of application 3/2012/0025P at	Stoneygate Holiday Centre Stoneygate Lane, Ribchester
3/2012/0307/P	Proposed conversion of existing outbuilding to a holiday cottage	Bonny Blacks Farm Howgill Lane, Rimington
3/2012/0309/P	Proposed new bay window to front elevation	Kirkside, 32 George Lane Read
3/2012/0310/P	Proposed erection of a 50kW wind turbine on a 25m tower for business use, sited on agricultural land	Pasture House Farm West Marton, Skipton
3/2012/0316/P	Proposed change of use from Class A1 retail with storage to Class A2 (estate agent) office on ground floor and first floor, staff and storage on the second floor and separate basement level Class A2 office	8 York Street Clitheroe
3/2012/0319/P	Proposed detached garage	Pleasant View Farm Saccary Lane, Mellor
3/2012/0320/P	Application for the renewal of planning permission 3/2009/0088P for the demolition of the existing timber garage to side and timber porch at the rear of the property and the erection of a two-storey extension to the side and single storey extension to the front and rear of the property and associated works	37 Calder Avenue Billington
3/2012/0321/P	Proposed demolition of the existing building and erection of a two-storey dwelling house. Outline application with plans showing access, layout and off-street parking (Re-submission of 3/2012/0086/P	Old Motor Repair Workshop Neville Street off Derby Road Longridge
3/2012/0323/P	Installation of 16 Solar Panels on the roof of the proposed garage/car port	The Barn Higher Greystoneley Leagram
3/2012/0324/P	Proposed front porch	18 Fouracre Mellor

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0330/P	Application to discharge condition no. 4 (materials) of planning consent 3/2011/0971/P relating	Cobden Mill Watt Street, Sabden
3/2012/0332/P	Application for the renewal of planning permission 3/2009/0133/P for proposed development to improve the hotel and restaurant facilities including bay window extension to private lounge, increase number bedrooms with a new bedroom block, new spa building and site landscaping and parking	Northcote Manor Hotel Northcote Road Langho
3/2012/0334/P	Proposed replacement of existing 2.5m high security fence with new 3.6m high security fence surrounding	West Drive Wards Calderstones Hospital Mitton Road, Whalley
3/2012/0337/P	Proposed single storey side extension	14 Turner Street Clitheroe
3/2012/0338/P	New agricultural store to replace existing sheds (resubmission of 3/2011/0403/P)	2 Whiteacre Lane Barrow
3/2012/0353/P	Proposed demolition of existing attached store and reconstruction as single storey side extension store	Meg Hall, Dodd Lane Thornley-with-Wheatley
3/2012/0367/P	Single storey rear extension	9 Mayfield Avenue Clitheroe
3/2012/0373/P (PA) & 3/2012/0374/P (LBC)	Demolition of the existing bridge structure between Shireburn and Dorm 2, to provide a new structure similar to the existing and to repair the existing render to the gable end of Shireburn	Stonyhurst College Hurst Green Clitheroe
3/2012/0375/P	Application to discharge condition no. 3 (obscure glazing) of planning permission 3/2011/0709P	24 Ribchester Road Wilpshire
3/2012/0376/P	Proposed erection of a single storey rear extension, internal alterations and alterations to existing roof of single storey rear outrigger	94 Higher Road Longridge
3/2012/0384/P	Proposed kitchen extension to form additional kitchen/dining space	6 Highmoor Park, Clitheroe
3/2012/0415/P	Application for a non-material amendment to planning permission 3/2012/0122P to increase the existing chimney to accommodate a new log burning stove	Wilsons Farm Easington Road Cow Ark
3/2012/0416/P	Application for a non-material amendment to planning permission 3/2011/0675/P. For details please refer to Drawing No. SIMPS/02/Dwg 02B Amendment B	Aspinalls Farm Kenyon Lane Dinckley
3/2012/0431/P	Application for the part discharge of condition 6 (6b – replacement evergreen hedge) of planning permission 3/2010/0988/P	Lowerfields Lower Lane Longridge

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>
3/2012/0434/P	Application to discharge condition no. 3 (Bat Activity Survey/Method Statement) of planning permission 2010/0965/P relating to	Balderstone Hall Jacksons Bank Lane Balderstone
3/2012/0447/P	Extension to rear of dwelling, alteration of porch from originally approved plan, addition of further roof light on front elevation of house and roof height to rear	Stephen Moore Lodge Tosside
3/2012/0451/P	New roof over existing silage clam	Wheatley Farm, Four Acre Lane, Thornley
3/2012/0452/P	Replacement single garage and single storey rear extension	32 Mytton View, Henthorn Clitheroe

#### APPLICATIONS REFUSED

<b><u>Plan No:</u></b>	<b><u>Proposal:</u></b>	<b><u>Location:</u></b>	<b><u>Reasons for Refusal</u></b>
3/2011/0238/P	Proposed detached dwelling with car parking spaces within a residential garden	The Cottage Newton-in-Bowland	Contrary to Local Plan Policies G1, ENV16 and Policy H10, the SPG – “Extensions and Alterations to Dwellings”, the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990. Adverse visual impact on the character, setting and appearance of the CA and the AONB, without sufficient justification, that neither preserves or enhances this location.
3/2012/0288/P	Advertisement Consent for installation of replacement and new signage – 5 no. fascia signs	McDonalds Restaurants Ltd Ribble Valley Enterprise Park, Barrow, Clitheroe	Policies G1 and ENV3 - detrimental to the visual amenity of the building itself and the locality
3/2012/0325/P	Retrospective Application for the insertion of a window to the front gable elevation (Re-submission of application 3/2011/0779/P)	Old Chapel Barn Preston Road Alston	Contrary to NPPF, and Local Plan Policies G1, ENV3 and H17. The proposed opening in the prominent gable

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end elevation of the property would be visually harmful to the detriment of the character of the building, visually affecting its character, appearance and setting at this location, without sufficient justification.

3/2012/0410/P	Insertion of two roof lights	Halsteads Farm Rimington Lane Rimington	The proposals would be unduly harmful to the character (including setting) and significance of the listed building because the roof lights are conspicuous, incongruous and visually intrusive in the otherwise unbroken and prominent historic front roof slope of the house and barn range. This further compromises agricultural character.
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**AGRICULTURAL NOTIFICATIONS WHERE PLANNING CONSENT WILL BE NECESSARY**

<b><u>Plan No:</u></b> 3/2012/0428/P	<b><u>Proposal:</u></b> Steel portal framed building with fibre cement roof coverings and timber board wall cladding	<b><u>Location:</u></b> Grange Farm Parsonage Road, Wilpshire
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**CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT**

<b><u>Plan No:</u></b> 3/2012/0251/P	<b><u>Proposal:</u></b> Application for a Lawful Development Certificate for proposed repairs to the outbuilding to include clearing the site and rebuilding the southerly elevation. Make good all wall tops and repoint north, south, southerly and western walls. Replace all roofing timber, reroof with reclaimed Welsh blue slate, fix timber fascias and cast iron rainwater goods at outbuilding to the north-	<b><u>Location:</u></b> Rock House Town End Slaidburn
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east  
REFUSAL OF CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2012/0080/P	Application for a Lawful Development Certificate for the proposed building of a small housing to cover the hydro mechanics	Old Bobbin Mill Crow Wood Longridge Road Hurst Green

APPLICATIONS WITHDRAWN

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2011/0497/P	Erection of a holiday cottage including stabling to be used solely for holiday use	Kitchens Farm Bashall Eaves
3/2011/0501/P	Solar panels	St Mary's Hall Stonyhurst
3/2011/0502/P	Solar panels	St Mary's Hall Stonyhurst
3/2011/0920/P	Discharge of condition 5 of 3/2011/0475/P	EH Booth & Co Berry Lane, Longridge
3/2011/1003/P	Eight houses – 6 x 3 bed; five person houses for social rent and 2 x 4 bed houses for private sale	Land next to 14 Church Raikie Chipping
3/2011/1067/P	Pointing Whalley Bridge	Whalley Bridge King Street, Whalley
3/2011/1069/P	12kw wind turbine	Stonecroft, Jeffrey Hill Forty Acre Lane Longridge
3/2012/0025/P	One post mounted square metal frame with metal swinging sign	Stoneygate Holiday Centre Stoneygate Lane Knowle Green
3/2012/0033/P	Erection of agricultural building and formation of access track	Ramsgreave Hall Farm Ramsgreave Road Ramsgreave
3/2012/0086/P	Outline application to demolish the existing building and to erect a two storey dwelling house	Old Motor Repair Workshop Neville Street Longridge
3/2012/0262/P	New field access	Land off Old Clitheroe Road Stonyhurst
3/2012/0308/P	Two storey extension to side	16 Hawthorne Place Clitheroe
3/2012/0370/P	Chicken/boiler housing	Fellview Barn Baygate Bolton-by-Bowland
3/2012/0389/P	Steel storage building to the rear of St Leonards Church	St Leonards Church Commons Lane Balderstone

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2010/0078P	Old Manchester Offices Whalley New Road Billington	20/5/10 24/5/12	18	With Planning Officer
3/2010/0929P	Land between 36 & 38 Henthorn Road Clitheroe	14/7/11	8	Not Signed yet With applicants solicitor
3/2011/0316P	Land off Preston Road Longridge	10/11/11	60	Not Signed yet With applicants solicitor
3/2011/0837P	Land off Pendle Drive Calderstones Park Whalley	9/2/12	46	Not Signed yet With applicants solicitors
3/2011/0776	Land off Whiteacre Lane Barrow	12/4/12	7	With LCC
3/2011/0784	Old Whalley Nurseries Clitheroe Road Whalley	12/4/12	6	With applicant
3/2012/0065	Land off Dale View Billington	24/5/12	12	With Planning Officer
<b>Non Housing</b>				
3/2011/0649P	Calder Vale Park Simonstone	15/3/12		Subject to departure procedures so no progress on Section 106

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>
3/2011/0820 D	12.1.12	Mr S Davenport Application for the removal of condition no.15 (length of occupancy), of planning consent 3/2006/0836P to allow the house to be used as permanent residential accommodation Butchers Laithe Knotts Lane Tosside	WR	-	Site visit 15.6.12 AWAITING DECISION

<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>
3/2011/0300 O	17.1.12	Mr & Mrs Myerscough Outline application for the erection of a country house hotel and spa Land adjacent to Dudland Croft Gisburn Road Sawley	-	Procedure altered by The Planning Inspectorate – will now follow the Hearing procedure Hearing to be held on 11.7.12	New notification letter sent 18.5.12
3/2011/0103 D	13.2.12	Mr Robert Townson Proposed erection of a wind turbine on a 43m tower for the farm use and as a farm diversification project. The output is 330Kw Westby Hall Farm Burnley Road Gisburn	WR	–	APPEAL DISMISSED 30.5.12
3/2011/0624 D	17.2.12	Mr Ken Dobson Fit secondary glazing (Listed Building Consent) Vicarage House Vicarage Fold Wiswell	WR	–	Awaiting site visit
3/2011/0620 D	21.2.12	Mr Simon Waller 18 PV panels on the South facing roof above the existing roof, inverter and wiring on the inside of the building Root Hill Estate Yard Whitewell Road Cow Ark	WR	–	Awaiting site visit
3/2011/0567 D	16.3.12	Mr D Ashton Proposed erection of a holiday cottage (Re-submission) Pinfold Cottage Tosside	WR	–	Awaiting site visit
3/2011/0851 D	27.3.12	Mrs Sarah Roundell Proposed rear second floor extension and detached single garage to the rear Houghton Farm Cottage Osbaldeston Lane Osbaldeston	Householder appeal	–	APPEAL DISMISSED 14.5.12

<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>
3/2011/0703 O	16.4.12	Mr T Brown Proposed erection of a three-bedroom, two-storey detached dwelling with attached garage (Re-submission of 3/2011/0315P) 43 Hawthorne Place Clitheroe	WR	—	Awaiting site visit
3/2011/0095 D	11.5.12	Mr & Mrs S Cherry Re-submission of refused application 3/2010/0002P for two affordable dwellings in garden area of existing house, demolition of outbuilding, realigning of vehicular access to Cherry Hall and removal of part of wall to site Cherry Hall Grindleton	WR	—	Notification letter sent 21.5.12 Questionnaire sent 25.5.12 Statement to be sent by 22.6.12 Awaiting site visit
3/2011/0849 D	16.5.12	Mr K Kay Proposed new detached garage, boundary wall, gates and hard landscaping Great Mitton Hall, Mitton Road, Mitton	Householder appeal	—	Notification letter sent 18.5.12 Questionnaire sent 23.5.12 AWAITING DECISION
3/2012/0168 D	23.5.12	Mr G Marsden Single storey conservatory extension 3.60m x 3.70m to the rear of the property (Re-submission) Hill House Hesketh Lane Chipping	Householder appeal	—	Notification letter sent 28.5.12 Questionnaire sent 29.5.12 AWAITING DECISION
3/2011/1001 D	30.5.12	Ms Pamela Oliver New detached dwelling within the curtilage of 1 Portfield Bar Whalley	WR	—	Notification letter sent 7.6.12 Questionnaire sent 12.6.12 Statement to be sent 10.7.12

## LEGEND

- D – Delegated decision
- C – Committee decision
- O – Overturn