

RIBBLE VALLEY BOROUGH COUNCIL

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Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** is at **6.30pm** on **THURSDAY, 6 DECEMBER 2012** at the **TOWN HALL, CHURCH STREET, CLITHEROE.**

I do hope you can be there.

Yours sincerely

CHIEF EXECUTIVE

To: Committee Members (copy for information to all other members of the Council)
Directors
Press
Parish Councils (copy for information)

AGENDA

Part I – items of business to be discussed in public

1. Apologies for absence.
- ✓ 2. To approve the minutes of the last meeting held on 8 November 2012 – copy enclosed.
3. Declarations of Interest (if any).
4. Public Participation (if any).

DECISION ITEMS

- ✓ 5. Planning Applications – report of Director of Community Services – copy enclosed.
- ✓ 6. Permitted Development Rights Consultation Document – report of Director of Community Services – copy enclosed.

- ✓ 7. Development Management Section Performance Improvement Measures – report of Director of Community Services – copy enclosed.

INFORMATION ITEMS

- ✓ 8. Housing Land Availability – report of Chief Executive – copy enclosed.
- 9. Appeals:
 - (a) 3/2011/0893/P – Old Car Park, Hodder Place, Stonyhurst – appeal dismissed.
- 10. Report of Representatives on Outside Bodies (if any).

Part II - items of business **not** to be discussed in public

- 11. Core Strategy Update – verbal report of Head of Regeneration and Housing.

INDEX OF APPLICATIONS BEING CONSIDERED MEETING DATE 6 DECEMBER 2012					
	<u>Application No:</u>	<u>Page:</u>	<u>Officer:</u>	<u>Recommendation:</u>	<u>Site:</u>
A	APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS:				
				NONE	
B	APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR APPROVAL:				
	3/2012/0578/P	1	GT	MINDED TO APPROVE	Devil's Elbow Land off Whalley Road, Read
	3/2012/0663/P	24	CS	AC	Moor View Showley Road, Clayton-le-Dale
	3/2012/0797/P	30	CS	AC	Land at Southport House Sawley
	3/2012/0920/P	42	SW	AC	Twyn Ghyll Caravan Park Paythorne
	3/2012/0982/P	48	MB	AC	1 Langdale Avenue Clitheroe
C	APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL:				
	3/2012/0702/P	51	CS	R	Kingsmill Avenue Whalley
D	APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED				
	3/2012/0179/P	61	SW	DEFER	Land at Accrington Road Whalley
	3/2012/0738/P	86	CS	DEFER	Dale View Billington
	3/2012/0785/P	96	JM	DEFER	Land at Chatburn Road Clitheroe
	3/2012/0786/P	109	JM	DEFER	Land at Chatburn Road Clitheroe Hospital Clitheroe
E	APPLICATIONS IN 'OTHER' CATEGORIES:				
	3/2012/0940/P	117	GT	OBSERVATIONS	Variation of condition at Lanehead Quarry, Chatburn
	3/2012/0945/P	118	AD	SECRETARY OF STATE	Woone Lane Toilets Clitheroe

LEGEND

AC Approved Conditionally
R Refused
M/A Minded to Approve

JM John Macholc
SW Sarah Westwood
CS Colin Sharpe
AD Adrian Dowd

GT Graeme Thorpe
MB Mark Baldry
CB Claire Booth

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 6 DECEMBER 2012
 title: PLANNING APPLICATIONS
 submitted by: DIRECTOR OF COMMUNITY SERVICES

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION NO: 3/2012/0578/P (GRID REF: SD 375258 434458)
 DEVELOPMENT OF OUTDOOR ADVENTURE CENTRE TO INCLUDE 1) TREETOP AERIAL ADVENTURE COURSE; 2) SEGWAY COURSE; 3) BAREFOOT TRAILS; 4) CHILDREN'S ADVENTURE PLAY/TRAIL; AND 5) EDUCATION/INTERPRETATION TRAILS. ERECTION OF BUILDING TO PROVIDE TICKETING, CUSTOMER SERVICE FACILITIES, TOILETS, RESTAURANT AND CAFÉ, COVERED SEATING AREAS AND ANCILLARY RETAIL SALES. CONSTRUCTION OF NEW ACCESS TO THE A671 WITH PARKING FOR 50 CARS (8 DISABLED SPACES), 5 COACHES, TOGETHER WITH CYCLE AND MOTORCYCLE PARKING AND ASSOCIATED ROADS AND LANDSCAPING. DEVIL'S ELBOW, LAND OFF WHALLEY ROAD (A671), READ, LANCASHIRE

READ PARISH COUNCIL: No objections/observations to the scheme providing there are assurances that the proposed septic tank will be sufficient for the needs of a successful business with lots of visitors.

LCC ENVIRONMENT DIRECTORATE (HIGHWAYS OFFICER): No objection in principle to this application on highway safety grounds.

LCC ENVIRONMENT DIRECTORATE (ECOLOGY): Following the submission of revised plans, it has now been established that impacts on trees with the potential to support roosting bats can be avoided. The applicant has also agreed and proposed to exclude access from the ancient woodland area of the Biological Heritage Site, which seems likely to be adequate to prevent damaging impacts on the ancient woodland, river banks and associated protected species within this area of the site.

However, concern is raised regarding the likely impact upon a heronry within the centre of the site. The applicant has submitted mitigation/compensation measures in order to minimise impacts on the heronry, however it is not clear whether consideration has been given to the use of other sites/areas of woodland for the development proposals that would result in lesser ecological impacts. The NPPF indicates that in order to avoid significant harm consideration should first be given to locating the development on an alternative site with less harmful impacts (Para 118).

For this reason there is uncertainty as to whether or not the submitted measures would be adequate to avoid impacts on the heronry or that impacts on the heronry could be avoided without restricting the timing of construction and operational activities within the site. Without timing restrictions, it seems likely that the proposed development would significantly harm a feature of interest, which led to the identification of the site as a BHS.

On this basis, approval of the proposal would be contrary to Local, Regional and National Planning Policy, and the LCC Ecologist recommends refusal of this application.

LCC ENVIRONMENT
DIRECTORATE
(ARCHAEOLOGY):

The proposed development lies in an area of Ancient & Post-Medieval woodland as characterised in the Lancashire Historic Landscape Characterisation (HLC) programme. Such areas are of recognised historical or archaeological interest and considered to have the potential to contain features such as evidence for coppicing and pollarding, woodland boundaries and occasionally can include parkland wood features. Such areas in Lancashire have yet to be the subject of any systematic archaeological assessment and the potential of the woodland at Devil's Elbow remains to be quantified.

Any proposed works in this area therefore have the potential to encounter features associated with the Parish or Park boundary, as well as other previously unknown evidence for past woodland/parkland management. Such features would be considered of sufficient local significance as to merit recording and retention within the development. As such, should the LPA be minded to approve the development, LCAS recommend that the applicants be required to undertake a programme of assessment and recording on site.

ENVIRONMENT AGENCY:

Following the submission of amended plans, the Environment Agency now raise no objections to the scheme subject to the implementation of a number of specific conditions.

UNITED UTILITIES:

No objection to the proposed development.

NATURAL ENGLAND:

The national habitat inventories indicate that this development coincides with an area of Biodiversity Action Plan (BAP) Priority Habitat, and as such this should be considered in line with Para. 118 of the NPPF. On the basis of the information supplied, Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts upon on the local population of Bats, Great Crested Newts and Otters an therefore avoid affecting favourable conservation status.

RSPB OFFICER:

Professional opinion has been sought on the Members consideration to approve this application and the likelihood of Grey Herons continuing to nest in the woodland at Devil's Elbow if proposals for the outdoor activity centre are approved.

Grey Herons are a colonial tree nesting species. The main characteristic that defines all heronries is that they are free from disturbance and as such they tend to be located in specific quiet localities, more often than not, woodlands with thick, impenetrable ground cover that are adequately owned with no or minimal public access during this pre-nesting period is most likely to result in site abandonment. They are highly traditional nesters, using the same few traditional locations year after year, probably due to the long term undisturbed nature of these sites. The largest heronries can number 200 nests but the national average is about 20 nests. Grey Herons also nest early in the year, laying eggs in February before deciduous trees are in leaf.

The proposed development will therefore almost certainly result in the loss of nesting herons at this site. The Herons would be subjected to ground and arboreal sight disturbance, especially early in the season. The associated noise would also cause aural disturbance throughout the nesting season. Put simply, a 30-50m buffer is wholly inadequate to shield the nesting birds from any disturbance. A wider buffer of at least 250m would be more appropriate, however even this is likely to result in the birds deserting the site and ultimately the loss of this traditional nesting site.

BURNLEY BOROUGH
COUNCIL:

No objections to the planning application.

HYNDBURN BOROUGH
COUNCIL:

No specific observations relating to the application.

LANCASHIRE
CONSTABULARY
(ARCHITECTURAL LIAISON
OFFICER):

Considering security and crime prevention at the earliest stage of the development enables it to be incorporated into the design at the earliest stage, therefore security of the buildings on this site and car parking in the areas that should be concentrated on.

ADDITIONAL
REPRESENTATIONS:

Seventeen letters of objection to the proposal have been received. The following highlights the reasons for objecting,

1. Neighbours not pre-consulted by the applicant,
2. Impact on highway safety,
3. Increased traffic and congestion to the area.
4. Limited public transport accessibility,
5. Highway improvements/controlling measures should be sought around the new junction if approved,

6. Speed limit needs to be reduced from 50 mph,
7. Noise impact,
8. Light pollution,
9. Impact on the Biological Heritage Site,
10. Impact on protected species/habitats on site including badgers, bats, otters, foxes, birds, deer and a heronry,
11. Impact on Sabden Brook wildlife corridor,
12. Ecology survey provided is incorrect as the site is an active site for nesting herons,
13. Footpath areas will destroy fauna in the woodland,
14. Visual impact of scheme,
15. Health and safety risk if approved,
16. Danger to horse riders who use the main road,
17. Concerns regarding litter and pollution,
18. Concern about opening hours,
19. If the scheme is approved and becomes a success, we will see more buildings being proposed,
20. Already provision of similar facilities, albeit on a smaller scale, nearby,
21. If it fails we will see empty buildings and car parking areas being a blot on the landscape,
22. If approved we will likely see an increase in other commercial ventures being applied for,
23. Approval would be contrary to the Human Rights Act.

Thirteen letters/e-mails of support for the scheme have been received. The following highlights the positive points,

1. It will be a wonderful recreational and visitor facility for the Ribble Valley and East Lancashire,
2. Any initiative that generates employment proposes an exciting place for young people to visit and get active should be supported,
3. As a resident, I am delighted that families will benefit from such an activity centre,
4. It will attract visitors to our towns so benefitting local businesses and boosting the local economy,
5. It will be a positive influence for the community,
6. It is a sensible, progressive and worthwhile proposal,
7. After the recent Olympics, this is a worthwhile venture,
8. It may even aid local education departments with access to a good recreational activity centre, and
9. Increase in profile for the area as a whole.

Proposal

The site measures 7.25 hectares in size. This application seeks permission for the development of an Outdoor Adventure Centre on land on the outskirts of Read. The scheme includes a treetop aerial adventure course (similar to Go-Ape), a Segway course, barefoot trails, children's adventure play/trail and education/interpretation trails within woodland. The proposal

also includes the associated coach and car parking, and associated buildings (gross floor area of 430sqm) to provide ticketing, customer service facilities, toilets, restaurant and cafe, covered seating areas and ancillary retail sales. The scheme also includes the construction of the formal vehicular access to the site from the A671, associated internal roadways and proposed highway and accessibility improvements. The scheme will create a minimum of five jobs, however dependant on the end site owner/user, this could increase somewhat. The application has been subject to Pre-Application discussions.

Site Location

The site lies within open countryside adjacent to the A671 between Read and Whalley, approximately 1 mile from the village boundary of Read. The site comprises a mixture of rural meadow/agricultural land/woodland and lies around 800m from the AONB. The site has good links to the nearby motorways and along a number of important 'A' roads, providing easy access to Blackburn, Preston, Burnley, Greater Manchester and beyond.

Relevant History

No relevant history.

Relevant Policies

National Planning Policy Framework.
Policy G1 - Development Control.
Policy G5 – Settlement Strategy.
Policy G11 – Crime Prevention.
Policy ENV3 – Development in Open Countryside.
Policy ENV7 – Species Protection.
Policy ENV9 – Important Wildlife Site.
Policy ENV10 – Development Affecting Nature Conservation.
Policy ENV12 – Ancient Woodlands.
Policy ENV13 – Landscape Protection.
Policy ENV19 – Listed Buildings.
Policy RT1 – General Recreation and Tourism Policy.
Policy T1 – Development Proposals – Transport Implications.
Policy T7 – Parking Provision.
NW of England Plan Regional Spatial Strategy to 2021 – Policy EM1.
NW of England Plan Regional Spatial Strategy to 2021 – Policy DP7.
Biological Heritage Sites – Guidelines for Site Selection.
Government Circular 06/2005: Biodiversity and Geological Conservation.
DEFRA Circular 01/2005.
The Conservation of Habitats and Species Regulations 2010 (as amended).
Wildlife and Countryside Act 1981 (as amended).
Natural Environment and Rural Communities Act 2006.
The Protection of Badgers Act 1992.
Planning (Listed Buildings and Conservation Areas) Act 1990.
'Setting of Heritage Assets: English Heritage Guidance' (EH, October 2011).
Historic Environment Planning Practice Guide (HEPPG, March 2010).
Key Statement EN4 of the Core Strategy (Regulation 22 Submission Draft).
Development Management Policy DME3 of the Core Strategy (Regulation 22 Submission Draft).
Development Management Policy DME1 of the Core Strategy (Regulation 22 Submission Draft).

Environmental, AONB, Human Rights and Other Issues

Following deliberation by the Planning and Development Committee during the November meeting regarding how the scheme may add to the appeal of the Ribble Valley as a tourist and visitor attraction, as well as the potential employment benefits of the development; the consideration was that these positive points would outweigh the likely harm caused to habitats issues (namely the Heronry on site) or any detrimental impact upon the biological heritage site (in which a large portion of this development would sit). On this basis, members were minded to approve the application with a request that suitable planning conditions be prepared and brought back for discussion at Committee.

This report remains reflective of the concerns raised by consultees, however in line with the Committee's request, the suggested conditions are considered appropriate to control, manage, protect and conserve the site in line with relevant local and national guidance. It is requested that Committee consider the appropriate wording of Condition 6 as the applicants have suggested that a 50m buffer zone surrounding the Heronry will be appropriate and will safeguard its future survival, however Senior Officers at the RSPB and LCC Ecology both advise that a 250m buffer zone will be required. The reasoning is explained within the body of the report, as are the potential consequences for each suggested Condition.

The main issues with this application remain the principle of the development, what affect the proposed change of use and the proposed erection of the associated buildings may have with regards to its visual impact on the area, the potential impact of the scheme on the amenity of occupiers of adjacent properties and the potential impact on the Biological Heritage Site on site in which a large area of this proposal will be introduced.

The LCC Highways Officer has raised no objection in principle to the application on highway safety grounds subject to a number of conditions, and as discussed in my previous report, the scheme will have an acceptable visual impact on the setting of the adjacent Grade II Listed Building. In addition, following a number of amendments to the scheme, namely the exclusion of access to the ancient woodland area and beyond of the Biological Heritage Site and that it has been established that impacts on trees with the potential to support roosting bats can be avoided, the development will have an acceptable impact on other protected species.

PRINCIPLE OF DEVELOPMENT/ IMPACT ON THE BIOLOGICAL HERITAGE SITE

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. However, as the proposals affect a woodland which is thought to be ancient in origin and which is part of Old Park Plantation, New Maris Wood and Sager Hey Plantation Biological Heritage Site (BHS 73SW10), where known protected species reside, paragraph 119 of NPPF, Conserving and enhancing the natural environment, is a material consideration. It advises that *'The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.'* The site has been identified as such due to its current designation and following the results of the Extended Phase 1 Habitat Survey & Baseline Ecological Impact Assessment document supplied as part of the application.

Paragraph 118 of the NPPF notes that 'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The question remains whether the potential impact upon the ecology/habitats within the Biological Heritage Site would significantly and demonstrably outweigh the benefits that the proposed employment generating, tourism related, outdoor activity centre would bring to the area. The applicant has submitted a detailed (but confidential due to the financial details included) site appraisal for the proposed development. In considering this document, I recognise that it would add to the attraction for the Ribble Valley from a tourist and visitor point of view.

From a Local Plan Policy perspective, the site under consideration here lies outside any saved settlement boundaries and as such when considering the proposal against the saved Local Plan Policies, Policy G5 allows for small-scale tourism developments appropriate to a rural area subject to the development being in accordance with Local Plan Policy RT1. Policy RT1 notes that the Borough Council will approve development proposals that extend the range of tourism and visitor facilities in the Borough subject to certain criteria being met. These criteria include not conflicting with other policies in the Local Plan and that the development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design. Again, the Local Plan Policies also advise that despite these considerations the potential conflict with other Local Plan Policies relating to species protection and nature conservation such as Policies ENV7, ENV9, ENV10, ENV12 and ENV13 is a material consideration. On this basis the impact on the BHS must be considered in more detail to enable a reasoned explanation for the final recommendation given.

As noted above, the proposals affect woodland that is part of Old Park Plantation, New Maris Wood and Sager Hey Plantation Biological Heritage Site (BHS 73SW10), indeed 70% of the area within the red edge is part of the County Biological Heritage Site. This particular BHS was identified for supporting semi-natural woodland with field evidence indicating it is ancient in origin, there was/is a heronry on site and the areas of swamp/fen on site. Ancient Woodland is considered to be an irreplaceable habitat, and as NPPF states, planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for, and benefits of, the development in that location clearly outweigh the loss (Para 118). Ribble Valley Districtwide Local Plan states that development proposals within a County Biological Heritage Site will only be permitted provided the development would not significantly harm the features of interest for which the site is selected (Policy ENV9) and that where permission is granted for development affecting the nature conservation value of sites, damage to nature conservation interests must be kept to a minimum (policy ENV10).

The site appears to support a number of Habitats of Principal Importance, such as Wet Woodland, Lowland Fen and Lowland Mixed Deciduous Woodland / Upland Mixed Ashwoods (with reference to the NVC types listed as present in table 1 of the EclA report). DEFRA Circular 01/2005 indicates that UK Biodiversity Action Plan Priority Habitats (Habitats of Principal Importance, NERC Act 2006) are capable of being a material consideration in the making of planning decisions. More specifically, the site is identified partly due to the presence of a heronry. The bird survey (submitted as part of the Extended Phase I Habitat Survey & Baseline Ecological Impact Assessment) recorded the presence of a Heron although it was not thought to be breeding. A site visit on 18th September by the County Ecologist revealed the presence of 6 Grey Heron nests within the area proposed to be used for the woodland high wire adventure course, and following consultation with the local bird group, they have confirmed

regular records of a heronry in this location with 6 active nests being recorded in 2011. This number of active nests is considered to be a "significant population of a scarce Lancashire breeding bird" (updated BHS guideline Av3).

As highlighted, this long-standing heronry is one of the qualifying features of BHS 73SW10. The site is listed under guideline Bi2b (Any site which regularly supports a significant proportion of the breeding population of a scarce Lancashire breeding bird species), and is known to regularly support at least 3 pairs of Grey Heron, which was considered to be a significant proportion of the breeding population in Lancashire at the time the guidelines were published. The BHS bird guidelines were updated in 2006 to reflect changes in bird populations and consequently the qualifying threshold of the number of breeding Grey Heron was raised from 3 pairs to 5 pairs (updated guideline Av3). BHS listings are updated in line with revised guidelines as and when data becomes available. Although the annual Grey Heron population estimates for the UK spanning more than 80 years show a long term increase, since 2001 the UK Grey heron population has been in a shallow decline (British Trust for Ornithology). Grey Herons are known to be susceptible to human disturbance, for example the RSPB advises that freedom from disturbance is an importance factor in the siting.

The woodland at Devils Elbow is currently largely unused and therefore largely undisturbed. In order to minimise impacts on the active heronry the following mitigation measures were submitted for consideration:

- Restriction of works to establish infrastructure to beyond 50m from the heronry during the heron-breeding season.
- Restricting use of loud or vibrating machinery within 50m of the heronry during breeding season.
- A buffer of 30m between the heronry and aerial walkway, with proposals to camouflage the walkway where it falls within 30-50m of the heronry.
- Prevention of all public access within 30m of the heronry.
- Access for day-to-day management within 30m of the heronry.

The County Ecologist has discussed the matter with the RSPB Senior Conservation Officer for the North West as well as a number of organisations around the country, including the National Trust, Wildlife Trusts and local bird experts. Although there does not appear to be any official guidance as to likely disturbance distances and disturbance, they advise that distances are likely to vary depending on a number of local factors (such as historic disturbance, siting of the heronry in the local landscape, physical barriers to the heronry as perceived by the Herons such as water bodies etc). However, everyone they have consulted are of the opinion that allowing public access to an undisturbed woodland supporting a heronry to within 30-50m of the Heronry would be likely to cause significant disturbance to, and likely abandonment of, the heronry (due to both visual and noise disturbance). The RSPB NW Senior Conservation Officer is of the opinion that any disturbance buffer from the heronry would need to be at least 250m, with all the organisations who manage land with heronries, restricting public access to heronry sites to varying distances of 60m, 100m, 200m and 500m depending on the local situation and site specific experience of likely disturbance distances (for example, at the site where access is allowed within 60m the public access is restricted to controlled guided walks and the public are situated on the other side of a river to the heronry; at the site where public access is prevented closer than 100m there is no access to the woodland itself). The professional opinion on the likelihood of Grey Herons continuing to nest in the woodland at Devil's Elbow if proposals for an outdoor activity are permitted within this woodland, was that it is considered extremely unlikely that Grey Herons will continue to use this traditional nesting site if the proposal goes ahead.

It is not clear if the submitted mitigation/compensation measures have considered the use of other sites/areas of woodland for the development proposals which would result in lesser ecological impacts (paragraph 118 of the NPPF 'in order to avoid significant harm, consideration should first be given to locating the development on an alternative site with less harmful impacts) as part of a reasoned justification for the mitigation measures. The County Ecologist has considered these measures however they advise that there is uncertainty as to whether or not the measures submitted would be adequate to avoid impacts on the heronry or that impacts on the heronry could be avoided without restricting the timing of construction and operational activities within the site. Without timing restrictions, it seems likely that the proposed development would significantly harm a feature of interest that led to the identification of the site as a BHS; in which case, the proposal would be contrary to Policy ENV9 of the Local Plan. The LCC Ecologist did advise on a couple of conditions that they thought could allow the development and use of the site, namely

- There shall be no disturbance associated with the development, including construction works, site maintenance, site operation/recreational activity and dismantling, both within the woodland and within 250m of the edge of the area of Mixed Plantation Woodland as shown on the Phase 1 Habitat Map (Cameron Crook & Associates, June 2012) during the Heron breeding season (January to July inclusive) and until checks have been made to ensure that the birds have finished breeding, and
- Both the woodland and land outside the woodland within 250m of the edge of the area of Mixed Plantation Woodland as shown on the Phase 1 Habitat Map (Cameron Crook & Associates, June 2012) shall not be open to the public between January and July inclusive and until checks have been made to ensure that the birds have finished breeding.

In imposing conditions one of the tests of a 'reasonable' condition relates to whether or not it would in effect nullify any permission by rendering the scheme unviable. Bearing in mind the LCC Ecologist has confirmed that without these conditions, planning permission should not be granted, the question then is whether the potential loss of the heronry from the site and the subsequent impact upon the ecology within the Biological Heritage Site would significantly and demonstrably outweigh the benefits of the proposed employment generating, tourism related, outdoor activity centre would bring to the area.

There is no doubt that the scheme could potentially be a lucrative attraction for the Ribble Valley from a tourist and visitor point of view, however the guidance contained within paragraph 118 of the NPPF is relatively straight forward stating that when determining planning applications if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The conditions suggested by the County Ecologist would appear to mitigate any potential impact upon the heronry, however these conditions would not make the scheme viable due to their restrictive nature and the significant reduction in the area of woodland available for use by visitors. The conditions suggested by the applicant are significantly less restrictive however whilst they too will not directly impact upon the nesting area, professional advice from the RSPB advises that such a small buffer zone will result in the likely abandonment of the heronry.

HIGHWAYS ISSUES

The LCC Highways Officer raised no objection in principle to this application on highway safety grounds, and offers the following points of commentary on the submitted scheme.

Junction Design

He is confident that the necessary access specifications can be achieved from within the available frontage under the applicant's control. The Transport Statement (TS) accompanying the application identifies a range of 105m to 120m as being acceptable for the measured vehicle speeds on Whalley Road. Working with the lower figure of 105m by 2.4m, the impact of construction on adjacent planting and established hedgerows is minimised, and as such he has no objection to the introduction of the splays achieved using this figure on this section of Whalley Road, highlighting the retention of the planting as an additional benefit. The design of the proposed access satisfies the LCC Specification for Construction of Estate Roads. An anticipated daily flow of up to 500 vehicle movements (250 journeys x 2), at the proposed access can be safely accommodated from a suitably designed priority junction, as is proposed here. The proposed access point does not appear to require the removal of any mature trees, but there will be requirements to raise the crown on some specific trees and to alter the line of hedgerows that fall within the visibility splay. In order to manage the movement of traffic arriving at and manoeuvring through the site, it would be appropriate to have in place a scheme of warning and information signage and road markings, however these details could be dealt with via a suitable planning condition. As indicated on plan, the existing field gate access to the west of the proposed access is to be permanently closed and planting reinstated, and this too can be dealt with via a formal Highway Condition. The site plans indicate that the main vehicular access from Whalley Road is to be gated showing that site security has been considered in great detail.

Off site highway works

The level of vehicular activity initially envisaged would not warrant consideration of further highway engineering works, such as a right turn lane to the site, however the junction will have to accommodate coach traffic, possible agricultural traffic and potentially large maintenance vehicles.

Public Transport

The integration of this site into existing bus routes and scheduled services is an important consideration. An amended plan has been provided showing the location of two new bus stops and the supporting street furniture. This arrangement would improve on the existing provision, whereby there is no stop within 800/900metres of site entrance. This additional provision helps to address issues concerning the sustainability of the site and will assist in minimising the number of private car journeys to the site. The intention would be to include these stops as part of the existing Service No.26 that runs between Burnley and Clitheroe, and also serves Whalley and Padiham. In order to secure the necessary works highlighted above, the applicant will need to enter into a formal Legal Agreement.

Footway Provision

There is an existing footway to the south side of Whalley Road and provisions have been made for drop kerb links to and across the proposed access. Drop kerbs also now provide a link to the south side of Whalley Road to both sides of the main access and across this access, allowing pedestrians to reach the site from a continuous footway link. Short lengths of new footway are also provided to both sides of the main entrance to support pedestrian safety and to accommodate improved public transport provisions.

Street Lighting

Although it is proposed that the site should operate from 09:00hrs until dusk, there will be times when the entrance will be operational in darkness and there will still be some movements to/from the site outside of these times. In order to comply with the current regulations the

junction would need to be lit with a minimum of 7 columns. However, this would then leave a gap of about 250m to the next lit section of the road to the northwest, towards the Devil's Elbow. This is problematic as there could be issues with motorists adapting to the change from dark to light to dark etc.

The applicant is content to commit to provision of street lighting to meet LCC requirements and it is considered that this additional street lighting (paid for by the applicant) will assist in the case for a reduction in the speed limit to 40mph. Of course this would be a matter for the highway authority, but the applicant's proposals will help to support such a reduction. It is considered that the off-site works can all be handled through a S278 agreement, subject to details to be agreed.

Speed Limits

The present Speed Limit is 50mph and it is understood that some initial speed counts have been undertaken. There is a case for considering the introduction of a lower; 40mph limit with such a change impacting on visibility distances and access road construction design. That said, he could confirm that the assessments carried out on behalf of the applicant are robust and provide verification that the existing 50mph speed limit is appropriate for this section of highway. Also establishes that sightlines of 105/120metres are appropriate and can be achieved within land fronting the site that is directly within the applicant's control.

Signing

The introduction of appropriate new signing provisions (warning, information and/or advisory) for this site has been proposed by the applicant and conditions would ensure that is in place in advance of the completion of the development and the first paying members of the public visit to the site.

Car Parking

The parking standards contained within The Regional Spatial Strategy (RSS) – North West of England Plan (2008) remain the County wide standard for parking provision. Until such time as a revised policy is available, the RSS must still remain a material consideration in assessing planning applications. The plans indicate that there are 50 car parking spaces and 5 coach spaces, which would be a reasonable provision based on projected numbers attending and vehicle occupation rates.

Internal Layout

The design of the on-site facilities must take into account the potential visual impact on passing motorists. In particular, there must be no direct view of "in tree" activity from the "Devil's Elbow".

Proposed Highways Contributions

Should the Local Planning Authority be minded to approve this development, the County Council would ask that the Applicant enter into a S278 Agreement in order to secure the following off-site highways works: -

1. Prior to the opening of the site to members of the public, the provision of interactive warning signs to encourage compliance with the advisory 30mph Speed Limit to the west of the site, with the intention of encouraging reduced speeds on approach to the site entrance.
2. No part of the development shall commence until a scheme for the provision of improved street lighting provisions have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

3. 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.

An initial estimate of the costs of this provision would be £20k per location plus a £2k commuted sum for future maintenance.

VISUAL IMPACT OF SCHEME

Paragraph 60 of the NPPF advises that 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness', with paragraph 61 advising that 'Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.' From a Local Plan Policy point of view, the site under consideration here lies outside any saved settlement boundaries and as such should be considered in accordance with Local Plan Policy G5, which allows for small-scale tourism developments appropriate to a rural area subject to the development being in accordance with Local Plan Policy RT1. Policy RT1 notes that the Borough Council will approve development proposals that extend the range of tourism and visitor facilities in the Borough subject to certain criteria being met. These criteria include not conflicting with other policies in the Local Plan and that the development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design. Local Plan Policy ENV3 is also useful when considering development within the Open Countryside, and stipulates 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'.

The site itself is well screened by existing planting on site, and it is unlikely that the works proposed within the woodland would be visible from outside the site. The proposed car parking, access roads and turning areas closest to Whalley Road will be partially visible due to the creation of the new access into the site, however the scheme also includes substantial additional tree planting on site to help screen the infrastructure proposed. The built form on site will consist of two main buildings linked via a third covered walkway area. The buildings have all been designed with the rural background in mind, and from a distance may appear as agricultural style buildings. The buildings will have an apex roof clad in metal sheeting (to be agreed) and the sides will be clad with timber boarding above a stone plinth. The 'link' building will simply be a steel frame with a part-glazed roof. The 'Visitor Centre' will be split into two main areas with a café and toilets within one building and the ticketing office and ancillary retail sales area within the other. Due to the relatively modest overall height of the buildings (7.2m to ridge from the FFL), the simple yet modern design, the existing and proposed planting on site and around the buildings and as the buildings will be partially built into the sloping land, it is not considered that the scheme will have an adverse visual impact on the surrounding area.

IMPACT ON RESIDENTIAL AMENITY

The proposed use on site has been discussed with the Head of Environmental Health Services, with consideration had towards the recently approved, albeit smaller in scale, Outdoor Pursuits Centre in Simonstone. The proposed use will inevitably generate noise through visitors enjoying the facilities, however how this will impact upon the occupants of nearby residential

dwelling is considered difficult to quantify. The main areas of woodland that will be used by visitors to the site, at the closest point, are some 180m from the nearest residential property, Greenhurst Farm, although there is an additional large area of unused woodland area that will provide some form of a sound barrier as mitigation. The hours of use proposed are between 0900 and dusk, with site clearly being used more in the summer months than in winter, as there is no floodlighting or lighting proposed within the woodland areas.

Having visited the site with the Council's Environmental Health Services Manager and discussed the points outlined above he raises no objections in principle to the scheme subject to a number of conditions. These conditions would seek to limit the hours of use of the site at specific times of the year, additional acoustic screening on site, consideration of the internal layout of the zip wires, rope swings etc. and a limitation of the location and type of lighting to be incorporated on site. On this basis, whilst the use of the site will be audible, it will not be to the detriment of the occupiers of adjacent/nearby residential dwellings.

CONCLUSION

Paragraph 28 of the NPPF advises 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, as well as promoting the development and diversification of agricultural and other land-based rural businesses, and supporting 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.'

However, within one of the Core Planning Principles within Paragraph 17 of the NPPF is to ensure that development contributes to conserving and enhancing the natural environment, a point supported by paragraph 109 which states 'The planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes, and minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.' This paragraph also advises that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

In imposing conditions one of the tests of a 'reasonable' condition relates to whether or not it would in effect nullify any permission by rendering the scheme unviable. The conditions suggested by the County Ecologist would appear to mitigate any potential impact upon the heronry, however these conditions would not make the scheme viable due to their restrictive nature and the significant reduction in the area of woodland available for use by visitors. The conditions suggested by the applicant are significantly less restrictive however whilst they too will not directly impact upon the nesting area, professional advice from the RSPB advises that such a small buffer zone will result in the likely abandonment of the heronry.

The guidance contained within paragraph 118 of the NPPF is relatively straight forward stating that when determining planning applications if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should therefore be refused. However, having considered the potentially lucrative attraction the

scheme may add to the Ribble Valley from a tourist and visitor point of view, and the potential employment benefits of the development, the Council consider that these positive points would outweigh the likely harm caused to habitats issues or any detrimental impact upon the biological heritage site, and the application is recommended accordingly with suggested appropriate conditions.

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

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

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

2. The permission shall relate to the development as shown on Plan Drawing No's 11.26 PL 01 Rev. C, 11.26 PL 02 Rev. C, 11.26 PL 03 Rev. A, 11.26 PL 04 Rev. A and J098/Extlay/Fig 3.

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

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

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 and DME1 of Regulation 22 Submission Draft of the Core Strategy.

4. No part of the development shall take place until an updated survey of the heronry has been carried out during the optimum period of December 2012 to July 2013. The survey shall consist of a minimum of 6 visits with at least 3 carried out in pre-leaf stage of the woodland. The results of the updated survey shall be submitted to the Local Planning Authority Countryside Officer and the RSPB North West Office.

The updated survey shall include details on the extent of the heronry, the position and number of nests and individual herons/breeding pairs present. If such a use by herons is confirmed a mitigation buffer zone shall be established in accordance condition no 6 including appropriate measures designed to protect the heronry the details of which shall be submitted to and agreed in writing by the Local Planning Authority Countryside Officer before any work commences on the approved Development.

The actions, methods & timings included in the mitigation measures identified shall be fully implemented and adhered to through the life span of the development.

REASON: To establish the number of herons and extent of the heronry so that appropriate mitigation measures are implemented. In accordance with Local Plan Policies ENV3, ENV7, ENV9 and ENV13, Policy DME3 of Regulation 22 Submission Draft Ribble Valley Core Strategy and Key Statement EN3, Policies EM1 and DP7 of the RSS and paragraphs 7, 9, 14, 17, 109, 118 and 119 of the NPPF.

5. There shall be no engineering operations or other construction works including works to any trees, shrubs or other vegetation, carried out anywhere within the woodland during the period commencing the first week of February to the last week of July inclusive, until or unless it has first been confirmed by an ecologist that breeding birds are not present.

REASON: To protect ground nesting birds from damaging activities and reduce or remove the impact of development. To ensure that there are no adverse effects on the favourable status of ground nesting birds before and during the proposed development. In accordance with Local Plan Policies ENV3, ENV7, ENV9 and ENV13, Policy DME3 of Regulation 22 Submission Draft Ribble Valley Core Strategy and Key Statement EN3, Policies EM1 and DP7 of the RSS and paragraphs 7, 9, 14, 17, 109, 118 and 119 of the NPPF.

6. Where necessary, following the survey findings as received by condition No 4 and prior to commencement of any part of the development a 50m buffer zone shall be established beyond which all infrastructure work, including the operation of loud or vibrating machinery, shall be restricted to during the heron pairing and breeding season December to July. The details of the buffer zone including a map confirming the extent of the 50m buffer zones and all the protection and mitigation measures shall also be submitted to the local planning authority. The actions, methods & timing details included in the mitigation notes attached to the details submitted shall be fully implemented and maintained during the entire life span of the development. Mitigation refers to practices adopted to reduce or remove the risk of disturbance, injury or death of herons or destruction of the heronry in part or whole.

REASON: To protect a known heronry from damaging activities and reduce or remove the impact of development. To ensure that there are no adverse effects on the favourable status of a heron population before and during the proposed development. In accordance with Local Plan Policies ENV3, ENV7, ENV9 and ENV13 of the Districtwide Local Plan and Policy DME3 of Regulation 22 Submission Draft of the Core Strategy and Key Statement EN3, Policies EM1 and DP7 of the RSS and paragraphs 7, 9, 14, 17, 109, 118 and 119 of the NPPF.

7. Prior to commencement of any part of the development details of a post development - monitoring plan shall be submitted to and agreed in writing with the local planning department. The details of the monitoring plan shall include methodology/recording methods, frequency and timing of the monitoring process as well as any measures that may be required in order to mitigate against any adverse affects of the development on the established heronry. The approved monitoring process shall be carried out in accordance with the details submitted for a period of not less than three years commencing during the first breeding season December to July following occupancy/use of the site.

The findings of the monitoring process shall be submitted on an annual basis to the local planning authority, the RSPB North West Office and the East Lancashire Ornithological Club. A final monitoring report shall also be submitted at the end of year three to the local planning authority, the RSPB North West Office and the East Lancashire Ornithological Club.

REASON: In order to determine the impact of the development on a known heronry. In accordance with Local Plan Policies ENV3, ENV7, ENV9 and ENV13, Policy DME3 of Regulation 22 Submission Draft Ribble Valley Core Strategy and Key Statement EN3, Policies EM1 and DP7 of the RSS and paragraphs 7, 9, 14, 17, 109, 118 and 119 of the NPPF.

8. Prior to commencement of any part of the development a detailed mitigation plan for species identified in the Extended Phase 1 Habitat Survey & Baseline Ecology Impact Assessment dated June 2012 shall be submitted to and agreed in writing with the local planning authority. The details submitted shall include details of the frequency, extent and timings of surveys for birds, their breeding sites or resting places. All works shall proceed in accordance with the approved strategy with any amendments agreed in writing.

REASON: To protect birds and their nest/roost sites from damaging activities and reduce or remove the impact of development. To ensure that there are no adverse effects on the favourable status of birds, their nest and roost sites. In accordance with Local Plan Policies ENV3, ENV7, ENV9 and ENV13, Policy DME3 of Regulation 22 Submission Draft Ribble Valley Core Strategy and Key Statement EN3, Policies EM1 and DP7 of the RSS and paragraphs 7, 9, 14, 17, 109, 118 and 119 of the NPPF, the Wildlife & Countryside Act 1981 as amended and the Conservation [Natural Habitats & c.] Regulations 1994.

9. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the Arboricultural Impact Assessment & Method Statement dated 20th of June 2012 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 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/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/exclusion 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 is 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 considered to be of visual, historic or botanical value is afforded maximum physical protection from the potential adverse affects of development. In order to comply with planning Policies G1 and ENV13 of the District Wide Local Plan and DMG1 of the Regulation 22 Submission Draft of the Core Strategy. In order to ensure that trees of visual amenity/botanical/historical value are protected against adverse affects of the development.

10. Notwithstanding the submitted details, the development hereby permitted shall not be commenced until details of the landscaping of the site, including the location and extent of new planting and a detailed plant schedule, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, appropriate, types and numbers of trees and shrubs, their distribution on site, including details of any changes of level or landform and the types and details of all fencing and screening. The scheme shall include a solid screen fence between the vehicular parking area and the former gatehouse.

The approved landscaping scheme shall be implemented in the first planting season following 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 that is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan.

11. Prior to the commencement of the use of the site hereby approved, a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

REASON: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site.

12. Full details of the access restriction scheme shall be submitted to Ribble Valley Borough Council for approval in writing in consultation with their advisors. The scheme shall include:
 - A map identifying the areas to remain undisturbed with no access (to include the northern area of woodland and areas of woodland to the south and east of the proposed site access and coach parking),
 - Complete restriction of dogs from the woodland areas [to prevent impacts on wildlife including protected species],
 - Details of fencing to demonstrate access restrictions will be achievable and enforceable and that movement of wildlife shall be maintained,
 - Details of long term enforcement of access restrictions, and
 - Long term monitoring of success of access restrictions and scope for a revised strategy of enforcement.

The approved scheme shall be implemented in accordance with the approved details prior to any recreational activities occurring at the site.

REASON: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site.

13. Full details of the ground level access scheme shall be submitted to Ribble Valley Borough Council for approval in writing in consultation with their advisors. The scheme shall:
 - Provide details of access/track/walkway routes.
 - Be informed by a spring survey of woodland flora and updated survey of woodland fauna, included protected species, in order to demonstrate that the route selection will result in the least ecological impact and to identify any species worthy of translocation.
 - Provide details of translocation methods of any species worthy of translocation.
 - Avoid impacts on native trees and any trees with bat roost potential, bird nesting habitat, and other good biodiversity value such as bryophytes, microhabitat etc.

- Avoid impacts on dead wood (both fallen and standing) and demonstrate retention of any dead wood in situ.
- Provide details of route widths and demonstrate widths have been kept to a minimum (e.g. through use of a one way system, infrequent passing places).
- Provide details of track material to demonstrate that it will have minimal impacts and will not alter the pH balance (i.e. any hardcore shall be in line with local geology).
- Provide details of watercourse crossings (such as present in the proposed barefoot trail area) to demonstrate impacts will be kept to a minimum.

The approved scheme shall be implemented in accordance with the approved details prior to any recreational activities occurring at the site.

REASON: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site.

14. Full details of the woodland high wire course shall be submitted to Ribble Valley Borough Council for approval in writing in consultation with their advisors. The scheme shall:

- Provide details of the route location, height and materials.
- Avoid impacts on ancient woodland.
- Be agreed by an Ecologist on site.
- Avoid impacts on native trees.
- Avoid trees with other good biodiversity value such as bryophytes, microhabitat etc.
- Provide confirmation that the route will not result in impacts on trees with or adjacent to trees with bat roost potential and/or bird nesting habitat

The approved scheme shall be implemented in accordance with the approved details prior to the woodland high wire course being brought into use

REASON: Due to potential noise disturbance off site, zip wires, rope swings, bridges may be excluded from Northern sector of site, and to ensure the protection of wildlife and supporting habitat.

15. Prior to commencement of development, details of the layout, method of construction and materials to be used in constructing the approved outdoor activities shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

REASON: In the interests of the amenity of the area and to ensure the protection of wildlife and supporting habitat to comply with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan.

16. Any trees proposed for removal or to be utilised to provide the high wire course shall be assessed for suitability of use by roosting bats prior to their removal. Should there be any evidence of bat roosting, no works shall commence until detailed mitigation measures for the avoidance of impacts upon bats have been submitted to and approved in writing by the local planning authority. The approved mitigation scheme shall be implemented prior to commencing any works to the trees.

REASON: To ensure that there are no adverse affects of development on a species protected by the Wildlife & Countryside Act 1981 as amended, the Conservation [Natural Habitats & c.] Regulations 1994 and District Wide Local Plan.

17. No site clearance, site preparation or development work shall take place until a habitat creation/enhancement and management plan has been submitted and approved in writing by Ribble Valley Borough Council in consultation with specialist ecological advisors. The management plan should include:

- Objectives.
- Rationale.
- Current condition and management, including species lists and survey maps.
- Fully detailed methods of reinstatement of any damage to ground flora during construction, habitat creation / restoration / enhancement proposals.
- Detailed long term management prescriptions including maps showing areas to be managed and informed by up to date surveys of flora and fauna.
- Monitoring proposals.
- Periodic review of prescriptions in consultation with planning authority in consultation with their ecological advisors

The management plan shall demonstrate that all likely short and long-term impacts will be fully offset and that overall biodiversity enhancement will be delivered, to include:

- Gradual removal of Rhododendron (*Rhododendron ponticum*) (a species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)) and replacement with native understory,
- Eradication of Himalayan Balsam (*Impatiens glandulifera*) from the site,
- Expansion of woodland and woodland edge habitat within the red line boundary to the east of the car park and within the area currently used to access the site,
- Control of non-native tree and shrub regeneration and replacement with appropriate native trees and shrubs,
- Gradual thinning of non-native trees and replacement with appropriate native species,
- Retention of mature non-native trees with features of biodiversity value such as Ivy cover, holes, cracks, bat roost potential, significant breeding bird potential, bryophytes etc,
- Retention of standing and fallen deadwood in situ, unless a health and safety risk can be demonstrated,
- Landscaping and habitat creation shall comprise native species appropriate to the locality. Appropriate guidance is given in Lancashire County Council's Supplementary Planning Guidance on Landscape and Heritage .
- Appropriate installation of bat roosting and bird nesting boxes.

The approved habitat creation/enhancement and management plan shall be commenced in accordance with the approve details implemented in full prior to any recreational activities occurring at the site, and shall run throughout the lifetime of the development.

REASON: To ensure that there are no adverse affects on a species protected by the Wildlife & Countryside Act 1981 as amended and the Conservation [Natural Habitats & c.] Regulations 1994 by virtue of the approved development.

18. A precautionary badger survey shall be carried out immediately prior to commencement of works. In the event that previously unrecorded badgers sett(s) are observed during this survey or at any other time prior to or during works then no works shall commence until detailed mitigation measures for the avoidance of impacts on badgers have been submitted to Ribble Valley Borough Council for approval in writing in consultation with their ecological advisors or until Natural England have been consulted over the need for a licence (if necessary). The approved mitigation scheme shall be implemented in full prior to any recreational activities occurring at the site.

REASON: To ensure that there are no adverse affects on a species protected by the Wildlife & Countryside Act 1981 as amended and the Conservation [Natural Habitats & c.] Regulations 1994 by virtue of the approved development.

19. Site lighting shall be limited to the car parking area and entranceway to centre, with any site lighting to be designed to be inward facing so as not to illuminate beyond the boundary of the above areas. No lighting shall be installed within the woodland or along woodland edges, and lighting associated with the development should be designed to avoid excessive light spill and shall not illuminate the woodland or woodland edges, at any time prior to commencement of works, during construction, throughout the lifetime of the development or during deconstruction works. Only external lighting, which has received the prior written approval of the local planning authority, shall be installed within the application site at any time.

20. REASON: In the interests of protecting residential amenity and highway safety in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, and to avoid dazzle, glare or distraction. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance *Bats and Lighting in the UK, 2008*).

Tree felling, tree works, vegetation clearance works, vehicle movements, development works or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.

REASON: To ensure that there are no adverse affects of development on species of conservation concern.

21. Prior to the completion of the development, a substantial and correctly installed vehicular barrier shall be erected at the car park entrance, a minimum of 5m behind the nearside edge of the carriageway, to prevent access out of hours. Any gates/barriers shall open away from the highway and shall remain closed when the building is unoccupied.

REASON: To permit vehicles to pull clear of the carriageway when entering the site in the interests of highway safety, and to provide security on site when the building is unoccupied. In order to comply with planning policy G1 of the District Wide Local Plan and DMG1 of Regulation 22 Submission Draft of the Core Strategy.

22. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This is in order to satisfy the Local Planning Authority and Highway Authority that

the final details of the highway scheme/works are acceptable before work commences on site.

REASON: To satisfy the Local Planning Authority and Highway Authority that the final details of the highway works are acceptable before work commences on site, and in order to comply with planning policy G1 of the District Wide Local Plan and DMG1 of Regulation 22 Submission Draft of the Core Strategy.

23. There shall not at any time in connection with the development 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 2.4 metres measured along the centreline of the proposed access road from the nearer edge of the carriageway of the A671 to points measured 105 metres in each direction along the nearer edge of the carriageway of the A671, and shall be constructed and maintained at footway level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

REASON: To ensure adequate visibility at the site access.

24. Before the access is used for vehicular purposes, the access and car park area detailed on drawing no. shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials. The parking and manoeuvring areas shall be laid out in accordance with drawing no. 11.26 PL 02 Rev. C and shall be available for use before the development is brought into use.

REASON: To prevent loose surface material from being carried onto the public highway thus causing a potential source of danger to other road users, and to provide adequate car parking facilities for the development.

25. The existing vehicular access into the site shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads, concurrent with the formation of the new access.

REASON: To limit the number of access points to the site, and to maintain the proper construction of the highway.

26. In the interests of residential amenity and to enhance safe working practices on or near the highway, no development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

1. the parking of vehicles of site operatives and visitors,
2. loading and unloading of plant and materials,
3. storage of plant and materials used in constructing the development,
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
5. wheel-washing facilities,

6. measures to control the emission of dust and dirt during construction, and
7. a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and DMG1 of Regulation 22 Submission Draft of the Core Strategy.

27. No development 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 importance associated with the site.

28. The use of the facilities and premises in accordance with this permission shall be restricted to the hours between 0900 to 1900 between 1 April to 31 October and between 0900 to 1730 between 1 November to 31 March.

REASON: To safeguard residential amenities. The use of the premises outside these hours could prove injurious to the amenity of the occupiers of adjacent dwellings and would require further consideration.

29. The buildings hereby approved by this permission shall only be used between the hours of 0900 to 2000 between 1 April to 31 October, and 0900 to 1800 between 1 November and 31 March.

REASON: To safeguard residential amenities. The use of the premises outside these hours could prove injurious to the amenity of the occupiers of adjacent dwellings and would require further consideration.

30. There shall be no amplified music at the site unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of the amenities of nearby residents.

INFORMATIVES

All aspects of the outdoor adventure centre must comply with Health & Safety at Work Etc Act 1974.

A separate metered supply will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Applicant should contact Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

Under the Environmental Permitting (England & Wales) Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold an environmental permit issued by the Environment

Agency. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period may be registered as an exempt activity provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-main drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. Ponds, reed beds and seasonally flooded grasslands can be particularly attractive features within public open spaces.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

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.

Should the Local Planning Authority be minded to approve this development, the County Council would ask that the Applicant enter into a S278 Agreement in order to secure the following off-site highway works: -

1. Prior to the opening of the site to members of the public, the provision of interactive warning signs to encourage compliance with the advisory 30mph Speed Limit to the west of the site, with the intention of encouraging reduced speeds on approach to the site entrance.
2. No part of the development shall commence until a scheme for the provision of improved street lighting provisions have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.
3. 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.

An initial estimate of the costs of this provision would be £20k per location plus a £2k commuted sum for future maintenance.

The applicant should be advised to contact Oliver Starkey, Public Realm Manager (Ribble Valley), Lancashire County Council, Willows Lane, ACCRINGTON BB5 0RT on 01254 770960 or customerserviceeast@lancashire.gov.uk regarding the required Legal Agreement.

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.

If Committee conclude that these conditions are inappropriate and accept the advice of consultees response in relation to the impact on the heronry and consider it would not safeguard the site from inappropriate development then the scheme should be REFUSED for the following reason:

1. Approval of this scheme would be contrary to the guidance contained within Local Plan Policies ENV3, ENV7, ENV9 and ENV13, Policy DME3 of Regulation 22 Submission Draft Ribble Valley Core Strategy and Key Statement EN3, Policies EM1 and DP7 of the RSS and paragraphs 7, 9, 14, 17, 109, 118 and 119 of the NPPF. Approval of the scheme would also be contrary to the guidance contained within the LCC document Biological Heritage Sites – Guidelines for Site Selection, Circular 06/2005, DEFRA Circular 01/2005, The Conservation of Habitats and Species Regulations 2010 (as amended), Wildlife and Countryside Act 1981 (as amended) and the NERC Act 2006. Approval of the application will have a significant and detrimental impact upon the Old Park Plantation, New Maris Wood and Sager Hey Plantation Biological Heritage Site (BHS 73SW10), as the likely impact of the development will result in the loss or deterioration of irreplaceable habitats on site, namely a long standing heronry on site (one of the qualifying features of BHS 73SW10).

APPLICATION NO: 3/2012/0663/P

(GRID REF: SD 366268 432344)

PROPOSED REPLACEMENT DWELLING AT MOOR VIEW, SHOWLEY ROAD, CLAYTON-LE-DALE

PARISH COUNCIL:

Clayton-le-Dale Parish Council objects to the application on the grounds that the proposed new dwelling is not in keeping with the existing street scene.

Mellor Parish Council comments that, although sited in a neighbouring parish, the proposal may impact upon residential property in Mellor if granted; and that Policies ENV3 and H14 of the Local Plan are probably the most significant matters pertaining.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

No objections to the application as it is for a replacement dwelling that will use an established access with adequate parking and turning space within the plot.

UNITED UTILITIES:

No objections to the proposed development.

ADDITIONAL
REPRESENTATIONS:

Six letters have been received from nearby residents who object to the application on grounds that are summarised as follows:

1. Although there is a mixture of house types on Showley Road, they are predominantly rendered bungalows or stone farmhouses. The proposed replacement dwelling would be out of keeping with the locality due to its height of 9.1m, use of dormers to the detriment of visual amenity.
2. The plot is only screened by existing hedges and foliage in the summer. From late September to May when the foliage dies and hedges are trimmed, the site is very exposed.
3. Contrary to Policy H14 and ENV3 as out of keeping and too large.
4. Detrimental to highway safety.
5. Impact on residential amenity due to construction works – noise, dust and mud.
6. Potential unsociable working hours during construction works.
7. Potential mud on the road during construction works.
8. The equestrian business on the opposite site of the road from the application site has a schooling area that is used for the training of competition horses. The noise from the building activity during construction works would make such training near impossible and dangerous over a period of many months.
9. This site has been flooded by water from Tottering Brook on at least two occasions in the last 30 years.

A letter has been received from the owners of Moor View (the applicant is a prospective purchaser) who have made a number of comments in response to the objections expressed by neighbouring residents as follows:

1. The drains and culverts on Saccary Lane have been renewed/replaced such that there have been no flooding problems associated with Tottering Brook for some 12 – 15 years.
2. There is ample space within the site to accommodate construction vehicles and no need for roadside parking.

3. The current occupiers of Moor View are a two/three car family. The applicant is a one/two car family. There is a potential reduction therefore in vehicle movements.
4. A similar dwelling to that proposed here has been built at "Trees" in Mellor Village following a planning permission granted in 2006.

Proposal

The existing property, Moor View, is a large five-bedroomed detached bungalow with an attached garage. It has been the subject of numerous extension that have resulted in an irregular shape, and it has rendered walls. Its front elevation ranges between approximately 7m and approximately 11m away from the front site boundary.

Full planning permission is sought for the demolition of the bungalow and the erection of a two-storey dwelling.

The replacement building would have a footprint of similar area to the existing bungalow, but it would be sited with its front elevation approximately 21m away from the site frontage.

As originally submitted, the proposed dwelling was to have facing brick walls and a slate roof, and comprised the following elements:

1. A main-two section with further accommodation within the roof space. To accommodate the second floor level accommodation this part of the proposed dwelling had a steeply sloping roof and three dormer windows in each of the front and rear elevations. It had an eaves height of 5.6m and a ridge height of 9.1m and a footprint of 14.6m x 11m.
2. A single storey extension with a flat roof behind a parapet wall attached to the southern end of the two storey part of the building. This was to contain a kitchen/living room with utility room and WC and have dimensions of 7.1m x 8.6m.
3. A double garage (8m x 6.5m) attached to the southern end of the single storey element of the building by an approximately 4m x 1.5m predominantly glazed link.

Due to a combination of its height, the bulk of its steeply sloping roof, the dormers, its elongated front elevation and its entirely brick elevations, it was considered that the originally proposed building would be unduly prominent in the street scene. The following amendments have therefore been made on plans received by the Local Planning Authority on 16 November 2012:

1. The eaves height reduced from 5.6m to 5m.
2. The roof given a shallower pitch to give a ridge height of 8.2m.
3. The removal of all three dormers from the front elevation and one dormer from the rear (leaving two at the rear).
4. The deletion of the glazed link in order to provide a 4m gap between the dwelling and the garage.

5. The external materials amended to facing brick to the ground floor and render to the first floor.

Site Location

Moor View is situated on the east side of Showley Road and is immediately adjoined to the north, south and east by undeveloped land. There are, however, other dwellings further to the north on the east side of Showley Road and further to the south on Saccary Lane. There is a group of dwellings and an equestrian business opposite the application site on the west side of Showley Road. The site is within the open countryside as defined in the Ribble Valley Districtwide Local Plan.

Relevant History

3/2007/0158/P – Proposed construction of stable building. Approved with conditions.

Relevant Policies

Ribble Valley Districtwide Local Plan adopted June 1998

Policy G1 - Development Control.

Policy ENV3 - Development in Open Countryside.

Policy H14 - Rebuilding/Replacement Dwellings - Outside Settlements.

Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft

DMG1 – General Considerations.

DME2 – Landscape and Townscape Protection.

DMH3 – Dwellings in the Open Countryside and AONB.

Environmental, AONB, Human Rights and Other Issues

This proposed development was the subject of a pre-application enquiry. The plans submitted with that enquiry showed a two storey dwelling of the same siting, size, height, design and external materials as the drawings that were originally submitted with this formal planning application.

The response to the pre-application enquiry stated that any application would be considered in relation to the requirements of saved Local Plan Policies G1, ENV3 and H14. Whilst expressing some concern about the proposed size increase, it was recognised in the pre-application enquiry response at the existing property is a large relatively modern building, in a mixed area of larger dwellings of varying types and sizes. As such, it was stated that a re-development slightly in excess of the Local Plan parameters may be acceptable in this case; but that a justification for a replacement of this size would need to be submitted with any formal application. Finally, it was stated that any replacement building that was larger than that shown on the pre-application drawings would begin to have detrimental effects upon the open countryside at variance with Policies ENV3 and G1.

As previously stated, the plans originally submitted with this application were the same as those upon which the pre-application advice had been given. A Design and Access Statement (DAS) was submitted with the application as requested by the pre-application advice.

I am aware that the proposal exceeds the size parameter in Policy H14 but Members should be aware that the primary reasons for imposing the 15% volume increase restriction is to prevent

development that is out of keeping with rural areas, which is often characterised by smaller buildings constructed of traditional materials. The second reason for the restriction is to encourage the repair or reuse of existing buildings, helping to preserve any traditional character of the rural area. The test is whether or not there is harm sufficient to warrant a refusal.

I concur with the agent considered that the property had an extensive footprint, is not of traditional construction and has been the subject of several extensions and alterations over a number of years; and that, additionally, the surrounding area comprises a mix of house types and sizes such that a distinct character of small, traditional rural buildings does not exist in this locality.

I consider that a two storey dwelling of similar footprint to the existing bungalow and sited further back on the plot would be acceptable in principle.

However, the concerns about the height of the building, the bulk of its roof and the inappropriate dormer windows had not, in my opinion, been properly addressed in the application as originally submitted. Even though there are dormer windows in the locality, they are generally on bungalows. A total of six dormers on a roof of this height and bulk is not a feature to be found elsewhere in the locality. As such, I consider that this would be an inappropriate feature for this site.

Whilst there is a mixture of building material in the locality, I was also concerned that a building of this size and height built entirely in brick would form an incongruous feature in the street scene, even with the building sited further away from the road frontage.

Finally, I was concerned about the length of the front elevation, particularly due to the link between the garage and the dwelling.

All of these points have, in my opinion, been satisfactorily addressed by amended plans as previously described in this report.

In view of all these circumstances appertaining to the application site and the general locality, I consider that the replacement dwelling as shown on the amended plans would not detract from the appearance and character of the locality and, in that regard, would comply with the requirements of saved Policies G1, ENV3 and H14 of the Local Plan (and also the equivalent policies DMG1, DME2 and DMH3 of the Core Strategy Submissions Draft).

With regards to other general considerations, the proposed precise siting of the replacement dwelling is such that it would not have any detrimental effects upon the amenities of any nearby residents. As the development will utilise the existing access and as there is more than sufficient parking and turning provision within the site, the proposal would also not have any detrimental effects upon highway safety (as confirmed by the County Surveyor).

Overall, as amended, I consider that the proposed development would satisfy the requirements of the relevant policy and that permission should therefore be granted subject to appropriate conditions.

SUMMARY OF REASONS FOR APPROVAL

The proposed replacement dwelling would not have any seriously detrimental effects upon the appearance or character of the locality, the amenities of any 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 development as shown on amended plans received by the Local Planning Authority on 16 November 2012 (drawing no's 811/12REVB, 37/12 sheet 2 REVA and 37/12 sheet 3 REVA).

REASON: For the avoidance of doubt and to ensure compliance with the submitted amended 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 the interests of the visual amenities of the locality and to comply with Policies G1, ENV3 and H14 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME2 and DMH3 of the Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) 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 visual amenities of the locality and to comply with Policies G1, ENV3 and H14 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME2 and DMH3 of the Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) any future additional structures, hard standing or fences as defined in Schedule 2 Part I Classes E, F and G, and Part II Class A, shall not be carried out without the formal written consent of the Local Planning Authority.

REASON: In the interests of the visual amenities of the locality and to comply with Policies G1, ENV3 and H14 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME2 and DMH3 of the Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

6. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the Arboricultural and Tree Constraints Plan dated the 17th of July 2012 shall be protected in accordance with the BS5837 2012 [Trees in Relation to Construction] the details of which shall be 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/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/exclusion 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 is 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 that are considered to be of visual, historic or botanical value are afforded maximum physical protection from the potential adverse affects of development in order to comply with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME2 of the Core Strategy 2008-2028- A Local Plan for Ribble Valley Regulation 22 Submission Draft.

NOTE(S):

1. Site contractors & site project managers involved in the demolition of the existing building shall be made aware of the legal protection afforded to all species of bats in the UK. The building contractors shall take additional care when removing fascia boards, verge tiles & ridge tiles. In the event that any bats are found or disturbed during any part of the demolition works, all work shall cease until further advice has been obtained from a licensed ecologist.

APPLICATION NO: 3/2012/0797/P (GRID REF: SD 377750 446181)
PROPOSED STATIC CARAVAN/LODGE PARK AT LAND AT SOUTHPORT HOUSE,
SAWLEY

PARISH COUNCIL: The Parish Council originally expressed “no objections” to this application but expressed serious concerns in relation to the disposal of sewage, the ever-present threat of flooding and highway access and, especially, egress.

The application was the subject of discussion and public participation at a Parish Council meeting on 5 November 2012 when a letter and petition were presented to the Parish Councillors by members of the public. Following that meeting, the Parish Council confirmed its support for the views expressed by the objectors and contained in the letter and petition.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

Originally commented that the introduction of 11 caravan units onto this site would result in additional vehicular activity to and from the site and onto Sawley Road but he had no issue with the impact of this development on the safe operation of the adjacent local highway network.

He also commented, however, that, on exiting the site, visibility to the north of the site is restricted by the gable end of Southport House. He was concerned that the visibility from the access shown on the originally submitted plans might not be consistent with the stopping sight distance (SSD) set out in the Manual for Street 2 and might not therefore be acceptable. He did say however that he would consider any further detailed submissions from the applicant concerning this visibility splay.

An amended plan was received on 20 November 2012 that (amongst other things) shows the position of the access moved further away from the gable of Southport House in order to achieve a 43m visibility splay based on the adjusted stopping sight distance at 30mph Manual for Streets. The County Surveyor has confirmed that, following consideration of the amended plan, he has no objections to this application on highway safety grounds.

ENVIRONMENT
DIRECTORATE
(MINERALS PLANNING):

Comments that the application site is in a mineral safeguarding area as defined by the emerging Policy M2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocation and Development Management Policies and Proposals. They comment that the minerals safeguarding area indicates that sand and gravel and limestone may be present but that, in certain circumstances, a caravan park could be taken to constitute development of a temporary nature, given the likely degree of engineering that it would entail. It is further noted that there is no quarry nearby that would be immediately affected by this development.

Therefore no objection is raised to this development.

ENVIRONMENT
DIRECTORATE
(COUNTY ECOLOGIST):

Comments that the application area appears to be of relatively low biodiversity value and significant impacts on protected or priority species or habitat therefore seem reasonably unlikely.

It is advised, however, that the applicant will need to be aware of the legislative protection afforded to nesting birds by the Wildlife and Countryside Act 1981 and any works that would disturb nesting birds must be avoided until nesting is complete (the young have fledged and left the nest and the nest has been abandoned). Therefore, work that would affect potential nesting habitat should be avoided during the bird-nesting season (March to August inclusive) unless the absence of nesting birds has been confirmed. The ecology report submitted with the application indicates that no nesting bird habitat would be removed so in this case this could perhaps for the basis of a planning informative. The proposals offer the opportunity to enhance site boundaries, and it is noted that the plans indicate that trees will be planted. It should therefore be ensured that all hedgerow and tree planting comprises native species appropriate to the local area only.

ENVIRONMENT AGENCY: Has no objection in principle to the proposed development subject to the inclusion of conditions relating to the following:

1. The submission for approval and subsequent implementation of a scheme to dispose of surface water. The implementation of appropriate remediation works in the event that contamination not previously identified is found to be present at the site.

UNITED UTILITIES: Has no objection to the proposed development subject to the imposition of conditions concerning the following:

1. Surface water to drain separately from the foul with no surface water permitted to discharge directly or indirectly into existing foul or combined sewerage systems.
2. No development to 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; and the scheme to be implemented in accordance with the approved details.

ENGLISH HERITAGE: Do not wish to offer any comments on this occasion.

ADDITIONAL REPRESENTATIONS: The following representations have been received by the Local Planning Authority in relation to this application:

1. Copies of a letter and a petition signed by 91 residents that was presented to Sawley Parish Council on 5 November 2012.
2. A copy of a letter from the Sawley Traffic, Road Safety and Environment Group to the Chair of the Planning and Development Committee.
3. A total of 76 individual letters from 58 local addresses.

These representations are available on file for viewing by Members but a summary of the objections that they contain is as follows:

1. Highway Safety – the proposal would considerably increase the vehicular activity from the current low level traffic usage entering and leaving the site and would create a serious safety problem. The site would constitute a cul de sac. For vehicles leaving the site there is limited visibility to the driver's right along the road towards the Abbey. The volume of traffic coming through the village has increased considerably and most of this traffic, including large agricultural vehicles, exceeds the speed limit. With restricted visibility at the entry/access point an accident is highly likely. As there are no pavements in Sawley, this adds to the highway safety problem. The proposal would also increase the use of the dangerous junction on to the A59.
2. Noise Disturbance – there is a strong possibility of noise disturbance associated with potentially 11 family units on site at the same time. Occupancy could be for 11 months out of 12 and would be equal to allowing the building of 11 houses.
3. Visual Amenity – the site would be highly intrusive when seen from the main road through the village. The caravan and lodge units with tiled roofs and UPV doors and windows would have a far greater visual impact than the existing weathered timber buildings. The caravans and lodges are of no architectural merit and would detract from the listed and other historic buildings. This would have detrimental visual impacts in this Area of Outstanding Natural Beauty for both residents and visitors.
4. Heritage/Conservation – the oldest part of the village consists of the standing ruins and earthworks of Sawley Abbey which stands on the eastern side of the main road. This side of the road also has Sawley Arch, the school, an 18th century farmhouse (Southport House) and a house converted from the Abbots House. The introduction of the static caravans and lodges would blight this uninterrupted line of ancient and historic structures and undermine this major feature of the Sawley Conservation Area. Although the site is outside the Conservation Area, it is considered that, due to its immediate boundary with historic Sawley, the application should be considered as if it were to comply with planning policies for the Conservation Area.

The Sawley Conservation Area Appraisal identifies the existing poultry buildings on the application site as a principle negative feature. Under the heading 'Opportunities within the Sawley Conservation Area' it is stated that the 10 units could be demolished and removed if they are no longer required, and the lane could be tidied up and used as a footpath or bridle track. Any future development should enhance the special characteristics of the village. The proposal would not enhance but rather it would use the site already identified as negative by allowing another generation of negative buildings.

It is stated in the Conservation Area Appraisal document that the westerly views across Sawley Park and down on to the Abbey from Noddle Hill Road are of particular merit and should be protected. The siting of the proposed caravans and lodges within this landscape would seriously compromise this view.

The site abuts an area designated as a Scheduled Monument. The application proposal is unacceptable, inappropriate and doesn't enhance the special characteristics of this Conservation Area and Area of Outstanding Natural Beauty.

5. Flooding – a brook runs along the edge of the access road to the poultry cabins. This has been subject to flash flooding severe enough at times to cover the main road through the village and cause flooding to property. The application site itself has been subject to severe flooding.
6. The Ribble Valley is well served with caravan sites at Edisford, Gisburn Park, Roughlea, Shireburn, Eaves Hall, Holden, Tosside, Paythorne, Rimington and Todber, but none are sited in such a prominent village setting.
7. The proposal is tantamount to building 11 houses with all the corresponding considerations of services and waste disposal without the benefits of a feeling of community.
8. Contrary to what is shown on the submitted plans, the applicants only own half of the width of the existing lane not the whole of it.

Proposal

Permission is sought for a development comprising static caravans/lodges following the demolition of the existing chicken sheds on the site.

There would be eleven identical units that meet the definition of a caravan as set out in the Caravan Sites Act 1969. The units comprise two sections that are joined together on site. The units have dimensions of 12.35m x 6m with an eaves height of 2.5m and a ridge height of 3.7m. They would have an external finish of timber cladding with tiled roofs. Each of the units would have timber decking constructed at one end and part way down one of the side elevations. This would give maximum dimensions (including the decking) for each unit of 15.4m x 7.1m. The proposed units would be laid out in linear form due to the rectangular shape of the site.

As shown on amended plans received by the Local Planning Authority on 19 November 2012, the proposal involves the formation of a tarmac surfaced access road entirely within the site and to the south of the existing lane. The junction of the new road onto the main road would also be separate from the existing lane. There would be an approximately 1m wide grass stretch on the boundary between the proposed road and the existing lane upon which would be constructed a low post and rail fence.

The submitted plans also show that each individual unit would have its own gravel surfaced parking area. Details of a hedge planting/landscaping scheme are also submitted with the application.

An amended site location plan has also been submitted in which the northern half of the existing lane is outside the site boundary, as that half of the land is not owned by the applicant.

Site Location

The application site is located on the east side of the main road through Sawley village. It is a rectangular piece of land measuring approximately 170m x 45m, plus an area that provides the access from the main road. It is presently occupied by four timber poultry sheds each measuring approximately 40m x 14m with associated steel feed hoppers.

The site represents the first built development on the east side of the road when approaching the village from the A59 junction that is approximately 320m to the south of the site. The northern boundary of this site is immediately adjoined by an existing lane that, itself is immediately adjoined by a small brook, Hollins Syke. There is then an area of open land before the boundary to the Abbey is reached approximately 175m north of the application site. The application site is therefore adjoined to the north, east and south by undeveloped agricultural land. There are residential properties to the west of the site on the opposite side of the road through the village and Southport House itself adjoins the north western corner of the site.

The site is within the open countryside outside the settlement boundary of Sawley. It is also outside the Conservation Area, the Scheduled Ancient Monument and the Area of Outstanding Natural Beauty, although the southern boundaries of all three of those designations are immediately to the north of the site on the opposite side of the lane and Hollins Syke.

Relevant History

None.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

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

Policy ENV3 - Development in Open Countryside.

Policy ENV14 - Ancient Monuments and Other Important Archaeological Remains.

Policy ENV16 - Development Within Conservation Areas.

Policy RT1 - General Recreation and Tourism Policy.

Policy RT5 - New Static Caravan Sites and Extensions to Existing Sites.

Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft

DMG1 – General Considerations.

DMG2 – Strategic Considerations.

DME2 – Landscape and Townscape Protection.

DME4 – Protecting Heritage Assets.

DMB1 – Supporting Business Growth and the Local Economy.

DMB3 – Recreation and Tourism Development.

National Planning Policy Framework

Section 3 – Supporting a Prosperous Rural Economy.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application relate to compliance or otherwise with the advice contained in the National Planning Policy Framework; and the effects of the proposal upon visual amenity, heritage/conservation, wildlife/ecology, flooding, residential amenity and highway safety.

National Planning Policy Framework

The application site currently operates as a chicken farm but it is stated in the submitted Design and Access Statement that the buildings are almost at the end of their working life and, following changes in governing legislation, there would have to be substantial investment in the site if it was to continue in its present use. It is stated that these circumstances have led the site owners to consider alternative uses for the site involving its comprehensive redevelopment. Hence the submission of this application for a tourism related alternative use of the site.

The principle of the proposal needs to first be considered in relation to the advice comprised in the National Planning Policy Framework. The basic intention of the Framework is the achievement of sustainable development. Section 3 of the Framework relates to supporting a prosperous rural economy. Paragraph 28 advises Local Planning Authorities to 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, Authorities should:

- *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;*
- *promote the development and diversification of agricultural and other land-based rural businesses;*

- *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;*
- *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.*

The proposal amounts to the diversification of an agricultural business and it would result in increased business for local shops, public houses, restaurants etc to the general benefit of the local rural economy. The proposal, in my opinion, therefore satisfies the intention of NPPF to support a prosperous rural economy.

Visual Amenity

Whilst accepting that they are agricultural buildings/structures that are appropriate to the rural location, the existing buildings and silos are old and in a poor state of repair. As such, in my opinion, they detract from the appearance of the locality when viewed from close range. In terms of longer range views, the buildings are very well screened by existing trees and hedges from many viewpoints, although they are visible from the higher ground of Sawley Brow.

The proposed caravan/lodges will have timber walls and tiled roofs. Subject to approval (achieved by a condition) of the precise colour stain of the timber and colour of the roof tiles, this would not be dissimilar to the external appearance of the existing buildings. The combined floor area of the 11 lodges will be less than the combined area of the four agricultural buildings that they will replace. The 11 units would therefore result in a more “fragmented” development with open spaces and landscaping between the units, than the approximately 105m combined length of the row of three of the agricultural buildings that is broken only by two gaps between the buildings.

Overall, in view of the existing natural screening of the site, and subject to the implementation of the proposed additional landscaping/screen planting, and the approval of the precise external colour of the walls and roofs, I consider that, with regards to visual amenity, the proposal would represent an improvement on the existing situation. As such, it would not detract from either the open countryside within which it is situated or the AONB that it immediately adjoins, and would therefore comply with relevant Policies ENV2, ENV3 and DME2.

Heritage/Conservation

English Heritage has been consulted on this application and have commented initially that, as the site is outside the Scheduling boundary, the chances are that the application would not be of interest to them. However, they wanted to give further consideration to the effects of the development on the setting of the Abbey itself and they have confirmed they have no wish to offer any comments.

Whilst fully accepting that consideration will need to be given to any observations received from English Heritage, my opinion is that, due to the separation distance of approximately 175m and the existing and proposed natural screening, the proposed development would not affect the setting of the Abbey. If, however, it was considered that the development did have an effect on

the setting of the Abbey, in my opinion, that effect would be at worst neutral and that best it would represent an improvement.

The property, Southport House, and other dwellings on the opposite side of the road are within the Conservation Area. The application site, however, is screened from these properties by existing trees such that, in my opinion, the existing buildings on the site are not viewed as part of the Conservation Area, nor do they have any detrimental effects upon its appearance. In my opinion that will continue to be the case in the event that this application was approved and implemented. As such, the proposal would not contravene the requirements of relevant Policies ENV14, ENV16 and DME4.

Paragraph 132 of NPPF states “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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable any harm or loss should require clear and convincing justification”.

Whilst Sawley Abbey is obviously a heritage asset of the highest category of importance, for reasons already stated, I do not consider that the proposed development would have any detrimental effects upon its setting or significance. The requirements of NPPF in relation to this specific consideration are therefore not contravened.

Wildlife/Ecology

An extended Phase 1 Habitat Survey and Protected Species Assessment and a Tree Survey Schedule and Arboricultural Impact Assessment have been submitted with this application. The County Ecologist has considered the first of these documents and has concluded that “the application area appears to be of relatively low biodiversity value, and significant impacts on protected or priority species or habitat therefore seem reasonably unlikely”. She therefore has no objections to the application subject to an advisory note relating to the protection afforded to nesting birds by the Wildlife and Countryside Act 1981.

This Council’s Countryside Officer has studied both of these documents and has no objections to the application subject to the imposition of conditions relating to tree protection and landscape implementation.

I have no reasons to question the conclusion of the specialist officers and, in the event that planning permission is granted, the recommended advisory note and conditions will be included on the planning permission notice.

Flooding

A number of local residents have referred a problem of flash flooding from the brook that adjoins the northern boundary of the application site.

The application has been considered by both the Environment Agency and United Utilities, neither of whom have any objections to the proposed development subject to appropriate conditions. One of the required conditions would state that the development hereby permitted should not be commenced until such time as the scheme for the disposal of surface water had been submitted to and approved in writing by the Local Planning Authority and that the scheme

should subsequently be implemented in accordance with the approved details. In the event of permission being granted, the Council would liaise with the Environment Agency and United Utilities in order to ensure that the surface water drainage scheme required by that condition would not in any way increase the risk of flash flooding.

Residential Amenity

The proposed lodges are sufficiently distant from the nearest dwellings, and screened from them by existing trees, that the proposal would not result in any detrimental effects upon the privacy or general residential amenities of any nearby residents.

It is also not considered that the level of traffic movements generated by this proposal would result in any noise nuisance to the nearest residents on the opposite side of the main road.

Highway Safety

As originally submitted, the County Surveyor had concerns that the site access might be too close to Southport House in order for adequate visibility to be provided for drivers exiting the site.

This matter has been addressed by an amended plan received by the Local Planning Authority on 19 November 2012 that shows the access moved away from Southport House in order to provide a 43m visibility splay that satisfies the relevant guidance. The County Surveyor now has no objections to the application on highway safety grounds.

Conclusion

Overall, it is considered that the proposed development would represent an appropriate alternative use for this site that would support the rural economy as required by NPPF and would not result in any seriously detrimental effects of any of the relevant interests as described in this report. It is therefore considered that permission should be granted subject to appropriate conditions.

One of the required conditions will specify that the units shall be occupied for holiday purposes only. In accordance with the Good Practice Guide on Planning for Tourism (2006) and also to be consistent with numerous decisions recently made by this Council in relation to holiday occupancy conditions, the condition will not specify a closure period.

SUMMARY OF REASONS FOR APPROVAL

The proposal represents an appropriate alternative development for this site that would benefit the local rural economy and would not have any detrimental effects upon visual amenity, heritage/conservation interests, wildlife and ecology, residential amenity 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 development as shown on Drawings Numbers SUTT/01/01REVB and SUTT/01/03REVB (both amended plans received by the Local Planning Authority on 19 November 2012) and SUTT/01/04REVA.

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

3. The terms of occupancy of the 11 caravans/lodges hereby permitted shall be as follows:
 1. The caravans/lodges shall be occupied for holiday purposes only.
 2. The caravans/lodges shall not be occupied as a person's sole or main place of residence.
 3. The owners/operators shall maintain an up to date register of the names of all owners/occupiers of the individual caravans/lodges, and of their main home address, and shall make this information available at all reasonable times to the Local Planning Authority.

REASON: In accordance with the requirements of Policies G1 and RT5 of the Ribble Valley Districtwide Local Plan and Policies DMG2 and DMB3 of the core Strategy 2008-2028 'A Local Plan for Ribble Valley' Regulation 22 Submission Draft. In order to ensure that the approved holiday accommodation is not used for unauthorised permanent residential accommodation. The register required in 3 above shall normally be collected by the caravan site licence holder or his/her nominated person.

4. Prior to the commencement of development, details of the precise colour finish of the timber walls and the colour and profile of the roof tiles of the caravans/lodges shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, there shall be no alterations to the external colour finishes of the units without the prior written permission of the Local Planning Authority.

REASON: In the interests of visual amenity and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028 'A Local Plan for Ribble Valley' Regulation 22 Submission Draft.

5. Prior to the first use of any other caravans/lodges hereby permitted, the access into the site and its visibility splay shall have been provided to the satisfaction of the Local Planning Authority in accordance with the details shown on Drawing Number SUTT/01/03REVB. Thereafter, the access and visibility splays shall be permanently retained clear of any obstruction to their designated use and purpose.

REASON: In the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028 'A Local Plan for Ribble Valley' Regulation 22 Submission Draft.

6. Prior to the commencement of development, a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall involve surface water draining separately from the foul as no surface water shall be permitted to discharge directly or indirectly into existing foul or combined sewerage

systems. No part of the development shall be occupied or brought into use until such a scheme has been constructed and completed in accordance with the approved details.

REASON: To secure proper drainage, to prevent pollution of the water environment and to reduce the risk of flooding and to comply with the requirements of Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028 'A Local Plan for Ribble Valley' Regulation 22 Submission Draft.

7. If, during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and has obtained the written approval from the Local Planning Authority. The remediation strategy shall be fully implemented as approved.

REASON: To ensure that risk to controlled waters is addressed and mitigated if necessary and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028 'A Local Plan for Ribble Valley' Regulation 22 Submission Draft.

8. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the arboricultural impact assessment [T1 – T7 & G2/G3/H1 inclusive] dated 18th May 2012 shall be protected in accordance with the BS5837 2012 [Trees in Relation to Construction] the details of which shall be 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/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/exclusion 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 is 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 that are considered to be of visual, historic or botanical value are afforded maximum physical protection from the potential adverse affects of development in order to comply with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME2 of the Core Strategy 2008-2028 'A Local Plan for Ribble Valley Regulation 22 Submission Draft.

9. The submitted landscaping scheme [Drawing No. SUTT/01/03B dated 10/11/12] shall be implemented in the first planting season following occupation or use of the development and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or

shrub that 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 and Policy DMG1 of the Core Strategy 2008-2028 'A Local Plan for Ribble Valley Regulation 22 Submission Draft.

NOTES

1. Hollins Syke watercourse flows adjacent to the northern boundary of the site. This watercourse is within 5m of the site with a narrow buffer strip of at least 1.5m between the watercourse and the application site boundary (the existing access track). As the existing access track is to be retained but will not encroach any further towards the watercourse, the developer is advised to ensure that the scheme does not detrimentally impact upon the existing buffer strip and that the watercourse is protected during development works.
2. The applicant is advised of the need to be aware of the legislative protection afforded to nesting birds by the Wildlife and Countryside Act 1981 (as amended) and any works that would disturb nesting birds must be avoided until nesting is complete (ie the young have fledged and left the nest and the nest has been abandoned). Therefore, works that would affect potential nesting habitat should be avoided during the bird nesting season (March to August inclusive) unless the absence of nesting birds has been confirmed.
3. The applicant is advised of the need to apply for a Caravan Site Licence in accordance with the requirements of the Caravan Sites and Control of Development Act 1960. It is recommended to contact the Council's Environmental Health Department at an early stage.

APPLICATION NO: 3/2012/0920/P (GRID REF: SD 382550 452150)
PROPOSED APPLICATION TO VARY CONDITION 4 OF PLANNING PERMISSION
3/2007/0010/P TO ALLOW THE ENTIRE CARAVAN PARK TO BE USED FOR 12 MONTH
HOLIDAY USE AT TWYN GHYLL CARAVAN PARK, PAYTHORNE

PARISH COUNCIL: No comments received at the time of report preparation.

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

1. If the caravans become permanent residences this will place additional pressure upon and create difficulties for public services.
2. A number of the conditions on 3/2007/0010/P have not been fulfilled and the site licence should be revoked with immediate effect.
3. A believe that the original application to extend the opening dates was put before Community Committee and not Planning Committee. For consistency this application should be presented to Community Committee.

4. Additional noise and road traffic emanating from the site – the village of Paythorne requires some piece and quiet.
5. Questions regarding enforcement/monitoring of occupancy of caravans to ensure they are not a person's primary residence.
6. A cheap mini-housing estate would develop.
7. Question the suitability of the caravans and site for all year round use particularly during severe winter weather.

Proposal

Consent is sought for a variation of condition 4 imposed on planning consent 3/2007/0010/P which was for the change of use of a vacant agricultural land to form an extension of the caravan park consisting of an additional 75 static holiday caravan pitches, associated highway improvements and new sewage treatment plan. The condition states the following:

The period of occupancy of the entire caravan site shall be limited to 1 March to 6 January in any succeeding year with none of the units being occupied outside these dates.

The variation sought is that the wording stipulate:

The caravans across the entire site are to be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residential occupation. The owner/operators shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site, and of their main home address, and shall make this information available at all times to the Local Planning Authority. The register shall normally be collected by the caravan site's licence holder or his/her nominated person.

Site Location

Twyn Ghyll Caravan Park is set outside any defined settlement boundary lying within land designated open countryside to the north and west of the public house that serves Paythorne.

Relevant History

3/2007/0010/P – Change of use of vacant agricultural land to form an extension of Twyn Ghyll Caravan Park consisting of an additional 75 static holiday caravan pitches, associated highway improvements and new sewage treatment plan. Approved with conditions 14 September 2007.

Relevant Policies

Ribble Valley Districtwide Local Plan Adopted June 1998

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy RT1 - General Recreation and Tourism Policy.

Ribble Valley Borough Council Caravan Compendium – A Guide to Policy and Implementation.
Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft

EN2 – Landscape.

DMG1 – General Considerations.

DMB3 – Recreation and Tourism Development.

National Planning Policy Framework (NPPF).

DCLG – Good Practice Guide on Planning for Tourism.

Environmental, AONB, Human Rights and Other Issues

Twyn Ghyll Caravan Site is limited to a maximum of 295 static caravans which under current permissions are limited to occupancy between the period 1 March to 6 January in any succeeding year. Given this application is seeking to modify the condition in respect of occupancy, the key consideration is whether or not the revised wording would still achieve the same aim as the original condition.

Members will note under the relevant policies heading of this report that reference is made to the Caravan Compendium and whilst that document is somewhat dated it is important in explaining the background to the occupancy period issue as it was drawn up in response to events on this particular site. The Caravan Compendium was produced in June 2005 to draw together the Council's Policies about the principal statutory regulations that applied to caravan development at that time, including sites used for holiday use, second homes and residential use. It is sought to help the interpretation of the relevant regulation and clarify how the Council would approach issues such as site occupancy, responsibilities of site operators and individual owners. It provided a vehicle for discussion and a starting point for a better understanding between all those involved in the issues surrounding caravans. It was drawn up at a time when the Lancashire Structure Plan was still in force, as indeed was PPG21 – Tourism.

In respect of conditions, the Compendium concluded that the length of season would be restricted to 10 months and 6 days based on agreements that had been made in connection with a legal appeal on the open period issue. This provided for a break in occupancy, thereby avoiding the creation of permanent residential use whilst allowing the growth of this form of holiday accommodation. Significantly however it provided an important means by which the use of the unit could be monitored and subsequently enforced to ensure compliance. That document has formed the basis for discussions on a number of sites throughout the borough in previous years that have sought to extend their occupancy restrictions since its adoption.

In 2003 Ribblesdale Caravan Park at Gisburn was approved by a Planning Inspector with the occupancy condition imposed stating *the mobile homes hereby permitted shall not be occupied as permanent dwellings and shall be used for holiday purposes only.*

Since the Inspector's decision and indeed this Council's Caravan Compendium, PPG21 has been superseded by the Good Practice Guide on Planning for Tourism (2006) which recognises the nature of holiday in this country has become increasingly diverse in location, in season, and in duration. It acknowledges the demand for accommodation may occur in areas where the provision of permanent housing would be contrary to Policies that seek to restrict development in order to safeguard the countryside but states *the planning system can reconcile these two objectives through the use of occupancy conditions designed to ensure that holiday accommodation is used for its intended purpose.* Annex B makes reference to holiday occupancy conditions – the aim of such conditions is generally to ensure that the premises are

only used by visitors and do not become part of the local housing stock. The three principal reasons given for using such conditions are:

- *in order that national/local policies on development in the countryside are compromised;*
- *to strengthen tourism in a particular by ensuring there is a wide range of properties available to encourage visitors to come there on holiday;*
- *to avoid occupation by permanent households which put pressure on local services.*

Conditions such as this will need to be framed by local authorities according to local circumstance but they should be reasonable and fair and framed in such a way that they can be readily enforced and are not unduly intrusive for either owners or occupants.

The Council's Caravan Compendium set out that a seasonal occupancy condition would be the norm having regard to a number of factors. At that time principal concerns emerging were inconsistencies of approach between planning controls and site licensing, the growing use of caravans as a main residence, enforcement over closed periods, health and safety issues and the clarification of the planning approach to new sites and extensions to existing sites. Officers have sought to bring a consistency of approach by planning permissions and site licences (issued through the Council's Environmental Health Service) since that time but trends in this form of holiday accommodation have moved on. In particular there has been a significant increase in the construction standards of such units with high levels of insulation, central heating etc – these are far removed from the early designs that originally led to the issues of closed periods due to health and safety. The Good Practice Guidance refers to the use of seasonal occupancy conditions to protect the local environment eg protection of important species of birds during breeding seasons not in particular to restrict permanent residential occupation. Advances in construction technology, changes in the nature of holiday demand and the emergence of more up to date Government Guidance lead me to conclude that to resist the principle of extending the period of occupancy may prove difficult to substantiate on appeal. Whilst I consider relaxation could be justified, I am of the opinion that the condition used by East Riding of Yorkshire Council (provided as an example in Annex B to the Best Practice Guidance) would offer this Council a manageable approach to development as this not only outlines that the units cannot be a person's sole or main residence and be occupied for holiday purposes only, it requires that a register of person's main home addresses are kept and made available for inspection. When considering applications for holiday let accommodation, a condition is imposed requiring the keeping of a register of lettings to prevent permanent residential accommodation and this would be seen as serving a similar purpose in terms of monitoring. The monitoring of these conditions would be a matter for the Council's Enforcement Officer and whilst that I note the comment made by one of the objectors about the appropriate Committee for this matter to be brought before, Members are reminded that this application is concerned with the planning controls over the site and there are other controls available to the Council under site licensing regulations. Those matters are reported to Community Committee as the appropriate Service Committee and should Planning and Development Committee approve this modification of condition, the site operators will need to satisfy other regulations in terms of health and safety and site operational issues in accordance with site licence regulations. It is worth reminding Committee that there have been a number of sites throughout the borough over the past few years that have sought to modify occupancy conditions in the manner proposed here and that have been approved either by Planning and Development Committee or under the Council's Delegated Powers.

In respect of comments made by objectors regarding non-compliance with conditions imposed on the 2007 consent for the extension of the site these have been forwarded to the Council's

Enforcement Officer for further investigation. Committee should consider the application which is before them for a variation of the occupancy period and determine that on its own merits.

As stated above matters in respect of caravan policy have moved on since the occupancy period was imposed on the 2007 permission. Whilst I can appreciate the concerns expressed by objectors regarding possible residential use of this sites, should permission be granted, I am of the opinion that to resist the proposed variation of condition would prove unreasonable. 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.

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

1. The extension to the caravan site shall be implemented in accordance with the proposal as amended by revised red edge received on 12 April 2007 and letters and plans received 6 June 2007 illustrating the location of the sewage treatment plant and discharge point; the proposed use of land within the ownership of Park Leisure 2000 Ltd; copies of the consent to discharge and associated correspondence and a detailed specification of the sewage treatment plant; received on 8 June 2007 revised versions of the development proposed and landscaping and planting proposals; and received on 19 June 2007 a revised location plan denoting the upgrading of existing hedges to the existing site's southern boundary and revised site layout plan showing 75 caravans.

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

2. The total number of static caravans on site shall not exceed 295 and under no circumstances whatsoever shall the area edged red on the 'Landhouse Plan' annotated additional land accommodating sewage treatment plan received 6 June 2007 be used for the positioning of static caravans at any time.

REASON: In accordance with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and EN2 of the Regulation 22 Submission Draft Core Strategy in the interests of the visual amenities of the area.

3. The terms of occupancy of the site shall be as follows:
 - (i) The caravans/cabins/chalets shall be occupied for holiday purposes only.
 - (ii) The caravans/cabins/chalets shall not be occupied as a person's sole or main place of residence.
 - (iii) The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/cabins/chalets on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

REASON: In accordance with Policies G5 and RT5 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMB3 of the Regulation 22 Submission Draft Core Strategy in order to ensure that the approved holiday accommodation is not used for unauthorised permanent residential accommodation. The register required in (iii) above shall normally be collected by the caravan site licence holder or his/her nominated person.

4. The hedging to the south of the existing site as detailed on drawing M.40/007 and the verge treatment to the widened A682 junction shall be implemented in the first planting season following occupation or use of the development, either in whole or part and shall be maintained for a period of not less than five years to the satisfaction of the Local Planning Authority. The maintenance shall include the replacement of any plant that 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 and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

5. In respect of the extension to the site the approved landscaping scheme as detailed within the landscaping and planting proposals received on 8 June 2007 and detailed on drawing M.40/003 Rev B received on 19 June 2007 shall be implemented in the first planting season following occupation or use of the development and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 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 above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Neps Lane to points measured 120m in each direction along the nearer edge of the carriageway of Neps Lane, from the centre line of the access and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

REASON: To ensure adequate visibility at the site egress in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

7. Notwithstanding the submitted plan (M.40/003 Rev B amended 19 June 2007) the emergency egress shall be located 14m further north along Kiln Lane and shall only be available for use in the case of an emergency occurring on site.

REASON: To ensure that the access is fully visible to traffic on Kiln Lane approaching from the north in the interests of highway safety in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

8. Before each and every van is delivered to or taken away from the site any shrubbery or branches overhanging Neps Lane within 60m of the river bridge south abutments and less than 5.2m above road level shall be cut back at least 600mm from the highway boundary.

REASON: To ensure the full width of the highway is available for vehicles manoeuvring in the interests of highway safety in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

APPLICATION NO: 3/2012/0982/P (GRID REF: SD
PROPOSED GROUND FLOOR REAR EXTENSION TO THE SOUTH EAST ELEVATION OF
THE PROPERTY TO PROVIDE A SAFE SPACE/BESPOKE SENSORY ROOM FOR
SPECIFIC USE BY A DISABLED CHILD AT 1 LANGDALE AVENUE, CLITHEROE

TOWN COUNCIL: No representations received at the time of writing.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR): No representations received at the time of writing.

ENVIRONMENT AGENCY: No representations received at the time of writing.

ADDITIONAL
REPRESENTATIONS: No representations received at the time of writing.

Proposal

The proposal consists of a single storey flat roof side extension. The proposal will be sited on the south east elevation of the existing dwelling and extend beyond the rear elevation of the dwelling. The proposed development will be tapered in shape. The front elevation (north) will measure 3.1m in width whilst its rear elevation (south) will measure 4.3m in width. The proposed development will measure 6.6m in length, the extension will be constructed to a height of 2.95m.

The proposed development is to be constructed on a brick plinth base with all elevations being pebble dashed with 6mm yellow spot pebble dash. The roof is to be a flat roof finished with asphalt. These materials, particularly the brick plinth and the pebble dashing will match the materials used in the existing dwelling.

The north elevation will contain one door and one window opening, whilst further window openings will be located in the south and west elevations.

The proposed development will be located in the position of an existing flat roof detached garage; which will be demolished to make way for this development.

Site Location

The development site is a semi detached bungalow which fronts Langdale Avenue in the settlement boundary of Clitheroe. The development site and the adjoining property have both undergone alterations to provide dormers in the roof space.

Relevant History

3/2010/0019/P – Front and rear dormer extensions.

Relevant Policies

Policy G1 - Development Control.

Policy H10 - Residential Extensions.

Policy SPG – “Extensions and Alterations to Dwellings”.

DMG1 – Core Strategy Regulation 22.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application relate to the effects; if any, the development will have upon the amenities of nearby residents and the character of the locality.

As outlined above, the proposed development consists of a single storey, flat roof side extension. The proposed development will replace an existing detached, flat roof garage. Whilst the proposed development will occupy a slightly larger footprint than the existing garage, the form and design of the two are broadly similar. In addition to this, the proposed development would have 3 window openings. The openings in the north and west elevations will not face immediately on to the boundary of the site. I would therefore not anticipate that these windows would give rise to any adverse amenity issues. The window opening in the south elevation, whilst immediately adjacent to the site boundary is also considered acceptable. The site boundary to the south consists of an evergreen hedge which currently stands to a similar height than the existing garage. This at present forms an adequate screen. I am therefore satisfied that the proposed development would not adversely affect the residential amenity of the area.

With regard to the character of the area, many of the dwellings within the locality have undergone alterations of some form. The development proposed would be a subservient addition to the existing dwelling. In addition, it would also be constructed from materials which are considered to be in-keeping with those used in the existing dwelling. It would also be similar in character to that of the existing garage which would be replaced. I am therefore satisfied that the proposed development would not be out of character for the existing dwelling or the character of the area.

As has been outlined by the description of the proposed development, the extension is proposed to be used as a safe space/bespoke sensory room for the specific use by a disabled child. Notwithstanding this proposed use I am satisfied that the merits of the proposed development are such that the proposed use is not a determining factor of this application. The proposed development will be easily integrated into the existing dwelling.

I therefore see no material objections to the granting of this planning permission. I therefore 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.

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

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

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

2. This permission shall be implemented in accordance with the proposal as detailed on drawing number DWG.N0.3.

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

C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL

APPLICATION NO: 3/2012/0702/P (GRID REF: SD 372366 437831)
RESIDENTIAL DEVELOPMENT OF TWELVE NEW DWELLINGS COMPRISING OF 1 X DETACHED, 6 X SEMI-DETACHED AND 5 X TERRACED (1 X MARKET UNIT AND 4 X AFFORDABLE UNITS) 3 AND 4 BEDROOM WITH ASSOCIATED GARDEN AREAS AND PARKING AT KINGSMILL AVENUE, OFF MITTON ROAD, WHALLEY

PARISH COUNCIL: The Parish Council will support any objection forwarded by Ribble Valley Borough Council, Lancashire County Council Officers, or any statutory consultees 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 school 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. Affordable houses – The Parish Council question the advisability and practicality of constructing affordable homes at such a distance from local amenities. As the bus service is at best intermittent, any purchasers of such properties will require a car. Insufficient space has been provided for this conjecture. Obviously this will impact on traffic flows.
3. Traffic – The Parish Council is strongly of the opinion that it is not appropriate to add to the traffic using Mitton Road and the attendant congestion and negative impact to Whalley centre.
4. Existing policy – The proposal is deemed to be a small-scale development which spuriously suggests that it attunes to Policies G4 and G5 of the Ribble Valley Local Plan. A feature of the last 2 years has been the succession of developers who wish to build both in the immediate environment of Whalley or its extremities. The cumulative impact will quickly destroy the ambiance associated with Whalley village. 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.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

Is **recommending refusal** of this application on highway safety grounds as there are aspects of the proposed design of the access and parking arrangements that would be detrimental to highway safety.

There are no comments concerning the semi-detached units to the western end of Kingsmill Avenue. There is no expectation that the introduction of these properties will have a detrimental impact on the safe movement of vehicles at this circulating feature. There is sufficient off street parking provided to accommodate the vehicular activity associated with the anticipated family activity at this location.

For the terraced properties, I am not satisfied that the parking arrangements shown will operate in a safe and efficient manner. If end-on parking is to be provided it needs to be identified along the back of the carriageway, not set back a significant distance. Allied to this there is no continuous footway link shown and the plan provided indicates that pedestrians would be walking to the rear of parked vehicles, within their manoeuvring space. A continuous footway link should be provided to the front of the terrace properties and that the parking spaces should be aligned to the back of the edge of carriageway.

In addition, there should be 8 spaces provided (not the 7 shown on the submitted plan) for the 5 unit terrace; 2 for the 3 bedroom market property and 1.5 for each of the four 3 bedroom affordable units. This will more accurately reflect the relevant provisions for this independent development location. This level of provision will provide sufficient parking off the active carriageway for the anticipated residential requirements of these properties.

Access for the 3 units to the south side of Kingsmill Terrace is inconsistent, with a shared junction for two of the units and a driveway access for the third. There is the opportunity to provide sufficient driveway and manoeuvring space from within the available curtilage to allow motorists to enter and exit these properties in a forward gear. The footway provisions to the south side of Kingsmill Avenue should be continuous wherever possible and where breaks are introduced, these should be served by drop kerbs to assist accessibility.

Therefore, I am recommending refusal of this application on highway safety grounds as I do not consider that the application secures a safe means of access to the development for motorists and pedestrians and that the present proposal would be detrimental to highway safety.

ENVIRONMENT
DIRECTORATE (COUNTY
CONTRIBUTIONS):

Based upon the latest information available at the time of the consultation response, the County Council would be seeking a contribution from the developer in respect of the full primary school pupil yield for this development of 6 places. This would amount to a contribution of $6 \times \text{£}11,635.65 = \text{£}69,814.00$. In relation to secondary schools, the situation is dependent upon decisions relating to other planning applications and appeals in the area. The request could therefore range from 0 up to a maximum request for 4 secondary school places, amounting to $4 \times \text{£}17,532.74 = \text{£}70,131.00$.

ENVIRONMENT AGENCY:

No representations have been received.

UNITED UTILITIES:

Would have no objection to this proposal provided that the following conditions are met:

1. A public sewer crosses the site and United Utilities will not permit building over it. They would require an access strip of 6m, 3m either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption" for maintenance or replacement.
2. Surface water should discharge directly to soakaways, ditch or water course which may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system, United Utilities would require the flow to be attenuated to a maximum discharge rate equivalent to green field run-off rates of 5l/s whichever is the greater.
3. The site must be drained on a separate system with only foul drainage connected into the foul sewer.

Currently this area is served by a very small treatment works with only 16 properties connected. An application of this size will have significant impacts to the existing works and a strategy will need to be developed to deal with the increased flows into the works. Should this application be approved therefore the applicant would need to contact United Utilities regarding connection to the water mains/public sewers. The water mains would need extending to serve this development and the applicant may be required to pay a capital contribution.

ADDITIONAL
REPRESENTATIONS:

21 letters have been received from 16 local addresses. The objections contained in the letters are summarised as follows:

1. The proposal is contrary to Policy A3 of the Local Plan (the Calderstones Hospital Area Policy) which required development to be limited to the existing central built campus.

2. The proposal is for residential development on green field land outside the settlement boundary and is therefore contrary to Policies G2, G5 and H2 of the Local Plan.
3. Local Plan Policies still have weight (and some are carried forward into the Core Strategy). Therefore NPPF should not be regarded, as stated in the Planning Support Statement, as the main planning policy relating to this site.
4. The proposed development is at too high a density and would be out of character with Kingsmill Avenue. The entrance into The Avenue would be dominated by the terraced block which is out of character.
5. Loss of an important open space that is used by local children as a play area without any proposed replacement play area.
6. The felling of mature trees to the detriment of visual amenity.
7. The proposal would be detrimental to highway safety. The entrance to Kingsmill Avenue is from Mitton Road on a long, straight section with the national 60mph speed limit. As it is part of the National Cycle Route, vehicles are often overtaking cyclists and therefore on the wrong side of the road as they pass the entrance to Kingsmill Avenue. Exiting The Avenue already needs to be done with care.

The proposal would add children playing and vehicles manoeuvring near to the entrance to this fast, busy road. The terraced plots in particular do not have enough space to turn a vehicle off road so some reversing will be inevitable either on to or from The Avenue. This would mean that vehicles turning into The Avenue may need to stop suddenly as they come around the corner.

8. There is already excessive on-street parking on The Avenue and, as there is insufficient parking proposed within the development, this problem will be exacerbated.
9. There has been considerable housing development in Whalley in recent years that has impacted on the demand for school places, doctors and dentists etc. This proposal will exacerbate that problem.

10. It is understood that the housing requirements of the area are already satisfied. This application for building on green land is therefore not justified. There is also a large stock of unsold properties in the Whalley area.
11. The small waste treatment plant that serves Kingsmill Avenue could not cope with this development.
12. The proposed development would breach a legal agreement made in March 2001 between the applicant and 15 residents of Kingsmill Avenue, that no development would take place on the land for a period of 20 years.

Proposal

The application site comprises three separate pieces of land at Kingsmill Avenue, Whalley. There are two parcels of land, one on each side of the road, at its eastern end. The third parcel at the western, cul-de-sac, end of the Avenue comprises a central turnaround area with a former site of domestic garages on either side.

The proposed development comprises the following:

1. At the western end, the central turning area would be retained and a pair of semi-detached houses would be erected on each side of it. These would all be four bedroom dwellings with integral garages. The fourth bedroom would be at second floor level within the roof space.
2. On the south side of the eastern end of the Avenue there would be a semi-detached pair and one detached house.

The semi detached pair would have attached garages and would contain four bedrooms with the fourth bedroom within the roof space. The detached house would also have an attached garage and would also have four bedrooms with the fourth bedroom in the roof space.

3. On the north side at the eastern end of the Avenue a two storey terrace of five properties would be constructed. These would each have three bedrooms at first floor level. One of the units would be for open market sale, whilst the other four would be affordable dwellings. A total of 7 parking spaces would be provided in front of the terrace to serve these five units.

All of the proposed dwellings would be of brick construction with stone heads and cills and natural blue slate roofs. The detached and semi-detached properties would have an eaves height of approximately 4.8m and a ridge height of approximately 8.7m. The terraced row would have an eaves height of approximately 4.4m and a ridge height of approximately 7m.

Site Location

Kingsmill Avenue is a cul-de-sac containing 16 dwellings in the form of four semi-detached pairs on each side of the road. It is located off the western side of Mitton Road to the north of Calderstones park in an open countryside location outside the settlement boundary of Whalley.

The Avenue is adjoined to the north, south and west by undeveloped agricultural land. There is also agricultural land to the east on the opposite side of Mitton Road.

The application relates to parcels of land at both ends of The Avenue.

The piece of land at the western end comprises a turnaround area with a former garages site on either side of it. This piece of land is presently overgrown and untidy.

The land on the northern side of the road at the eastern end is part of the adjoining agricultural fields.

The land on the southern side of the road at the eastern end is presently used as an informal play area by local children. There are a number of mature trees on this parcel of land that are the subject of a Tree Preservation Order.

Relevant History

3/1986/0743/P – Proposed two pairs of semi-detached houses on the garages site at the western end of The Avenue. Refused and appeal dismissed.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy H2 - Dwellings in the Open Countryside.

Policy ENV3 - Development in Open Countryside.

Policy ENV13 - Landscape Protection.

Core Strategy 2008/2028 a Local Plan for Ribble Valley Regulation 22 Submission Draft

DMG1 – General Considerations.

DMG2 – Strategic Considerations.

DMH1 – Affordable Housing Criteria.

DMH3 – Dwellings in the Open Countryside.

DME1 – Protecting Trees and Woodlands.

DME2 – Landscape and Townscape Protection.

National Planning Policy Framework.

Addressing Housing Needs in Ribble Valley.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application are the principle of the development, and the effects of the proposal upon visual amenity, the trees within the site, affordable housing provision, infrastructure provision, the amenities of nearby residents and highway safety. These are broken down into the following sub-headings for ease of discussion.

Principle of Development

The starting point in relation to policy principles is the development plan. This has a number of elements at the current time - the RS (whilst soon to be abolished remains extant), the

Districtwide Local Plan (Saved Policies) and the Regulation 22 Submission Draft of the Core Strategy.

The RS provides a position in relation to the housing requirements, affordable housing and the broad focus of development. Primarily, Policies L4 and L5 are significant policies in this case.

For decision making purposes, the Council has adopted the RS housing requirement pending its review through the preparation of the Core Strategy. The RS requirement of some 161 units per year against which the Council can demonstrate a 6.01 year supply at present. The Core Strategy seeks to plan for 200 units per year, however the scale of requirement has been subject to significant and extensive objections that remain to be resolved through the examination process and at this time, the Council attaches less weight to this element of the Core Strategy. However the Council can demonstrate a 5.12 year supply against this requirement. It should be borne in mind that whilst a five year supply can be demonstrated against both the RS and emerging Core Strategy requirements, these are not a maximum or ceiling and development needs to be considered against the principles established in NPPF around the presumption in favour of sustainable development with a judgement being made in relation to the weight to be attached to the key material considerations.

It is accepted that the settlement strategy of the Districtwide Local Plan as a principle, is considered out of date in relation to the settlement boundaries. This is because the plan which was formed in the early 1990s and premised upon the relevant Lancashire Structure Plan policies applicable at that time, was established to control development, including housing growth against the strategic framework existing at that time. Given the outstanding objections to the emerging Core Strategy in respect of housing numbers and apportionment of growth, the underlying principle of development now falls to be determined against the NPPF.

NPPF emphasises the need to base decisions on the development plan, unless material considerations indicate otherwise. The NPPF is clearly a material consideration as up to date national planning policy. The most significant material consideration is that of the presumption in favour of sustainable development. NPPF at paragraph 49 also highlights that housing applications should be considered in the context of that presumption. The presumption confirms that where the relevant policies of a development plan are considered out of date granting permission unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework.

Even though the Council can now demonstrate a five-year housing supply (against both RS and Core Strategy requirements) as previously stated, this is not considered to be a maximum. New housing developments within settlements or immediately adjoining settlement boundaries can therefore still be acceptable in principle due to their sustainable location and because the precise position of the settlement boundaries were based on a strategic framework that is no longer applicable.

This site, however, is not within or immediately adjoining the settlement boundary of Whalley, but is within the open countryside. By definition, such a location is less sustainable than any location within or adjoining a settlement boundary. The impact of any development upon visual amenity and the character of the locality must still be an important consideration; and new development in the countryside is more likely to be detrimental than developments within or adjoining existing settlements.

Given the existing five-year housing land supply, it is considered that due weight can be given to Policies H2 and G5 of the Local Plan, especially as their main elements are carried forward by Policies DMH3 and DMG2 in the Core Strategy Submission Draft.

In the open countryside, Policy H2 only permits housing developments essential for agriculture or forestry purposes; appropriate building conversions; or housing specifically intended to meet a proven local need. Policy DMH3 would also only permit dwellings within those same categories.

Outside settlement boundaries, Policy G5 only permits developments that are essential to the local economy or social wellbeing of the area; for the purposes of agriculture or forestry; or for local housing need; small scale tourism/recreational developments appropriate to a rural area; or other small-scale developments appropriate to a rural area.

Policy DMG2 states that development should be in accordance with the Core Strategy Development Strategy and should support the spatial vision:

- *Development proposals in defined settlements should consolidate, expand or round off development so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement.*

Outside the settlement areas development must meet at least one of the following considerations:

- *The development should be essential to the local economy or social wellbeing of the area.*
- *The development is needed for the purposes of forestry or agriculture.*
- *The development is for local needs housing which meets identified need.*
- *The development is for small-scale tourism or recreational developments appropriate to a rural area.*
- *The development is for small-scale use as appropriate to a rural area which a local need or benefit can be demonstrated.*
- *The development is compatible with the Enterprise Zone designation.*

It is not considered that this development of 12 houses (with only 4 being affordable) would fall within the categories of development defined as permissible in the open countryside by both the saved Local Plan Policies and the policies of the emerging Core Strategy. In the precise existing housing provision situation in the borough and having regard to the sustainability requirements of NPPF, the proposed development is not considered to be acceptable in principle in this location.

This represents an overriding reason for refusal of the application. It is still, however, necessary to consider the other relevant matters in order to determine whether there are any other reasons for refusal relating to specific issues.

Visual Amenity

Kingsmill Avenue is itself a small housing development that is detached from the built up area of Whalley. Its prominence in the landscape is, however, diminished by the open areas (one of them containing numerous TPO protected trees) between the dwellings and Mitton Road. It is considered that the terraced row of properties on the most “open” of those two areas would

represent an over-intensive and over-prominent feature in the local landscape/street scene. The three dwellings on the other parcel of land adjoining Mitton Road would also intensify the overall development increasing its urbanising effect upon the immediate locality. For these specific reasons it is considered that the proposal would be contrary to saved Policy ENV3 and Policy DME2 in the Core Strategy Submission Draft in that the development would not enhance the local landscape. This represents a further reason for refusal of the application.

Effect Upon Trees

As previously stated, there are trees on the south-eastern parcel of land that are within Group 17 of TPO No 144 – Calderstones Hospital, dated 15 July 1996. The proposal involves the felling of a group of trees adjoining Kingsmill Avenue (but with replacement trees to be planted) with the main row of trees adjoining Mitton Road all shown for retention on the submitted plans. However, the dwelling on Plot 1 is shown to be within the Root Protection Zone (RPZ) of two of the trees shown for retention, and would be likely to have detrimental effects upon their long-term health and stability. The felling of one group of trees and potential harm to other protected trees would be further detrimental to the appearance of the locality. This aspect of the proposal would be contrary to the requirements of Saved Policy ENV13 of the Local Plan and Policy DME2 of the Core Strategy Submission Draft.

This therefore represents a third reason for refusal of the application.

Affordable Housing

The proposal involves the provision of four affordable dwellings and an appropriate draft Section 106 Agreement was submitted with the application. The Council's Strategic Housing Officer has confirmed that, subject to the units being in the form of two affordable rental and two shared ownership, this element of the proposal would be in accordance with the policy document "Addressing Housing Need in Ribble Valley".

Infrastructure Provision

The matter of school places would be addressed by a financial contribution requirement under a Section 106 Agreement in the event of planning permission being granted.

United Utilities have confirmed that the proposed development would have a significant impact on the existing small treatment works, but they do not object to the application in principle, as this matter would be resolved through the imposition of appropriate conditions.

There are not therefore considered to be any reasons for refusal of the application relating to infrastructure matters.

Residential Amenity

Although the proposal would intensify the development at Kingsmill Avenue, the siting, layout and window positions of the proposed dwellings are such that there would be no direct detrimental effects upon the privacy or general residential amenities of the occupiers of existing dwellings. I do not therefore consider there to be a sustainable reason for refusal of the application relating to this particular consideration.

Highway Safety

For specific reasons that have been stated earlier in this report, the County Surveyor expresses objections on highway safety grounds for various specific elements of the proposal as shown on the submitted plans. The proposal would therefore be detrimental to highway safety contrary to saved Policy G1 of the Local Plan and Policy DMG1 of the Core Strategy Submission Draft. This represents a further sustainable reason for refusal of the application.

Conclusion

The Council is presently able to identify a five-year housing supply. As such, there is no necessity to grant permission for housing development such as this that are not within or immediately adjoining the settlement boundary. The proposal therefore does not represent sustainable development as required by NPPF and would be contrary to saved Local Plan Policies and would not be in accordance with the Development Strategy of the Core Strategy Submission Draft. There are also objections to the proposal relating to particular detailed considerations as outlined above in the report. It is therefore considered that permission should be refused for the reasons given in the recommendation below.

RECOMMENDATION: That planning permission be REFUSED for the following reason(s):

1. The proposed development, due to its location in the open countryside, and not either within or immediately adjoining a settlement boundary, does not represent sustainable development as required by NPPF. It would therefore represent inappropriate development in the open countryside contrary to saved Policies H2 and G5 of the Ribble Valley Districtwide Local Plan and Policies DMH2 and DMG2 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.
2. The proposed dwellings, particularly the terrace of five properties, represent an over-intensive and over-prominent feature in the local landscape and would intensify the existing development at Kingsmill Avenue, increasing its urbanising effect upon the immediate locality. As such, the proposal would not enhance the local landscape and would therefore be contrary to saved Policy ENV3 of the Ribble Valley Districtwide Local Plan and Policy DME2 in the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.
3. The proposal would involve the felling of one group of trees and would be likely to have detrimental effects upon the long-term health and stability of additional trees that are shown for retention, all of which are within Group 17 of TPO No 144 – Calderstones Hospital, dated 15 July 1996. The proposal would therefore cause harm to the existing landscape, contrary to saved Policy ENV13 of the Ribble Valley Districtwide Local Plan and Policy DME2 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.
4. The number of parking spaces provided for Plots 8 – 12 inclusive is inadequate and the precise location of these spaces is such that their use would be detrimental to the safety of pedestrians and other users of the highway. The access arrangement for Plots 1 – 3 inclusive would involve vehicles either reversing from or onto the highway at a location relatively close to the junction of Kingsmill Avenue and Mitton Road, which would also be detrimental to the safety of pedestrians and other users of the highway. For these reasons, the proposal is contrary to saved Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

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

APPLICATION NO: 3/2012/0179/P (GRID REF: SD 373589 436016)
PROPOSED OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT FOR THE ELDERLY COMPRISING 37 BUNGALOWS AND 40 RETIREMENT APARTMENTS AT LAND AT ACCRINGTON ROAD, WHALLEY

PARISH COUNCIL: Have commented in relation to the originally submitted and later revised plans that they will support any objection put forward by the officers or from any statutory consultee on the following issues:

1. The problems with building on the floodplain and the immediate proximity of the River Calder to the proposed development.
2. The possible lack of capacity to receive waste water and sewage.
3. The loss of visual amenity, particularly when viewed in the context of the Conservation Area from Whalley Nab and from Accrington Road and the footpath to the east and south.
4. The inadequacy of parking provision of 15 spaces for 40 apartments – the Parish Council are very surprised that it claimed that this is in accordance with standards.

Further the Parish is very concerned at the lack of LCC Highways comment on the suggested village parking provision. The site, properly developed including adequate long-stay village parking has been identified by the Parish Council and features in the existing Parish Plan as a location for long-stay parking, without which LCC will not make progress on time limited parking in the village centre which is perceived as a means of addressing the congestion from which the village already suffers. If this application is passed without adequate village parking, a real opportunity will have been lost. The Parish Council would seek a considerably larger village car park; adequate protection to prevent residents on the site and their visitors from using the village car park spaces; and a view expressed by LCC Highways that the proposed village parking is sufficient to enable time limited parking to be introduced.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): Has no objection in principle to this outline proposal on highway grounds. Members are referred to the file for full details of his comments regarding the means of access to the

proposed development and the consequent highway safety and capacity impacts which are summarised as follows:

Access from Accrington Road

The vehicular access to the site will be formed from the site to Accrington Road. The design contained in Drawing 1637-040 P4 provides an acceptable range of highway parameters for the design of a suitable vehicular access.

It is indicated that there will be a short section of the access road where the gradient increases from the 1:20 that will form the majority of the road.

The inclusion of a 25 space parking area, identified as "parking spaces for Whalley" offers an opportunity for some off street public parking. However, there are issues regarding the long-term management, maintenance and stewardship that will have to be resolved with Ribble Valley Borough Council.

Highway Improvements at A671 Whalley Road

The Transport Assessment makes clear that the additional traffic generated from the site during the peak morning and afternoon periods does not have a significant impact on the traffic management features on Accrington Road.

The anticipated levels of traffic are such that they will have a negligible impact on the capacity or safe operation of the signals at Spring Wood or the mini-roundabout at King Street.

I am satisfied that 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.

Highway Safety

It is the intention to secure appropriate measures to enhance safe manoeuvring to and from the site should the application be successful. For this reason, significant highway works will be required at this junction to accommodate the additional turning traffic, a variety of travel modes and enhanced pedestrian activity.

PROW

There are two Public Rights of Way, Footpaths 27 and 28 that border the site to the south and east. While they do not enter the site, they must be maintained throughout any construction period, with no alteration to their path or accessibility.

The provision of additional links to these Footpaths from within the development is to be welcomed.

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. 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.

On the basis of the originally submitted plans a highways contribution of £96,600 will be sought. This is based on 78 dwellings of various room sizes, 28 1-bed, 22 2-bed and 5 3-bed for open sale, with 12 1-bed and 11 2-bed for social renting. With an approximated Accessibility score of 20, the contribution are as follows:- 28 x £1,200, 22 x £1,200 and 5 x £1,800 = £69,000 and 23 x £1,200 = £27,600.

Public Transport

A range of bus stop locations are accessible within a 400m radius of the centre of the site. However, it would be beneficial to relocate the stop immediately to the east of Queen Street and place it towards the westerly edge of the development site.

The applicant has identified a site approximately to 95m to the east of its present location. This is acceptable, subject to a agreeing a detailed design and providing a £2k commuted sum for future maintenance. I would require that acceptance to future maintenance of the shelters by the Borough Council is obtained as part of this process.

Committed Development

There are no committed developments that will have a significant impact on this application.

Cycling

Measures such as the following should be considered to link the site to the main amenities within the village as there are clear benefits for healthy walking and cycling routes to, from and through this development:-

- a. A tarmac riverside cycle path from the eastern boundary of the site to Calder Vale along the line of FP27,
- b. A toucan crossing at the junction by Spring Wood.

Traffic Regulation Orders

This application will require the alteration of existing Speed Limits on Accrington Road. To this end, the following alterations should be considered. The applicant has suggested relocating the 30/40mph transition point 100m to the east of its present location.

This change would be fully inclusive of the site and would allow the introduction of additional measures to improve compliance with the revised speed limits, for example with interactive signage.

A contribution to the introduction of a 20mph limit through the village, with a transition point at the westerly edge of the site frontage.

Junction protection, similar to that in place at the Sydney Avenue junction opposite should also be pursued.

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

The 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 Accrington 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.

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

There is no Travel Plan included within this application. Therefore we would request that a Full Travel Plan be made a condition of planning approval. 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.

Standard Conditions

A number of Standard Conditions are proposed.

In relation to the revised plans these do not highlight any new highway safety considerations or change in any way the substance of previous comments concerning this outline application.

LANCASHIRE COUNTY
COUNCIL (PLANNING
CONTRIBUTIONS):

This consultation response outlines the planning contributions request for Lancashire County Council services based on the policy paper Planning Obligations in Lancashire.

Transport

There is likely to be a contribution request for sustainable transport measures.

Waste Management

The County Council makes vital major investments in waste management infrastructure for reasons of environmental protection and sustainability. Based upon the policy paper methodology for waste management the request is £37,440.

LANCASHIRE COUNTY
COUNCIL (MINERALS):

Initially commented on 30 March 2012 that the site lies within the boundary of the mineral safeguarding area as defined in the Emerging Lancashire Minerals and Waste Development Framework Site Allocations and Development Management Policies DPD. Within these mineral safeguarding areas planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals, unless the applicant can demonstrate to the satisfaction of the Minerals Planning Authority a number of criteria set out in Policy M2 of that document. The planning application has the potential to sterilize the sandstone and sand and gravel reserves. Therefore in line with Policy M2 of the emerging plan and the recently published NPPF the applicant needs to address the relevant criteria.

On 5 July 2012 Lancashire County Council withdrew their initial objection to the development on minerals grounds as the applicant had undertaken a ground investigation and satisfied their criteria in Policy M2 of the emerging document Site Allocation and Development Management Policies.

LANCASHIRE COUNTY
COUNCIL (COUNTY
ARCHAEOLOGIST):

The site is considered to have a limited potential to contain previously unknown archaeological deposits and LCAS has advised that the archaeological potential of the site could be investigated post permission. Therefore a condition is requested to be imposed on any consent granted.

UNITED UTILITIES:

Commented on 28 May 2012 that recent investigations have confirmed that Whalley WWTW and the sewer network serving the area is nearing capacity. To ensure that there is a consistent and fair approach taken by United Utilities we would ask that all development applications include an indicative layout plan, a schedule showing the type of housing to be built, a programme of works showing build rates, a load and flow impact assessment, preferred discharge points and proposed rates of flow for each discharge point so that United Utilities can determine the full impact that the development has on our assets. Therefore United Utilities will object to the application pending the submission of the additional information.

Further correspondence dated 19 November 2012 indicates that there are no longer objections raised to the proposal subject to the imposition of a number of conditions on any consent granted.

ENVIRONMENT AGENCY:

Comments dated 5 April 2012 stated that they objected to the proposed development as submitted on the following grounds:

- Floodrisk – the FRA as submitted and the recommendations to minimise the risk of flooding are not acceptable.
- Foul drainage – there are known foul drainage capacity issues that affect Whalley but the FRA indicates that if these problems cannot be overcome to allow the site to connect to the public main system, foul sewage could be treated by an onsite package treatment plant. Priority should be given to development that does not require major investment in new infrastructure and it should be located where there is spare capacity in the existing waste water treatment and sewer capacity. Development in areas where the existing infrastructure cannot accommodate additional flows should be phased to coincide with new infrastructure provision. If it is not possible to upgrade or improve the infrastructure to accommodate the development the suitability of the site should be questioned.

In relation to the submission of further information that include a flood compensation scheme to supplement the FRA, revised location plan and revised illustrative site layout plan the Environment Agency withdraw the initial objection to the development subject to the inclusion of conditions to meet requirements in respect of flood risk, foul drainage and aquatic habitat.

ADDITIONAL
REPRESENTATIONS:

40 letters of objection have been received to the originally submitted and subsequently amended plans. Members are referred to the file for full details which can be summarised as follows:

1. The application is in contravention of Policies G2, G5, H2, PPS1 and PPS25. The site is outside the Whalley settlement boundary and would result in an urban expansion into the open countryside changing the distinctiveness of the area.
2. The Council is in the final stages of consultation on the Core Strategy as to where future development should be in the borough and in what proportion. The application is an attempt to pre-determine the Core Strategy which would undermine the consultation process and destroy credibility in the planning system.
3. Question the affordable offer as the homes will only be exclusively for sale for a limited period of 6 weeks to Ribble Valley residents and that there is no requirement for people to be vetted.
4. It is entirely possible that people over the age of 55 may still have school aged children who will require educating in the Ribble Valley – the local schools are already at breaking point.
5. The housing density is too great and the site too large for its village setting.
6. The house types match the description of the scheme as residential development for the elderly – what need is there for 6 x 3 bed 2-storey houses. It is more akin to family housing.
7. The site is greenfield and not intended for housing.
8. The cumulative effect of this application along with approved development at Riddings Lane and Calderstones Park and the neighbouring areas of Sabden, Barrow and Billington will impact on Whalley's overloaded highway network and escalate existing parking problems in the village.

9. There is inadequate access to and from the site with no pavement on the south side and a narrow pavement on the north side, narrowed further by parked vehicles on the pavement.
10. Concerns about the incline of the proposed access road into the site as well as inadequacy of parking provision.
11. Much of the site is within flood zones 2 and 3 and PPS25 states that LPA's should only allow development in such areas where the benefits of development outweigh the flood risk and where no other appropriate sites are available. No such benefits are included with the submission.
12. Should not permit building on flood plain where it is difficult to get house insurance.
13. Concerns over capacity of sewage treatment plant and the suggestion of an on site package treatment plant has environmental implications and maintenance issues.
14. The development would affect the setting and views into and out of Whalley Conservation Area especially from Whalley Nab and is therefore detrimental to visual amenity.
15. The 3-storey flats located alongside the main road would be visually obtrusive.
16. The application should be made in full not outline.
17. Concerns regarding noise and disturbance throughout the construction process.
18. Loss of light.
19. Light pollution.
20. The development would be detrimental to the ecology of the site.
21. The amended scheme is more visually intrusive due to the increase in elevation caused by the raised platform and this would also lead to a greater impact on neighbouring properties.
22. The revisions to house types means only 10 of the proposed bungalows and true bungalows ie no stairs.

Proposal

This is an outline application to develop a site for residential use for the elderly which as revised, comprises 37 bungalows and 40 retirement apartments. Matters of access are being applied for at this time.

The submitted illustrative layout (amended 4 September 2012) shows 37 bungalows (28 two bed and 9 three bed units) built to Lifetime Homes standard and for occupation by the over 55s with 40 one bed retirement apartments within three linked two storey buildings near to Accrington Road. Indicative elevations are provided for the house types that denote a mix of true single storey bungalows to a height of approximately 5.5m and dormer type bungalows with maximum height of approximately 7.1m. The apartment units would have a maximum height of approximately 11.5m. The single point of vehicular access on to Accrington Road is roughly 35m to the east of the junction of that road with Sydney Avenue on the opposite side of Accrington Road. The units were initially proposed around a circular road layout but the preparation of a flood compensation scheme to meet Environment Agency requirements has meant there is a condensed area of built development with an increased area of up to 60m wide alongside the river to have landscape planting. Links are shown into the public footpath network bounding the site to the east and alongside the river to the south. The scheme also denotes an area of land to the north west corner of the site as a 25 space car park for the general use of Whalley.

Site Location

The site is roughly rectangular in shape with an addition alongside the river bank extending to a total area of approximately 3.27 hectare of open pasture. It is to the south of Accrington Road with residential development along its western boundary, the River Calder to its south, to the east large former poultry buildings now in alternate use and to the north beyond Accrington Road the residential development at The Cloisters and Sydney Avenue. It lies outside the defined settlement boundary of Whalley within land designated open countryside. The Conservation Area of Whalley doglegs around the rear of No's 15 to 41 Accrington Road and then crosses the main road to pass down the rear of properties on Queen Street. The site boundary therefore touches the Conservation Area boundary on the Accrington Road north western extreme road frontage with the properties on Woodfield View to the west of the site separating it from the body of the Conservation Area.

Relevant History

6/10/1244/P – four poultry cabins – approved 23 March 1964.

Relevant Policies

Ribble Valley Districtwide Local Plan Adopted June 1998

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy G11 - Crime Prevention.

Policy ENV3 - Development in Open Countryside.

Policy ENV6 - Development Involving Agricultural Land.

Policy ENV7 - Species Protection.

Policy ENV9 - Important Wildlife Site

Policy ENV10 - Development Affecting Nature Conservation.

Policy ENV13 - Landscape Protection.
 Policy ENV16 - Development Within Conservation Areas.
 Policy ENV17 - Details Required with Proposals in Conservation Areas.
 Policy ENV19 - Listed Buildings.
 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.
Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft
 DS1 – Development Strategy.
 EN3 – Sustainable Development and Climate Change.
 EN4 – Biodiversity and Geodiversity.
 EN5 – Heritage Assets
 H1 – Housing Provision.
 H2 – Housing Balance.
 H3 – Affordable Housing.
 DMI1 – Planning Obligations.
 DMI2 – Transport Considerations.
 DMG1 – General Considerations.
 DMG2 – Strategic Considerations.
 DMG3 – Transport and Mobility.
 DME2 – Landscape and Townscape Protection.
 DME3 – Site and Species Protection and Conservation.
 DME4 – Protecting Heritage Assets.
 DME5 – Renewable Energy.
 DME6 – Water Management.
 DMH1 – Affordable Housing Criteria.
 DMB4 – Open Space Provision.
North West of England Regional Spatial Strategy to 2021
 Policy DP1 – Spatial Principles.
 Policy DP2 – Promote Sustainable Communities.
 Policy DP7 – Promote Environmental Quality.
 Policy L1 – Health, Sport, Recreation, Cultural and Education Services.
 Policy L4 – Regional Housing Provision.
 Policy L5 – Affordable Housing.
 Policy EM18 – Decentralised Energy Supply.
 National Planning Policy Framework.
 Technical Guidance to the National Planning Policy Framework.
 Addressing Housing Needs.
 Whalley Conservation Area Appraisal and Management Guidance.
 Historic Environment Planning Practice Guide.

Environmental, AONB, Human Rights and Other Issues

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

Principle of Development

The starting point in relation to policy principles is the development plan. This has a number of elements at the current time - the Regional Spatial Strategy RS (whilst soon to be abolished remains extant), the Districtwide Local Plan (Saved Policies) and the Regulation 22 Submission Draft of the Core Strategy.

The RS provides a position in relation to the housing requirements, affordable housing and the broad focus of development. Primarily, Policies L4 and L5 are significant policies in this case.

For decision making purposes, the Council has adopted the RS housing requirement pending its review through the preparation of the Core Strategy. The RS requirements plan for some 161 units per year against which the Council can demonstrate a 6.01 year supply at present. The Core Strategy seeks to plan for 200 units per year, however the scale of requirement has been subject to significant and extensive objections that remain to be resolved through the examination process and at this time, the Council attaches less weight to this element of the Core Strategy. However the Council can demonstrate a 5.12 year supply against this requirement. It should be borne in mind that whilst a five year supply can be demonstrated against both the RS and emerging Core Strategy requirements, these are not a maximum or ceiling and development needs to be considered against the principles established in NPPF around the presumption in favour of sustainable development with a judgement being made in relation to the weight to be attached to the key material considerations.

In terms of the saved Local Plan policies the site lies outside but immediately adjacent to the existing settlement boundary. However, it is noted that Whalley is a settlement within the emerging Core Strategy that has been identified as a key service centre where a level of growth is to be accommodated in future years. In that regard it is considered that the settlement will need to expand beyond its existing boundaries to accommodate the level of growth envisaged in the Regulation 22 Submission Draft of the Core Strategy.

Similarly, it is recognised that the settlement strategy in the Districtwide Local Plan as a principle, is considered out of date in relation to both settlement boundaries and the development constraints that are set out. This is because that plan which was formed in the early 1990s and premised upon the relevant Lancashire Structure Plan policies applicable at that time, was established to control development, including housing growth against the strategic framework existing at that time. The adopted Local Plan (adopted 1990) had its strategic basis superseded by the Regional Strategy in 2008 and has been the subject to a review process as a consequence of the Core Strategy and with the Council's current position reflected in the submission Core Strategy. For these reasons it is considered that the development principles must be considered out of date. That is not to say that the consideration of the impact of the development upon visual amenity, character of the area and impact upon relevant heritage assets should not be considered. However, the underlying principle of development falls now, given the outstanding objections to the emerging Core Strategy in respect of housing numbers and apportionment of growth, to be determined against the NPPF.

NPPF emphasises the need to base decisions on the development plan, unless material considerations indicate otherwise. The NPPF is clearly a material consideration as up to date national planning policy. The most significant material consideration is that of the presumption in favour of sustainable development. NPPF at paragraph 49 also highlights that housing applications should be considered in the context of that presumption.

The presumption confirms that where the relevant policies of a development plan are considered out of date granting permission unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework.

The site is considered to be in a sustainable location, would contribute to the supply of housing including affordable provision and market choice. It would be consistent with the policies of NPPF to proactively drive and support economic growth. The impact upon overall housing supply and development strategy would not be so significant to the overall provision to cause harm to the submission Core Strategy and consequently overall is not considered to either significantly or demonstrably outweigh the benefits listed above as a matter of principle.

The development of the site in principle would therefore accord with the presumption in favour of sustainable development and is consequently consistent with the provisions of NPPF. However, there are other material considerations that would need to be satisfied in relation to the application as a whole and these are examined within the remainder of this report.

Affordable Housing

In considering the affordable element of the scheme, it is important to have regard to Policies H20 and H21 of the DWLP, H3 and DMH1 of the Regulation 22 Submission Draft of the Core Strategy and the Council's housing document entitled 'Addressing Housing Needs'.

This scheme is submitted with 30% of the site being offered as affordable units on a shared ownership basis. The housing mix offered is 12 bungalows (9 x 2 bed and 3 x 3 bed) and 11 apartments. As stated previously, all units on this site will be for the over 55s.

The proposal has been considered by the Council's Housing Strategy Officer and considered to meet identified needs. The legal agreement content sub heading later within this report provides specific details for the clauses covering these units to be affordable.

Highway Safety

In terms of access it is proposed to have a new priority junction on to Accrington Road and a 5.5m wide access road, 2m footways extending approximately 18m to the east of the junction and in a westerly direction to meet the existing footway outside No 22 Accrington Road. A pedestrian link to Accrington Road is also shown from the proposed car park. It is clear from the observations of the County Surveyor that he has no objection in principle to the proposal on highway safety grounds. The scheme provides for appropriate sight lines at the access on to Accrington Road and a continuous footway along the site frontage to the village. The illustrative layout denotes footway links through the site linking to the public right of way network alongside the river and these would open up links with the wider area. There is parking provision within the site for residents with the illustrative layout showing some house types having garages with forecourt parking for the apartment block. The scheme does denote an area set to the north western corner to be made available as 25 parking spaces for the village. I have sought further information from the applicant on this particular part of the proposal to ascertain how this would be managed and maintained. As Members may recall, a similar issue arose with the initial Lawsonsteads site (3/2011/0111/P) when the offer of a car park was made. There were issues surrounding the details in support of that and means by which it was proposed to be secured through a Section 106 Agreement. From an RVBC stance we stated that whilst we did not

reject the idea of a car park, it was that specific proposal that did not work. In terms of this proposal, the applicant has advised that they are aware the Council would not wish to take on any management and maintenance responsibilities and that should consent be forthcoming, they would be agreeable to a condition being imposed that required details of such arrangements to be submitted at a later date to enable appropriate controls to be put in place.

The applicant has questioned the request from LCC regarding contributions (£96,000). There is no objection raised to the £2000 payment for future maintenance of a new/upgraded bus stop as it is recognised that this is directly related to the development. However, in respect of the £6000 towards travel plan measures, it is pointed out that this development is below LCC's threshold of 80 dwellings and as such the applicant can see no basis for seeking a contribution. With regards to the wider highways contribution, this must be directly related to the highway impacts of the development proposed and the applicant has questioned the specific justification in order to meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010. They are willing to enter into discussions to establish whether there are specific justifications for highway improvement works related to the proposed development and have asked that the matter is identified in this way to Members that the Section 106 contribution would need to specify specific highway works not just a blanket sum.

Having regard to paragraph 32 of NPPF development should only be prevented or refused on transport grounds where the residual accumulative impacts of development are severe. On the basis of the advice offered by the County Surveyor in this matter, I must conclude that implementation of the development as put forward would not prove significantly detrimental to the local highway network and as such, should not be resisted on highway safety grounds.

Nature Conservation/Trees/Landscaping/Ecology

As stated previously, this is a greenfield site and the application has been submitted with a baseline ecological survey report, the scope of which includes an extended phase 1 habitat survey with an updated report submitted to take account of the extended site area that is required in order to provide flood compensatory measures. In respect of tree coverage on site an arboricultural impact assessment forms part of the submission documents. These have been examined by the Council's Countryside Officer who considers that sufficient information has been submitted in respect of trees, ecology and landscaping in order to determine this outline application. The site supports commonly occurring plant species and there is limited scope for protected species. There is no loss of any major trees and it is noted that the main hedgerow running through the site is species poor – the base of which is being lost and is grazed. Whilst this feature would be lost as part of the development, it is not considered significant to retain and the plans would provide for substantial landscape planting to the riverside. The introduction of a wildlife pond to the south eastern corner of the site would result in ecological enhancement of the site. Therefore, after carefully considering the implications of this development on nature conservation interests, I am of the opinion that subject to appropriate safeguards in the form of conditions of any consent granted, the scheme is acceptable in this respect.

Public Open Space

On a site of this size under Policy RT8 of the DWLP, and DMB4 of the Regulation 22 Submission Draft of the Core Strategy, the layout will usually be expected to provide adequate and usable public open space. The layout for this development provides for treed amenity space alongside the river (as amended a depth of between approximately 50-60m from the

riverbank) and a wildlife pond to the south eastern corner of the site. The scheme also provides footpath links through the site to the existing public right of way network that align the southern and eastern site boundaries. Whilst not providing a formally laid out play area, having regard to the nature of the development proposed here ie a development for the over 55s, it is considered that the extensive landscaped area and biodiversity measures provided by way of the proposed pond, would comply with the requirements of the aforementioned policies.

Infrastructure Provision/Flooding

Members will note that there have been objections raised to the development on the grounds of insufficient infrastructure capacity in terms of the treatment works and existing network in respect of waste water and sewage and issues surrounding potential flood risk associated with developing this greenfield site.

The application site lies within flood zones 1, 2 and 3 and as the submitted FRA indicates is at direct risk of fluvial flooding from the River Calder. The majority of the western area of the site falls within flood zone 2 with an area of flood zone 1 along the east and adjacent to the north east boundary. Flood zone 3 is bounded to the south within the banks of the River Calder. Initially the site layout was to provide for a 16m buffer from the southern boundary with that area remaining as open space with excavation works undertaken as part of the development to expand the existing flood zone 3 thereby creating additional flood plane volume. However, as Members can see, from the initial response from the Environment Agency, the recommendations contained within the original FRA to minimise the risk of flooding were not considered acceptable. There were also concerns expressed about references made to foul drainage in the FRA where it indicated that if foul drainage capacity issues could not be overcome to allow the site to connect to the public main system, foul sewage could be treated via an onsite package treatment plant. Indeed they commented that if it is not possible to upgrade or improve the infrastructure to accommodate the development, the suitability of the site should be questioned. Concerns regarding capacity issues were echoed by United Utilities in their initial response dated 28 May at which time they too objected until further information was submitted in order for them to determine the full impact the development would have on their assets.

On the basis of these two objections, the applicant has undertaken additional work and submitted a revised layout that increases the overall site area running adjacent to the River Calder on the south eastern boundary for flood compensatory measures. The FRA indicates there is potential for the site to flood and has highlighted that a raised platform is required to ensure that the buildings are located above the design flood contour. Therefore, it is proposed that land raising is required on the western areas of the site on which to provide a raised land platform on which to erect some of the dwellings and prevent water from ponding in isolated areas, which would mean revised land levels approximately 1m above current ground levels. The flood compensation scheme also denotes that an area to the south west of the site currently above the design flood level would need to be lowered to provide sufficient compensatory flood storage. This is the information that the Environment Agency has studied and provided revised comments dated 21 September 2012 and concluded that the proposed flood compensation scheme will ensure that the proposed development will not be at an unacceptable risk of fluvial flooding or exacerbated fluvial flood risk elsewhere. Thus, notwithstanding concerns expressed about flood risk, a scheme is capable of being brought forward that would not prove significantly detrimental in this respect – the visual impacts of the works necessary in terms of land raising are discussed elsewhere within this report.

Turning to the concerns raised by United Utilities, the applicant has submitted a flow and load assessment. In response to this, I have been advised that United Utilities does have capacity within its waste water infrastructure to serve this proposal on the basis of planning permissions granted up to 11 October 2012. They have provided specific detailed conditions in relation to this scheme should Members be minded to approve the application.

Therefore, having carefully considered the potential impact of the development on the existing treatment works and its implications for increased risk of flood, there has been submitted sufficient information in support of the scheme for both the Environment Agency and United Utilities to be satisfied that there is no justifiable reason to withhold planning consent on these grounds.

Heritage/Layout/Scale/Visual amenity

As stated previously, the north western tip of the application site touches the boundary of the Whalley Conservation Area on Accrington Road. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

National guidance contained within the NPPF, specifically Chapter 12, details conserving and enhancing the historic environment. Paragraph 131 provides advice when determining planning applications, noting that 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 developments making a positive contribution to local character and distinctiveness.

Paragraph 132 provides more advice when considering the impact of a proposed development on the significance of a designated heritage asset, with paragraph 133 noting that where a proposed development will lead to substantial harm 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 benefit that outweigh that harm or loss. 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 public benefit of the proposal, including securing its optimum viable use (paragraph 134). Paragraph 137 comments that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the assets should be treated favourably.

Local Planning Policy ENV16 is of relevance noting that 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, and the desirability, preserving or enhancing the character or appearance of the 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.

Given the site's relationship with the Conservation Area, the application has been submitted with a Heritage Appraisal and Landscape and Visual Assessment (LVIA). These outlined that whilst the development site comprises open land to the east side of Whalley, it is detached from the main body of the Conservation Area and therefore does not have a direct physical impact upon it. Whalley has developed and extended its built form over the years and the intervening dwellings between the site and Conservation Area (a 60m band of 20th century housing) means the two are offset and there is very limited intervisibility between the Conservation Area and proposed development. Again in terms of identified features of particular heritage value (ie the Calder Weir 80m away, the Marjorie 190m away and Whalley Bridge 240m away) these too are screened by intervening development. There are more distant views of the site from Whalley Nab out of the Conservation Area and the submitted LVIA indicates that the overall impact on the landscape character is mitigated by the capacity of the area to absorb a development of this scale, in part due to the close proximity of existing development. It is considered that development will have a slight to moderate impact on the surrounding area with the most significant impacts being to the footway/bridleway network of Whalley Banks and to the south of the development site.

Having regard to the relationship with the Conservation Area, the Council's Design and Conservation Officer has been consulted on this scheme and commented that in his opinion the proposal would be unduly harmful to the character, appearance and significance (including setting and views into/out) of Whalley Conservation Area. In reaching this conclusion he has had regard to the views over Whalley from the public vantages of Nab Wood, Moor Lane and land above Painterwood Farm and that in his view, a striking feature is the containment and framing of the built heritage by undulating open countryside including the application site. He considers it difficult to dissociate the proposed development site from the aforementioned heritage assets and concludes the scheme will have a detrimental impact upon the setting of the listed building and collective heritage asset as identified above.

The relevant sections of NPPF have already been quoted within this report and it is also important to have regard to guidance offered within the Historic Environment Planning Practice Guide (HEPPG) which states in paragraph 76 that *...the key to sound decision making is the identification and understanding of the differing, and perhaps conflicting, heritage impacts accruing from the proposals and how they are to be weighed against both each other and any other material planning considerations that would arise as a result of the development proceeding.*

Paragraph 79 of HEPPG outlines a number of potential heritage benefits that could weigh in favour of a proposed scheme and amongst other things, this site's securing optimum viable use of the heritage asset in support of its long term conservation, better reveals the significance of the heritage assets and therefore enhances our enjoyment of it and sense of place, and it makes a positive contribution to economic vitality and sustainable community. NPPF refers to the three dimensions of sustainable development and I consider it is important to assess the proposal against those as follows:

Economic growth – this scheme would ensure that sufficient land of the right type is available and in the right place in terms of the site's location in relation to the amenities of Whalley. Consultation responses have indicated that infrastructure provision can accommodate this level of growth at this time in this location.

Social role – the provision of a land for housing to meet the needs of future and present generations by creating a high quality design scheme that is accessible to local services and accommodate market and affordable housing for the over 55s.

Environmental role – this has as one of its component parts improving biodiversity. In respect of this the scheme put forward provides for a wildlife pond and enhanced landscape planting. The scheme would open up to the site to the public with links through to the existing public right of way network. Development should also contribute to protecting and enhancing the natural, built and historic environment and it is with regard to this that due regard needs to be given to the level of harm or loss of significance to the heritage assets and then weigh any harm against the public benefits of the proposal. I am conscious that the Council's Design and Conservation Officer has expressed concerns about the level of harm as a result of this proposal's implementation but I am also mindful of the presumption in favour of sustainable development advocated in NPPF unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework. Having regard to the wider benefits of the scheme I am of the opinion that the proposal represents an acceptable development scheme. It would be a sustainable development and has been suggested in a form designed to conserve heritage assets in a manner appropriate to their significance. In reaching this conclusion I am mindful that any development of this site would have an impact on long range views of the village and that the proposal shown here would involve some reprofiling of the land in order to address issues raised by the Environment Agency in respect of flooding. This said, as explained earlier, the intervisibility with the Conservation Area is limited and as such regard has been taken account of this in assessing significance. Having regard to the indicative site plan and parameters put forward, I am of the opinion that the details provided respect and reflect the general scale of housing in the vicinity of the site. The proposed apartment blocks, whilst higher than the dwellings are positioned at the furthest point from the Conservation Area on the Accrington Road frontage with landform assisting in assimilating these elements into the wider landscape – the site levels drop steeply from Accrington Road at the point where the apartments are to be located, thereby limiting their visual impact from that public vantage point.

Therefore, having carefully considered the scheme as put forward, I am of the opinion that in respect of visual amenity there would be no significant detriment caused to the visual qualities and heritage assets of the area were this development to proceed.

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 put forward on the submitted indicative site layout plan. Members should be aware however that layout is a matter reserved for consideration at a later date and thus the site layout plan indicates an approximate location of buildings and how the built form could relate to the surrounding residential properties.

To the immediate north of the site is Accrington Road with residential properties of The Cloisters beyond. Those dwellings are set approximately 20m to 37m distant from this site's frontage with Accrington Road and are positioned set down from the roadside. I am mindful that the two storey apartments would occupy the road frontage to the development but as they are set between some 13m and 17m back from the roadside I consider them to be sufficient distance away so as not to cause significant detriment to existing properties. Members should remember that the application site is set lower than Accrington Road and thus this will assist in lessening the impact on those properties.

Turning to the properties to the west of the site these are a mix of detached as semi-detached mainly two storey dwellings that front onto Woodfield View. The dwellings proposed as part of this scheme are shown to back onto those rear gardens at distances ranging from approximately 21m to 24m between facing rear elevations with the indicative site plan denoting garages set between 14m to 16m from rear elevations. The details submitted, whilst for illustrative purposes only, denote some of the proposed dwellings would be of the type with dormer windows to rear elevations. I am mindful of the distances between properties and in terms of making an assessment as to the potential impact on existing residential amenities from properties on the western boundary of the site, it is also important to have regard to the revisions in land levels that are proposed in order to address flooding concerns. As explained elsewhere within this report it is necessary to raise land levels in this part of the site by approximately 1m and the raised platform is shown to follow the footprint of the aforementioned structures. The submitted information indicates that land to be used as rear garden areas that immediately abuts the rear gardens of existing properties would be maintained at the same level as existing. On the basis of the information submitted to date I do not consider that there would be a significant detrimental effect on adjacent residents by way of overlooking/overbearing nature of development. Clearly any reserved matters scheme will provide additional information on exact house types, boundary treatment and landscaping and as layout is not a detailed matter applied for at this time there may be scope for minor repositioning of dwellings should that prove necessary at that stage.

Finally it is important when considering residential amenity to have regard to the proposed car park at the north-western corner of the site. This is set to the east of number 22 Accrington Road which has an attached single storey garage on the site boundary and in terms of the gable of the property there are windows in the garage at ground floor and then set back from the boundary a ground floor window towards the rear of the property and first floor centrally positioned narrow window. I have discussed this element of the scheme with the Council's Head of Environmental Health Services and he has commented that it should be conditioned as part of any consent granted that details are submitted of acoustic measures on the western boundary of the car park in order to minimise potential noise disturbance to that property.

Section 106 Agreement

The applicant has submitted a draft Legal Agreement to cover matters of affordable housing provision and a highways contribution. To clarify for Members the Section 106 Agreement will stipulate the following:

1. Affordable Housing

- *The total number of units shall consist of 23 units.*
- *The units shall be made available as shared ownership properties in the first instance to be managed by a registered provider. If the properties are not transferred to a registered provider with one year from the date of completion to be made available as discounted sale at 40% of the open market value.*
- *9 of the units to be 2-bed bungalows.*
- *3 of the units to be 3-bed bungalows.*
- *11 of the units to be 1-person flats.*
- *Eligibility to be a Whalley Parish connection and then on a cascade basis to neighbouring parishes.*
- *All residential units to be for the over 55's.*

2. Highways

- £2,000 to be paid for the relocation of the existing bus stop.
- A sum to be paid for sustainable transport measures *
- £6,000 to be paid as a travel plan contribution *

* These two contributions to be subject of further with LCC to ensure the contribution requested is directly related to the impacts of the development with specific highway works identified.

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 – 2 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 reprofiled land contours, 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 Policy DMG1 of the Regulation 22 Submission Draft Core Strategy 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, Proposed Site Location Plan 1637-LOC C amended 4 September 2012 and Indicative Site Plan Drwg No 1637-40J amended 16 November 2012.

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 and Policies DMG1 and DMG3 of the Regulation 22 Submission Draft Core Strategy 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 Accrington Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

REASON: To comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Regulation 22 Submission Draft Core Strategy to ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

6. Prior to the commencement of development a detailed method statement for the removal or treatment and control of Giant Hogweed (*Heracleum Mantegazzianum*) and Himalayan Balsam (*Impatiens Glandulifer*) on site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of proposed working methods to be adopted to prevent the spread of the species during any operation 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: To prevent the spread of non-native invasive species Himalayan Balsam in the interests of protecting nature conservation issues in accordance with Policies G1, ENV7, ENV9, ENV10 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1, EN4 and DME3 of the Regulation 22 Submission Draft Core Strategy.

7. 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 in accordance with Policy ENV14 of the Ribble Valley Districtwide Local Plan and Policy EN5 of the Regulation 22 Submission Draft Core Strategy i

8. Any application for the submission of reserved matters shall include specific measures for the provision of a suitable noise barrier along the western boundary of the proposed car park. The measures so submitted and approved in writing by the Local Planning Authority shall thereafter be implemented in accordance with the approved measures prior to commencement of use of the car park and retained in perpetuity.

REASON: In the interests of residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy,

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 Policy EM18 of the North West of England Regional Spatial Strategy to 2021 and Policy DME5 of the Regulation 22 Submission Draft Core Strategy.

10. 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 boxes/roosting sites per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated into those dwellings/buildings during the construction of those properties as identified on the submitted and approved plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of biodiversity in accordance with Policies G1 and ENV7 of the Districtwide Local Plan and Policies DMG1 and EN4 of the Regulation 22 Submission Draft Core Strategy.

11. Prior to commencement of any development works which may affect habitats identified in the baseline ecological survey report a detailed mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall include details of the timing of tree works, hedgerow removal in order to avoid the nesting season all works shall proceed in accordance with the approved strategy with any amendments agreed in writing.

REASON: In order to reduce the impact of the development on biodiversity and safeguard the natural habitats of those species of conservation concern in accordance with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and EN4 of the Regulation 22 Submission Draft Core Strategy.

12. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified on the survey of existing trees (drawing no. c-812-01 all on site trees – T1/2/3 & all off site trees inclusive) shall be protected in accordance with the BS5837 2012 (Trees in Relation to Construction) the details of which shall be agreed in writing and implemented in full under the supervision of a qualified arboriculturalist and in liaison with the Council's Countryside/Tree Officer.

A tree protection – monitoring schedule shall be submitted to and approved in writing by the Local Planning Authority with the tree protection measures so approved being inspected by the Local Planning Authority before any site works are begun.

The root protection/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/exclusion 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 Planning 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 and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

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 and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

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 and Policy DME5 of the Regulation 22 Submission Draft Core Strategy.

15. The flood compensation scheme outlined in the report dated 24 August 2012 and referenced SMB/557/2383 by Herrington Consulting shall be constructed and completed in

full to the satisfaction of the Local Planning Authority prior to the commencement of any other development on site.

REASON: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and that there is no net loss of flood storage as a result of the development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

16. All ground floor levels shall be set at 46.60m Above Ordnance Data (AOD).

REASON: To reduce the danger to indented occupants of the building(s) from potential flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

17. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1:100 year return period critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include details of how the scheme shall be maintained and managed after completion and the location of the proposed storage tanks or pipes which must not be located within the flood plain.

REASON: To prevent the increased risk of flooding, both on and off site in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

18. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order with or without modification, no structure shall be erected within the flood storage area as delineated within the letter report by Herrington Consulting dated 24 August 2012; reference SMB/557/2383 and the revised illustrative site layout (drawing No 1637-40H).

REASON: To prevent the erection or construction of any features which may detrimentally affect or reduce the flood storage capacity of the site in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

19. No development shall take place until the proposed wildlife pond as shown on the revised illustrative site layout (dwg. No. 1637-40J) is constructed in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proposed development contributes to improving the biodiversity value of the site in accordance with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy EN4 of the Regulation 22 Submission Draft Core Strategy.

20. No development shall commence until details of a lighting scheme (location, type, light direction and intensity) have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details to demonstrate how artificial illumination of important wildlife habitats (the River Calder and its banks, trees with bat roost

potential, hedgerows used by foraging and commuting bats) is minimised. The approved lighting scheme shall be implemented in accordance with the approved details.

REASON: In order to avoid adversely affecting the natural behaviour of protected species in accordance with Policies ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan and Policy EN4 of the Regulation 22 Submission Draft Core Strategy.

21. The development hereby approved shall not exceed 77 dwelling units consisting of 37 bungalows and 40 apartments in accordance with the submitted Proposed Site Plan reference 1637-040 Amendment J received by the Local Planning Authority on 16th November 2012.'

REASON: In order that there is no ambiguity in the decision notice over what amount of development has been approved.

22. Prior to the commencement of development, a strategy outlining the general system of drainage for foul and surface water flows arising from the entire site shall be submitted to the Local Planning Authority and approved in writing. This strategy shall include details of any necessary infrastructure. Thereafter the detailed schemes for foul and surface water drainage for any phase of the development shall be submitted for approval in accordance with the strategy for the entire site approved under this condition. In the event that site investigations demonstrate that a gravity fed foul water system is not possible, the foul water pumping station shall have a maximum foul pumping rate set at no greater than 5 l/s and shall include sufficient storage to comply with the design criteria outlined in SFA 6th Edition.'

REASON: To ensure sufficient details are submitted detailing the proposed means of drainage of the site in accordance Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

23. Prior to the commencement of any phase of development, details of the foul drainage scheme for that phase including any necessary infrastructure shall be submitted to and approved in writing by the Local Planning Authority. No housing shall be occupied for that phase until the approved foul drainage scheme for that phase has been completed in accordance with the approved details. Unless otherwise agreed in writing, the approved foul drainage scheme shall only connect to the foul sewer network at either manhole reference 5108 or manhole reference 5102 identified in the letter from David Wallbank of PSA Design to Daniel McDermott of United Utilities dated 13th June 2012.'

REASON: To ensure sufficient details are submitted detailing the proposed means of drainage of the site in accordance Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

24. Prior to the commencement of any phase of development, details for how foul and surface water shall be drained on separate systems shall be submitted to the Local Planning Authority and approved in writing for that phase. The development shall be completed, maintained and managed in accordance with the approved details.'

REASON: To secure proper drainage and to reduce the risk of flooding in accordance Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

25. Prior to the commencement of any phase of the development, details for surface water drainage and means of disposal for that phase, based on sustainable drainage principles and evidence of an assessment of site conditions (inclusive of how the scheme shall be maintained and managed after completion and any necessary infrastructure) shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, no surface water shall discharge into the public sewerage system, directly or indirectly, in accordance with the submitted application form and flood risk assessment submitted by Graham Sanderson of PSA Design Dated 14th February 2012 reference T1528-D-01. The development shall be completed, maintained and managed in accordance with the approved details.'

REASON: To secure proper drainage and to reduce the risk of flooding in accordance Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

26. Prior to commencement of development a landscape management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for all landscaped areas (other than within curtilages of buildings) shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the details so approved.

REASON: In the interests of residential and visual amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

27. Prior to commencement of development details of the proposed car park including timing of the works, management responsibilities and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The car park shall thereafter be provided in accordance with the details so approved.

REASON: In the interests of amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

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 is advised to contact the Environment Directorate for further information.
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.

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. This outline planning permission shall be read in conjunction with the Legal Agreement accompanying this application.

APPLICATION NO: 3/2012/0738/P (GRID REF: SD 372552 435959)
 PROPOSED RESIDENTIAL DEVELOPMENT ON LAND OFF DALE VIEW COMPRISING 10 PROPERTIES (7 OPEN MARKET AND 3 AFFORDABLE) WITH THE DEVELOPMENT TO INCLUDE THE CONSTRUCTION OF AN ACCESS ROAD AND TURNING HEAD TO LCC CRITERIA AND THE CONSTRUCTION OF GARAGES AND CREATION OF GARDEN AREAS ON LAND OFF DALE VIEW, BILLINGTON

PARISH COUNCIL: Objects to the application as it is a further erosion of the green space in Billington. They are concerned about the increased volume of traffic and the access to and from the site. They comment that the ratio of affordable housing is lower than expected, and that they are aware that the site has been liable to flooding in the past. It is also outside the settlement area.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): Has no objection on highway safety grounds to this proposal. The junction of Dale view and Whalley New Road was improved as part of the adjacent Redrow development some years ago and would comfortably be able to cope with the additional traffic generated by 10 new dwellings in addition to the 12 dwellings from previous application 3/2012/0065/P.

This is an outline planning application and details of the internal highway layout are at present described as indicative. However, it is assumed that the intention is for the highway infrastructure within the development site to be adopted by the Highway Authority, in which case an agreement under Section 38 of the Highways Act will be required between the developer and Lancashire County Council.

It should also be noted that Dale View has not yet been adopted by the Highway Authority.

ENVIRONMENT AGENCY: Has no objections to make in relation to this application.

UNITED UTILITIES:

No objections to the application subject to compliance with the following conditions:

- No development shall be commenced until a scheme for the disposal of foul and surface water waters have been approved in writing by the Local Planning Authority. Such a scheme to be constructed and completed in accordance with the approved plans.
- A public sewer crosses the site and United Utilities will not permit building over it. They will require an access strip width of 6m, 3m either side of the centre line of the sewer which is in accordance with their adopted standards.
- The site must be drained on a separate system with only foul drainage connected into the combined sewer. Surface waters should discharge to soakaways which may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system, United Utilities will require the flow to be attenuated to a maximum discharge rate of 5l/s.
- In accordance with the Technical Guidance for the National Planning Policy Framework surface water should not be allowed to discharge to foul/combined sewers as stated in the application. This is to prevent foul flooding and pollution of the environment.

ENVIRONMENT
DIRECTORATE
(FOOTPATHS):

Comment that a public footpath crosses the site and that this must not be diverted without a formal diversion order having first been made under the Town and Country Planning Act 1990.

LCC (COUNTY
CONTRIBUTIONS
OFFICER):

Comments that the application is being considered by the transport team, but details of any required contributions have yet to be verified. (In the separate consultation response from the County Surveyor, no request is made for any contribution towards sustainable transport measures).

In relation to education, the County Council's response seeks to draw the Borough Council's attention to impacts associated with the proposed development and proposes mitigation for these impacts through a planning obligation. The required contribution would be used in order to provide education places within a reasonable distance of the development (within 3 miles) for the children expected to live on the development.

The information available at the time of the consultation response was based upon the 2012 annual pupil census and resulting projections. Based upon the latest assessment, LCC would be seeking a contribution for 4 primary school places and 3 secondary school places. Calculated at present rates the requirement for primary places would amount to £11,635.65 x 4 places = £46,543. For secondary places, it would amount £17,532.74 x 3 places = £52,598.

The County Council comments that failure to secure these contributions would mean that they could not guarantee that children living on the development would be able to access a school place within a reasonable distance from their homes. They also comment that their response is based on the latest information available at the time of writing and that circumstances may change over time as other applications come forward. Consequently, their response might require re-evaluation if the determination of the application is delayed significantly.

ADDITIONAL
REPRESENTATIONS:

Eight letters have been received from seven nearby addresses. The objections contained in the letters are summarised as follows:

1. Objections were made to a previous outline application for 12 houses on an adjoining site. That application is minded to be approved following the completion of an appropriate Section 106 Agreement. A permission for this current application would exacerbate all the problems identified by neighbouring residents in relation to that previous application.
2. There are two underdeveloped areas on Dale View, one of which is in a very untidy condition. These areas should be developed before consideration is given to granting permission for further houses that would be further detrimental to the amenities of existing residents of Dale View.
3. Consider that the access to the site is substandard and dangerous due to poor visibility and topography.
4. The proposal would exacerbate existing flooding and drainage problems in the area.
5. Increased noise nuisance to existing residents as well as noise and dust from construction traffic..
6. Existing views over open fields would be lost.
7. The proposal is outside the settlement boundary and would result in the loss of prime agricultural land, trees and hedges and would have implications for wildlife such as bats, nesting birds and foxes etc. Brownfield sites should be developed in preference to this site.
8. The proposed terrace of 3 affordable properties is out of

- keeping with the high standard of properties in Dale View.
9. The problem of lack of school places would be exacerbated by this proposal.
 10. Developing the green space between Billington and Whalley will create one entity rather than the existing two distinct villages.
 11. Although the site has been identified in the SHLAA exercise as potentially suitable for development, the LDF has not yet been approved and the Council should not approve applications such as this until the LDF has been agreed. To do so would undermine the consultative approach underpinning the LDF.
 12. Four properties will directly overlook the garden of No 15 Dale View to the detriment of the privacy of that property.
 13. This proposed development and the development on the adjoining site is more dense than, and therefore out of keeping with the existing Dale View.

Proposal

The application seeks outline permission for the erection of a total of 10 dwellings comprising seven units for sale on the open market and three affordable units. One of the dwellings (Plot 10) is a substitute dwelling for Plot 1 of the planning application 3/2012/0065/P relating to an adjoining parcel of land. Therefore the actual number of new properties to be created by this current application is nine.

All matters except means of access are reserved for subsequent consideration although an indicative layout has been submitted with the application. This shows that Plots 1 – 4 will be a two-storey terrace of which Plots 1 – 3 would be affordable dwellings. Plots 5 and 6 will be a semi-detached pair and Plots 7 – 10 will be detached houses. Plot 1 and Plots 4 – 9 are all to be provided with garages. There will be at least two off-street parking spaces provided for every dwelling within the development.

The access into the site (for which permission is now being sought) is in the form of a single 4.5m wide access way directly off the existing highway of Dale View that will also serve the remaining 11 dwellings that are the subject of previous application 3/2012/0065/P.

Although only indicative at this stage, it is stated that the eaves of the properties would be no more than 5.05m and the ridge height no more than 8.075m; and that it is anticipated that the dwellings would be constructed from brickwork with tiled roofs to be in keeping with the existing Dale View development.

A public footpath crosses the site, but it is to be retained and its route will not be affected by the proposed development.

The proposal does not involve the provision of any public open space within the site. In common with the decision taken in relation to the adjoining site, however, it is considered appropriate in this case to require the payment of a sum towards the improvement of existing

local facilities (not restricted exclusively to the existing Billington Playground) in lieu of on-site open space provision.

Site Location

The application site, that has an area of approximately 1 acre, is presently vacant and overgrown, having last been used a number of years ago as allotment gardens. It is located to the north of the existing housing development on Dale View and to the northeast of the triangular shaped parcel of land that is the subject of planning application 3/2012/0065/P. To the west, the site is adjoined by undeveloped agricultural land.

The site is just outside the western settlement boundary of Billington.

Relevant History

There have been no previous applications relating to the application site, but an application relating to adjoining land is considered to be of relevance.

3/2012/0065/P – outline application (with all matters except ‘access’ reserved for subsequent consideration) for 12 houses including four affordable dwellings – deferred and delegated by Committee in May 2012 for approval following the satisfactory completion of a legal agreement.

Relevant Policies

Ribble Valley Districtwide Local Plan Adopted June 1998

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 ENV10 - Development Affecting Nature Conservation.
Policy ENV13 - Landscape Protection.
Policy H20 - Affordable Housing - Villages and Countryside.
Policy H21 - Affordable Housing - Information Needed.
Policy RT8 - Open Space Provision.

Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft

DS1 – Development Strategy.
EN3 – Sustainable Development and Climate Change.
EN4 – Biodiversity and Geodiversity.
H1 – Housing Provision.
H2 – Housing Balance.
H3 – Affordable Housing.
DMI1 – Planning Obligations.
DMI2 – Transport Considerations.
DMG1 – General Considerations.
DMG2 – Strategic Considerations.

DMG3 – Transport and Mobility.
DME2 – Landscape and Townscape Protection.
DME3 – Site and Species Protection and Conservation.
DME5 – Renewable Energy.
DME6 – Water Management.
DMH1 – Affordable Housing Criteria.
DMB4 – Open Space Provision.

North West of England Regional Spatial Strategy to 2021

Policy DP1 – Spatial Principles.
Policy DP2 – Promote Sustainable Communities.
Policy DP7 – Promote Environmental Quality.
Policy L4 – Regional Housing Provision.
Policy L5 – Affordable Housing.
National Planning Policy Framework.
Technical Guidance to the National Planning Policy Framework.
Addressing Housing Needs in Ribble Valley.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application are the principle of development, and the effects of the proposal upon visual amenity, the amenities of nearby residents, infrastructure provision, the ecology of the site and highway safety. These are broken down into the following sub-headings for ease of discussion.

Principle of Development

The starting point in relation to policy principles is the development plan. This has a number of elements at the current time - the RS (whilst soon to be abolished remains extant), the Districtwide Local Plan (Saved Policies) and the Regulation 22 Submission Draft of the Core Strategy.

The RS provides a position in relation to the housing requirements, affordable housing and the broad focus of development. Primarily, Policies L4 and L5 are significant policies in this case.

For decision making purposes, the Council has adopted the RS housing requirement pending its review through the preparation of the Core Strategy. The RS requirement of some 161 units per year against which the Council can demonstrate a 6.01 year supply at present. The Core Strategy seeks to plan for 200 units per year, however the scale of requirement has been subject to significant and extensive objections that remain to be resolved through the examination process and at this time, the Council attaches less weight to this element of the Core Strategy. However the Council can demonstrate a 5.12 year supply against this requirement. It should be borne in mind that whilst a five year supply can be demonstrated against both the RS and emerging Core Strategy requirements, these are not a maximum or ceiling and development needs to be considered against the principles established in NPPF around the presumption in favour of sustainable development with a judgement being made in relation to the weight to be attached to the key material considerations.

In terms of the saved Local Plan policies the site lies outside but immediately adjacent to the existing settlement boundary. However, it is recognised that the settlement strategy in the Districtwide Local Plan as a principle, is considered out of date in relation to both settlement boundaries and the development constraints that are set out. This is because that plan which was formed in the early 1990s and premised upon the relevant Lancashire Structure Plan policies applicable at that time, was established to control development, including housing growth against the strategic framework existing at that time. The Local Plan (adopted 1990) had its strategic basis superseded by the Regional Strategy in 2008 and has been the subject to a review process as a consequence of the Core Strategy and with the Council's current position reflected in the submission Core Strategy. For these reasons it is considered that the development principles must be considered out of date. That is not to say that the consideration of the impact of the development upon visual amenity and the character of the area should not be considered. However, the underlying principle of development falls now, given the outstanding objections to the emerging Core Strategy in respect of housing numbers and apportionment of growth, to be determined against the NPPF.

NPPF emphasises the need to base decisions on the development plan, unless material considerations indicate otherwise. The NPPF is clearly a material consideration as up to date national planning policy. The most significant material consideration is that of the presumption in favour of sustainable development. NPPF at paragraph 49 also highlights that housing applications should be considered in the context of that presumption.

The presumption confirms that where the relevant policies of a development plan are considered out of date granting permission unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework.

Located just outside the settlement boundary as it is, and being of a scale that is not considered inappropriate to the locality, it is concluded that the use of the site for residential development as a principle would be consistent with the National Planning Policy Framework and the extant Regional Strategy. It is also not considered that this development of only 10 houses would in any way undermine the Council's emerging Core Strategy. This conclusion in relation to the principle of this proposed development is consistent with the conclusion reached in relation to previous application 3/2012/0065/P for a development of 12 dwellings on an adjoining parcel of land.

A draft Section 106 Agreement has been submitted with the application to cover the matters of affordable housing and financial contributions. In relation to the former, the draft Agreement states that two of the affordable units would be shared ownership and one would be affordable rental. The Council's Strategic Housing Officer has confirmed that the house types are acceptable, but that the 'split' should be one shared ownership unit and two affordable rental units. Subject to this alteration, the proposal will satisfy the requirements of "Addressing Housing Need in Ribbles Valley – Housing Policy". The draft Agreement also undertakes to pay the financial contribution to education provision requested by the County Council.

Subject to the completion of an appropriate Section 106 Agreement it is considered that, in the current policy context, the proposed development is acceptable in principle.

Visual Amenity

Subject to appropriate design and external materials at reserved matters application stage, from the east the proposed dwellings would appear as an extension to the existing housing development at Dale View. From the west, the development would be visible from the A59, but it would be viewed against the existing Dale View development that is on higher ground. In this wider context it is not considered that the proposal would be detrimental to visual amenity.

Residential Amenity

The development will undoubtedly affect the outlook/view from a number of existing properties on Dale View. That, however, would not represent a sustainable reason for refusal of the application.

Although the submitted layout is for illustrative purposes only, it is evident that the development will be able to satisfy the usually applicable privacy distances between the proposed dwellings and existing adjoining dwellings. The matter of protecting the amenities of nearby residents will, of course, be fully and properly addressed at reserved matters application stage.

Ecology of the Site

An Ecological Survey Report submitted with the application has the following three conclusions:

1. The site supports habitat of some, albeit limited, value to wildlife.
2. There is likely to be use of the site by bat species for foraging.
3. The site is deemed to have high potential for use by nesting birds.

The Countryside Officer has studied the report and has no objections to the application subject to conditions relating to appropriate protection/mitigation measures.

Highway Safety

Permission is sought at this stage only for means of access into the site. The County Surveyor has expressed no objections to the means of access as detailed in the application.

Observations of United Utilities

The consultation response from United Utilities is referred to in detail earlier in this report.

There is reference to a public sewer crossing the site and the requirement for a 6m access strip for maintenance.

The retention of the sewer in its existing location would have serious implications for the layout of the dwellings within the site.

Previous application 3/2012/0065/P, in addition to the proposed 12 dwellings, also included the erection of a new foul water pumping station adjoining the site of that housing development, following the demolition of the existing pumping station.

The applicant's agent has commented in response to the observations of United Utilities on this current application, that the public sewer that crosses the site will be diverted around the site as

part of the overall works involved in the provision of the new foul water pumping station. This matter can be covered by appropriate conditions and informative notes in the event that outline permission is granted in relation to this application.

Section 106 Agreement Content

Following an appropriate amendment to the submitted draft, the Agreement will cover the provision and retention in perpetuity of three affordable housing units (one shared ownership and two affordable rental) and the payment by the applicant of £99,141 towards the provision of primary and secondary education.

As previously stated, the proposal does not include the provision of any public open space within the site, but that a contribution is to be sought towards the improvement of existing local facilities (not restricted exclusively to the existing Billington playground) in lieu of on-site open space provision.

On a number of previous applications elsewhere in the Borough, the sum of £781 per property is being requested in similar circumstances. In accordance with that precedent, the Section 106 Agreement relating to application 3/2012/0065/P includes a request for 12 x £781 = £9,372. As one of the twelve dwellings in that application has been lost to become part of this current application (giving a total of 21 dwellings over the two applications) the request on this current application shall be for 9 x £781 = £7,029.

Conclusion

Subject to a prior appropriate Section 106 Agreement, the proposed development is considered to be acceptable in principle, when considered in relation to the relevant saved policies of the Local Plan and the sustainability requirements of the National Planning Policy Framework.

The proposed development is acceptable in principle and would not have any seriously detrimental effects upon visual amenity, the ecology of the site, the amenities of nearby residents or highway safety.

SUMMARY OF REASONS FOR APPROVAL

The proposed development is acceptable in principle and would not have any seriously detrimental effects upon visual amenity, the ecology of the site, the amenities of nearby residents and 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 the 'Section 106 Agreement Content' 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. Detailed plans indicating the design and external appearance of the buildings, landscape and boundary treatment, parking and manoeuvring arrangements of vehicles, including a contoured site plan showing existing features, the proposed slab floor level and road level (called the reserved matters) shall be submitted to and approved by the Local Planning Authority before development commences.

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

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

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

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

REASON: In order to encourage renewable energy and to comply with Policy EM18 of the North West England Regional Spatial Strategy 2021.

5. Prior to the commencement of the development hereby permitted in outline, a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall show the drainage of the site on a separate system with only foul drainage connected into the combined sewer with surface water discharging to the soakaway watercourse. The scheme shall be constructed and completed in accordance with the approved details.

REASON: To ensure satisfactory drainage of the site and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. The submission of reserved matters in respect of scale and appearance, and the subsequent implementation of the development, shall be carried out in substantial accordance with the Design and Access Statement submitted with the application.

REASON: For the avoidance of doubt to determine the scope of the outline permission.

7. No scrub clearance shall take place during the optimum breeding/nesting period February to September until a bird survey has been carried out, by a suitably qualified ecologist, to establish the presence of common breeding birds/bird species as identified on the RSPB register of birds of conservation concern/East Lancashire Ornithological data base.

REASON: To protect species protected in law/of conservation concern against harmful activities of development in order to comply with Policy ENV7 of the Ribble Valley

Districtwide Local Plan and Policy DME3 of the of the Core Strategy 2008-2028- A Local Plan for Ribble Valley Regulation 22 Submission Draft.

8. The development hereby permitted shall not be commenced until details of the landscaping of the site, species mix, plant type and density have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall incorporate new tree lines and hedgerows as well as shrub areas.

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 that 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. and Policy DMG1 of the Core Strategy 2008-2028- A Local Plan for Ribble Valley Regulation 22 Submission Draft.

NOTE(S):

1. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act. Footpath no's 40 and 41 in the Parish of Billington affect the site.
2. The applicant is advised that a public sewer crosses the site and that, in the event that this is to be retained in its existing position, United Utilities would require a 6m wide access strip, 3m either side of the centre line. This is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption". Any alternative proposal to divert the public sewer should be the subject of discussion/agreement between the applicant/developer and United Utilities.

APPLICATION NO: 3/2012/0785/P (GRID REF: SD 375444 443028)
OUTLINE APPLICATION WHICH INCLUDES DEMOLITION AND PART DEMOLITION OF EXISTING HOSPITAL AND ENABLING RESIDENTIAL DEVELOPMENT AT CLITHEROE HOSPITAL, CHATBURN ROAD, CLITHEROE

TOWN COUNCIL: No objections.
No observations received at the time of report preparation. Previously raised no objection.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): My comments refer to an Outline Planning Application with all matters reserved for future determination. This Application is for a development of up to 57 residential dwellings following the demolition of the present Community Hospital.

The following comments relate to the Transport Assessment (dated August 2012) prepared by Royal Haskoning UK and the Design and Access Statement (July 2012) prepared by Nightingale Associates on behalf of the Eric Wright Group.

Lancashire County Council is responsible for providing and maintaining a safe and reliable highway network. With this in mind the present and proposed traffic systems have been considered in and around the area of the proposed development.

I have no objection in principle to this application on highway safety grounds. However, as all matters are reserved at this time, I will comment more fully on the specific highway implications and impacts as and when appropriate.

However, it may be prudent to comment on some details provided in the supporting documentation and the illustrative master plan at this time.

1. In Section 1.1.5 of the Transport Statement the timing of the future development of the existing Community Hospital site is made clear;

"Further to the opening of the proposed Community Hospital (Application 3/12/0786) it is proposed that the existing Clitheroe Hospital would be demolished."

2. The specifications for the construction and design of the vehicular access and pedestrian footways will be considered in detail with the future consideration of Reserved Matters.

I will provide comprehensive comments on the specific highway implications and impacts of this proposal, as and when appropriate.

It is the statutory role of the Highway Authority to consider the highways impacts of a proposed development and their longer-term sustainability in relation to the local highway network. In this instance, the proposed use of this site and the scale of development do not recommend, or provide an opportunity for, further detailed comments at this time.

I will request that the production of a Full Travel Plan be made a condition of planning approval. The Travel Plan should include an element of co-ordination between the various elements and should adhere to the following timescales and content –

- * Travel Plan Co-ordinator appointed and LCC's Travel Plan Advisers informed of contact details at least 1 month prior to 1st occupation of the proposed development.
- * Travel survey(s) undertaken within 3 months of occupation of the proposed development (for residential element - within 3 months of reaching 50% occupation)
- * The Full Travel Plan submitted to the Planning authority within 6 months of the first travel survey.

In addition to the elements already outlined above for the Framework Travel Plan (which should be developed to provide further detail), the Full Travel Plan should also include the following as a minimum -

- * Details of the appointed Travel Plan Co-ordinator(s)
- * Details of resident's and employee travel surveys
- * SMART Targets for non-car modes of travel
- * Action plan of measures to be introduced and appropriate funding

A contribution of £6,000 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). This could include -

- * Provision of leaflets and maps for the Welcome packs
- * Design travel survey and analyse results
- * Advice and Guidance on Travel Plan development
- * Support meetings
- * Access to Lancashire's Car sharing website
- * Monitoring the development of the Plan

LANCASHIRE COUNTY
COUNCIL (EDUCATION):

Concludes that based on latest projections, no contribution requirement for primary places but dependent on whether other schemes come forward may require up to £250,000. The full response is as follows:

**Clitheroe Hospital, Ribble Valley BC Development
Education Assessment 16th November 2012**

Development details: 50 dwellings

Primary place requirement: 20 places

Secondary place requirement: 14 places

Local primary schools within 2 miles of development:

CLITHEROE PENDLE PRIMARY SCHOOL
CLITHEROE BROOKSIDE PRIMARY SCHOOL
ST MICHAEL AND ST JOHN'S RC PRIMARY CLITHEROE
CHATBURN CHURCH OF ENGLAND PRIMARY SCHOOL
ST JAMES' CHURCH OF ENGLAND PRIMARY CLITHEROE
WADDINGTON AND WEST BRADFORD COFE VA PRIMARY
CLITHEROE EDISFORD PRIMARY SCHOOL
GRINDLETON CHURCH OF ENGLAND VA PRIMARY

Projected places in 5 years: 73

Local Secondary schools within 3 miles of the development:

CLITHEROE GRAMMAR ACADEMY
RIBBLESDALE HIGH SCHOOL/TECHNOLOGY COLLEGE
BOWLAND ACADEMY

Projected places in 5 years: 84

Education requirement:

Primary

*Latest projections*¹ for the local primary schools show there to be approximately 73 places available in 5 years' time. With an expected pupil yield of 20 pupils from this development, we would not be seeking a contribution from the developer in respect of primary places.

Secondary

*Latest projections*¹ for the local secondary schools show there to be approximately 84 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 a planning application has already been approved in this area and has an effect upon the places available. This development is Victoria Mill.

Therefore, the number of remaining places would be 84 less 8 = 76 places. With an expected pupil yield of 14 pupils from this development, it is expected that there would not be a shortage of 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:

- Land Adjacent to Greenfield Site
- Lawsonsteads
- Littlemoor, Clitheroe
- South West of Barrow and West of Whalley
- Kingsmill Avenue

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 112 pupils.

Therefore, the number of remaining places would be 76 less 112 = -36 places. With an expected pupil yield of 14 pupils from this development, it is expected that there would be a shortage of 50 places.

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 2012 annual pupil census and resulting projections.

If any of the pending applications listed above are approved prior to a decision being made on this development the claim for secondary school provision could increase up to maximum of 14 places.

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

Secondary places:

$(£18,469 \times 0.9) \times \text{BCIS Indexation (310.60 April 2012 / 288.4 Q4 2008 = 1.076976)}$
= £17,901.60 per place
£17,901.60 x 14 places = **£250,622**

ENVIRONMENT AGENCY: No objection subject to technical conditions reducing the likelihood of flooding.

UNITED UTILITIES: No objection subject to technical conditions.

**ADDITIONAL
REPRESENTATIONS:**

One letter of support has been submitted from the Clitheroe Civic Society who recognise that the scheme now retains an important element of the existing hospital frontage. Request that this forms part of any subsequent reserved matters application.

Proposal

This application is an outline submission for residential development yet includes a layout as an indicative scheme. The proposed residential site is approximately 2 hectares but the application as submitted is outline in its submission. The proposed illustrative plan includes 57 residential units which show 39 houses with a range of mixture of detached, semi detached and town houses and 18 apartments.

The proposed development comprises a mixture of 2, 3 and 4 bedroomed detached and semi detached and terraced houses as well apartments ranging from 2½ to 3 storey height. The parameters of the building in the illustrative drawings range from a maximum upper height of 10.5m to 9m in height. The illustrative layout shows a mixture of terraced blocks and semi detached properties, as well as detached units and shows the retention of the main frontage of the main hospital block with the height of that building of 9.7m.

Although the application is entirely in outline, the details show that access would be from Chatburn Road utilising the existing western access road to the hospital and there would be some need for minor junction improvements for sight lines at this entrance. The mature trees and lawns are to be retained as public open space. No details have been submitted as to the purpose of the space and there is no formal play area.

Site Location

The site which has an area of possibly 2 hectares comprises the existing hospital buildings with the adjacent tarmac parking areas with surrounding areas of lawn bounded by existing hedges and mature trees. The site is on the south side of Chatburn Road and joined to the west by open fields and to the north of the site is the subject of the hospital application and the east is Deanfield Industrial Estate. The site is within the settlement boundary of Clitheroe as defined in the adopted Local Plan.

Relevant History

3/2008/0877/P – new health facilities. Approved with conditions.

3/2008/0878/P – outline application for residential development. Refused.

Relevant Policies

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy ENV7 - Species Protection.

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

Policy H21 - Affordable Housing - Information Needed.

RSS – DP1 – Spatial Principles.

RSS – DP7 – Environmental Quality.

Policy L1 – Health, Sport, Recreation Cultural and Education Services.
RSS – L4 – Regional Housing Provision.
RSS – L5 – Affordable Housing.
RSS – EM18 – Decentralised Energy Supply.
National Planning Policy Framework.
Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.
Policy DS1 – Development Strategy.
Policy ENV3 - Development in Open Countryside.
Policy ENV5 - Protected Open Land.
Policy H1 - Housing Sites.
Policy H2 - Dwellings in the Open Countryside.
Policy H3 - Agricultural Workers Dwellings.
Policy DMI01 – Planning Obligations.
Policy DMI2 – Transport Considerations.
Policy DMG1 – General Considerations.
Policy DMG2 – Strategic Considerations.
Policy DMG3 – Transport and Mobility.
Policy DME2 – Landscape and Townscape Protection.
Policy DME4 – Protecting Heritage Assets.
Policy DME5 – Renewable Energy.
Policy DMH1 – Affordable Housing Criteria.
Policy DMB4 – Open Space Provision.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application are the principle of a development, highway safety, nature conservation interests and historic building interest, visual and residential and amenity.

The Principle of Development

The starting point in relation to policy principles is the development plan. This has two elements, the Regional Strategy, which is expected to be abolished but still remains extant, the Districtwide Local Plan, Saved Policies as well as policies in the Core Strategy Regulation 22 Submission Draft, finally the policies published in the NPPF.

The Regional Strategy provides a position statement in relation to housing requirements, affordable housing and a settlement strategy. The main policies that are relevant are L4 – Regional Housing Provision and L5 – Affordable Housing. There are also some relevant policies in relation to renewable energy.

The Council has adopted the RS housing requirements pending its review to the preparation of the Core Strategy. The RS requirement plans for some 161 units per year and currently the Council can demonstrate a housing supply of approximately 6 years. Members will be aware that Core Strategy seeks to plan for 200 units but the scale of this requirement has been such a significant and extensive objections which remain to be resolved through the examination process, so significantly less weight must be given to the element of the Core Strategy. Notwithstanding this point it can still demonstrate a housing supply of 5.12 against this requirement. Members will be aware that this figure is not a maximum or ceiling and development still needs to be considered against the principles established in the National Planning Policy Framework around the presumption in favour of sustainable development. It is

therefore important to have regard to the location of this development in relation to the settlement of Clitheroe.

In terms of the saved Local Plan Policies in general terms the site is within the existing settlement boundary of Clitheroe though it is on the outskirts. It is situated on a main bus route and within walking distance of the Town Centre. In my opinion the use of the site for housing therefore represents a sustainable form of development. The site would also contribute to the supply of housing including affordable provision and market choice. It is consistent with Policies of NPPF to proactive and support economic growth. The impact upon overall housing supply the development strategy would not be so significant to the overall provision and to cause harm to the submission of the Core Strategy.

Affordable Housing

In considering the affordable element of the proposal it is important to have regard to Policies H19 and H21 of the Districtwide Plan and the Council's document entitled Addressing Housing Need.

The scheme is submitted with 30% of the site being officered as affordable units. The scheme has been considered by the Strategy Housing Group who are satisfied with the broad principle of the development. Notwithstanding this point the exact details would be finalised in any legal agreement. Request Section 106 altered to including phasing and state tenure with preference of 7 apartments, 10 properties of a mix of 2 and 3 beds, tenure a mix of 9 affordable rent and 8 shared ownership.

Highway Safety

The County Surveyor has no fundamental objection to the scheme in principle on highway safety grounds and an application is on outline schemes would comment at reserved matters stage.

Public Open Space

The application does not include any formal details other than open areas to the front of the site. It is a consideration of the Council's advice on public open space that some formal provision should be included within the site as well as a financial contribution of £40,000 for off-site work. This would either form part of the legal agreement and a future detailed planning application as a reserved matters detail.

Having regard to the above I am of the opinion that the requirements of Policy RT8 can be met with a contribution towards open space provision.

Infrastructure Provision

Members will note that there have been initial objections from the Environment Agency to the inadequacy of the flood risk assessment.

A revised assessment has been submitted and which has overcome any objections. In respect of education provision, Committee will note the comments from colleagues at Lancashire County Council regarding the matter and to the consultee response. The scheme of this size will result in a claim of nil contribution towards primary place and £250,000 towards secondary

provision. This requirement is the worst case scenario and based on other schemes, some of which have been appointed and some pending do not come forward. The applicants are fully aware of the contribution sought and although accepts the principle of make a payment to reflect legitimate education requirements do have concerns that this would render the scheme less viable and as they have indicated albeit it is not a formal submission, the revenues gained from this application would help support the funding of the application for the new hospital which is also at Planning Committee for determination. However no viability assessment has been submitted so it is difficult to clarify the specific issues.

Nature Conservation and Historic Buildings

Although the application is in outline the Countryside Officer remains satisfied with the ecology report and subject to adequate conditions regarding root protections of the existing trees has no objection to the proposal. Members may be aware that one of the issues of the previous housing scheme was that the whole of the hospital was to be demolished. This current application indicates partial demolition and retention of front façade of the hospital. As the application is only outline it would be important to condition that any reserved matters application should incorporate retention of the front façade and the near building of the hospital to be retained.

Residential Amenity

The proposal is a considerable distance away from any residential properties and as such would have no impact. Its relationship to the adjacent industrial park could be seen as an issue but the noise assessment report has been submitted which details no significant concerns. It is also noted that there is landscaping and garden areas at the rear which would help to safeguard any possible noise complaints from proposed occupiers in relation to industrial development at Deanfield Park.

Section 106 Agreement

The applicant has submitted a draft legal agreement that covers matters of affordable housing provision, highway contributions, public open space and education. To clarify to Members the Section 106 Agreement will stipulate the following:

1. Affordable Housing – The total number of units to be 17 with a mix of 3 bed and 3 bed apartments and properties. 9 affordable rent and 8 shared ownership.
2. Education – A contribution of up to £250,000.
3. Highways – Contribution of £6,000 towards travel plan contribution.
4. Open Space – Request that a contribution be made towards off-site contribution of £40,000.

SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detriment on nearby residential amenity nor would it have an adverse impact highway safety.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Community Services for approval subject to satisfactory completion of a legal agreement with a

period of 6 months from the date of this decision) as outlined in paragraphs numbered 1-4 under Section 106 Agreement sub-heading with this report and subject to the following conditions:

In the event that the Inspector is minded to allow the appeal the Council requests that the following conditions be imposed:

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 and Policy DMG1 of the Regulation 22 Draft Submission Core Strategy.

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, details of public open space, provision and equipment, 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 Policy DMG1 of the Regulation 22 Draft Submission Core Strategy 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 illustrative plan reference, AR/WS1XX/PL/100/007A which includes the retention of the main hospital building.

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

4. No part of the dev hereby approved shall commence until a scheme for the access and the off-site highway improvements have been submitted to and approved in writing by the Local Planning Authority.

REASON: To comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMI2 of the Regulation 22 Draft Submission Core Strategy 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. 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 and Policy DMG1 of the Regulation 22 Draft Submission Core Strategy.

6. 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 and Policies DMG1 and DME6 of the Regulation 22 Draft Submission Core Strategy to reduce the increased risk of flooding.

7. 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 and Policy DMG1 of the Regulation 22 Draft Submission Core Strategy to ensure that any required remediation strategy will not cause pollution of ground and surface waters both on and off site

8. 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 Policy EM18 of the North West of England Regional Spatial Strategy to 2021 and Policy DME5 of the Regulation 22 Draft Submission Core Strategy.

9. 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 and to enhance nesting/roosting opportunities for bird species of conservation concern and reduce the impact of development in accordance with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and EN4 of the Regulation 22 Draft Submission Core Strategy.

10. 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 DMG1, EN4 and DME3 of the Regulation 22 Draft Submission Core Strategy.

11. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified on any Tree Constraints Plan and in the Arboricultural Constraints Appraisal dated 21 July 2008 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 without prior written consent, which will only be granted when the local authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by 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 and Policy DMG1 of the Regulation 22 Draft Submission Core Strategy.

12. 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 and Policy DMG1 of the Regulation 22 Draft Submission Core Strategy.

13. 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 EM18 of the North West of England Regional Spatial Strategy to 2021 and Policy DME5 of the Regulation 22 Draft Submission Core Strategy.

14. 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 and Policies DMG1 and DME6 of the Regulation 22 Draft Submission Core Strategy.

15. The development shall not begin until a scheme for the provision of over 55's housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The housing shall be provided in accordance with the approved scheme and shall include:

- i. the numbers, type, tenure and location on the site of the housing provision to be made which shall consist of not less than 15% of the total housing units on the site;
- ii. the timing of the construction of the over 55's housing and its phasing in relation to occupancy of the remainder of the housing units on site;

- iii. the occupancy criteria to be used for determining the identity of occupiers of the affordable over 55's housing and means by which such occupancy criteria shall be enforced.

REASON: In accordance with Policies H19 and H21 of the Ribble Valley Districtwide Local Plan. Policy DBH1 of the Regulation 22 Submission Draft of the Core Strategy and the Council's Addressing Housing Needs document.

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 Oliver Starkey, Public Realm Manager, Lancashire County Council, Willows Lane, Accrington, BB5 0RT (01254 770960).
2. 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.

APPLICATION NO: 3/2012/0786/P (GRID REF: SD 375535 443062)
PROPOSED ERECTION OF TWO STOREY COMMUNITY HOSPITAL INCLUDING ACCESS
PARKING AND INFRASTRUCTURE WORKS AS WELL AS BOUNDARY TREATMENT AND
LANDSCAPING AT LAND ADJACENT TO CLITHEROE HOSPITAL, CHATBURN ROAD,
CLITHEROE

TOWN COUNCIL:	No objections
ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):	No objections on highway safety grounds. Request contributions of £6,000 towards travel plan and £85,000 towards sustainable transport contributions. Also advise it may be beneficial to have a TRO.
UNITED UTILITIES:	No objections subject to conditions.
ENVIRONMENT AGENCY:	Initially objected to the original scheme but following re-consultation raise no objections subject to compliance of the FRA and limiting the surface water run-off generated by 1.100 critical storm so that it will not exceed the run-off from the undeveloped site.
PLANNING OBLIGATIONS:	Raise no objection subject to conditions relating to travel plan co-ordination contributions.

ADDITIONAL REPRESENTATIONS:

One letter has been received which raises concern regarding accessibility issues as the scheme does not provide integration with the bus service, provision of taxi points or drop off facilities or secure cycle storage. One further letter which questions the energy statement in relation to viability of bioman schemes to utilise renewable energy.

Proposal

This application is for a new community hospital on land adjacent to the existing hospital which itself is subject to a separate application for redevelopment for housing which also includes part of demolition of the hospital. Although this application can be considered on its own merits, the application submitted under 3/2012/0785/P is regarded as enabling development by the applicant.

This scheme is a revision following previous approval for a three-storey hospital of approximately 6,000m² floor space and is a smaller scheme of approximately 4,000m² in a similar location. The main access to the hospital site for visitors would be from Chatburn Road and would be located near the existing northern most access of the hospital site. There is to be a vehicular access point also from Pimlico Road, which would serve service vehicles and ambulances and other delivery vehicles. The main hospital building itself and is predominantly two storey with a lean-to sloping roof. The maximum height of the building is approximately 10m and would be designed of a mixture of stone and render with timber detailing. The building has various distinct separate wings or blocks to the scheme so would not be seen as a solid mass and is therefore sufficient relief in the design so as to represent a reasonable visual appearance.

The car parking area is at the rear of the building and would be effectively screened by the building itself. The scheme seeks to retain trees where possible and a detailed arboricultural report has been submitted which shows retention of hedgerows of trees. In relation to parking there is a provision of 66 parking spaces which incorporates a range of accessible car parking spaces.

The proposal provides a mixture of facilities in relation to the hospital and the detailed plan shows a range of treatment rooms, physio gyms, rehabilitation areas, dental surgeries, consulting rooms and treatment rooms, as well as office facilities for the hospital and bedroom spaces which are located on the first floor which include a mixture of individual rooms as well as small wards. In total the hospital provide for 33 bedrooms.

Site Location

The site is located adjacent to the existing hospital as the road front is onto Chatburn Road and Pimlico Link Road. To the north of the site is Deanfield Industrial Park. The is within the settlement boundary of Clitheroe approximately 1.5km from the centre of Clitheroe. The existing nature of the land is agricultural.

Relevant History

3/2008/0877/P – New health facility. Approved with conditions.

Relevant Policies

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy ENV24 - Renewable Energy.

Policy T2 - Road Hierarchy.

RSS DEP1 – Spatial Principles.

RSS DEP7 – Environmental Quality.

RSS Policy L1 – Health Sport Recreation Culture and Education Services.

National Planning Policy Framework (NPPF).

Policy ENV13 - Landscape Protection.

Core Strategy 2008/2028 Local Plan for Ribble Valley – Regulation 22 Submission Draft

DS1 – Development Strategy.

EN3 – Sustainable Development and Climate Change.

DM12 – Transport Considerations.

DMG1 – General Considerations.

DMG3 – Transport and Mobility.

DME5 – Renewable Energy.

Environmental, AONB, Human Rights and Other Issues

The key issues that need to be considered in the determination of this proposal relate to the appropriateness of the location for the facility, highway safety, landscape and visual impact as well as any residential amenity issues.

Residential Amenity

I am satisfied as the proposed building is a significant distance from any existing dwellings that the proposal will not have any impact on amenity issues such as loss of light.

Highway Safety and Other infrastructure matters

It is clear from the consultation response for the proposal that the proposal would cause no significant harm to highway safety. The proposed visibility splay to the various junction points in accordance with the relevant guidelines.

In relation to trip generation regard is to be given to the fact that the existing hospital is in a similar location and although there may be some change in vehicular movements, the road capacity is sufficient to accommodate any additional traffic movements. I am mindful that the proposal is divorced from the main centre of Clitheroe but it is considered that the various inclusions of travel plans would help ameliorate any impact due to its locational position. Furthermore Members will be aware that a detailed consent was granted in 2009 which involved a large facility and as such I consider that regard should be given to the previous consent.

Locational Issues

In examining location issues it is important to have regard that the existing hospital is in the same proximity as well as the previous consent. It may be the case that a preferred site would be in a more central location but this application needs to be considered accordingly.

The scheme seeks to broaden a range of services that are currently undertaken at the existing hospital and the new location would allow facilities for more modern equipment.

The site is within the existing boundary of Clitheroe and well served by buses and easily accessed by private vehicles and as such the location of a new building complies with relevant local, regional and national planning policies.

Landscape and Visual Impact

The proposal has been the subject of a detailed arboricultural report and the subject of discussion with the Council's Countryside Officer. The building has been located to minimise any tree loss and the existing hedgerows on road frontages have been retained to soften the impact of the building. There is some additional planting on the Chatburn Road frontage as well as within the site.

The proposed building is now of a reduced height compared to the previous approved scheme and although it will be visible I am of the opinion that it has been designed in a way that the bulk of the building the impact is reduced.

The bulk of the building has been broken up with the use of a mixture of materials incorporating stone, render and glass as well as various roof pitches to give a visual relief of the main building.

Other Issues

I note the concerns of the objector but consider that the proposed transport plan would help reduce the impact of its relative isolation. In relation to other issues, I consider that technical conditions can overcome the detailed concern.

Section 106 Agreement

Lancashire County Council have requested £6,000 towards travel contributions and £85,000 for sustainable travel measures.

Although no Section 106 Agreement has been submitted with this application it is necessary to incorporate details of the £6,000 contribution in relation to the travel plan which LCC have requested. In this instance and to ensure a speedy decision I consider this request can be incorporated on a condition

SUMMARY OF REASONS FOR APPROVAL

The proposal represents an appropriate form of development but would not adversely affect the visual, highway safety or residential amenities.

RECOMMENDATION: That the application be DEFERRED AND DELEGATED to the Director of Community Services for the satisfactory completion of a Section 106 Agreement (within 6 months of the date of this decision) covering the issue raised under the Section 106 heading above and 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 development as shown on plans reference: AR/WS/XX/PL/100/0001/A Location Plan, AR/WS/XX/PL/110/005/P Illustrative Site Plan, AR/WS/XX/PL/100/004/B Site Plan, AR/WS/XX/EL/251/001/B Elevations, AR/XX/001/EL/251/019/A Elevations of External Buildings, AR/XX/01/PL/208/001/E Floor Plan, AR/XX/01/PL/208/001/F Floor Plan, AR/XX/RS/PL/240/001/E Roof Plan, AR/WS/XX/SE/251/001/B Section Plan and AR/WS/XX/SE/251/001/B Section Plan.

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 and DMG1 of Regulation 22 Draft Submission Core Strategy.

4. The development hereby permitted shall be in accordance with the landscaping scheme and arboricultural report submitted with the application.

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

REASON: In the interests of the amenity of the area and to comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of Regulation 22 Draft Submission Core Strategy.

5. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works or highway improvement has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall be implemented in accordance with a timescale agreed by the Local Planning Authority.

REASON: In the interest of highway safety and to comply with Policy G1 and T1 of the Districtwide Local Plan.

6. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources. Details and a timetable of how this is to be achieved including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to encourage renewable energy and comply with national guidance on climate change and Policy EM18 of the North West of England Regional Spatial Strategy to 2021 and Policy DME5 of Regulation 22 Draft Submission Core Strategy.

7. 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: In order to encourage sustainable transport and to comply with Policy G1 of the Districtwide Local Plan.

8. Prior to the commencement of development, details of a scheme for the diversion of the culverted watercourse flowing through the site shall be submitted to and approved by the Local Planning Authority. Such details shall demonstrate that there will be no built development over the diverted watercourse and shall include the route, size, materials, depth, levels and method of construction. The works shall be constructed and completed in accordance with the approved plans.

REASON: To ensure a satisfactory form of development and in the interests of land drainage in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

9. The concrete tank structures identified in the Phase 1 Desk Study undertaken by Ian Farmer Associated for Clitheroe Hospital, Clitheroe (June 2008; reference 40370) represent potential sources of contamination that have not been considered in the site investigation. If, during development, contamination associated with these tanks not previously identified is found to be present 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 amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the development complies with approved details in the interests of the protection of controlled waters in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

10. 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: To ensure that the development complies with approved details in the interests of the protection of controlled waters in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

11. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the Arboricultural Survey, dated the 21st July 2008 [trees T1 – T94/G1-G6 & H1-H3 inclusive] 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 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/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/exclusion 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 is 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 potential adverse affects of development.

In order to comply with planning policies G1, ENV13 of the District Wide Local Plan and Policies DMG1 and DMG3 of Regulation 22 Submission Draft of the Core Strategy.

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

12. No demolition or development shall take place until a protected species survey [bats] has been carried out during the optimum period of May to September in accordance with the Bat

Conservation Trust Bat Surveys Good Practice Guidelines. The results of the updated survey shall be submitted to the Local Planning Authority Countryside Officer and Natural England.

If such a use by a protected species of any part of the land or any buildings included in the planning permission granted is established, a mitigation scheme including appropriate protected species license details shall be submitted to and agreed in writing by Natural England & the Local Planning Authority Countryside Officer before any work commences on the approved Development including the demolition of buildings..

The actions, methods & timings included in the mitigation measures identified and the conditions of any Natural England License shall be fully implemented and adhered to. In the event that any bats are found, disturbed or harmed during any part of the development work, work shall cease until further advice has been sought from a licensed ecologist.

REASON: To ensure that there are no adverse affects on the favourable conservation status of a protected species – bats. To protect the bat population from damaging activities and reduce or remove the impact of development and to comply with Policies G1 and ENV7 of the Districtwide Local Plan and Policy ENV4 of Regulation 22 Submission Draft of the Core Strategy.

E APPLICATIONS IN 'OTHER' CATEGORIES

APPLICATION NO: 3/2012/0940/P (GRID REF: SD 375793 444047)
PROPOSED VARIATION TO CONDITION 13 OF PLANNING PERMISSIONS
3/96/0772/0773/0774 TO ALLOW PART OF LANEHEAD QUARRY TO BE DEEPEMED TO
MINUS 31 METRES AOD (ABOVE ORDNANCE DATUM)

Proposal

This application was submitted to Lancashire County Council on the 23 October 2012 by Hanson Quarry Products Europe Ltd (Hanson) and relates to Lanehead Quarry, Chatburn, Clitheroe. The quarry is a single, large limestone quarry situated on the north side of the A59 approximately 3km east of Clitheroe, and the limestone is primarily used in the manufacture of cement at Hanson's adjoining Ribblesdale Cement Works. Cement has been manufactured at Ribblesdale since the 1930s, and this site is one of the largest employers within the Ribble Valley.

Hanson Cement is seeking to work approximately 8mt of additional high grade limestone reserves below the existing, permitted limit of 17m AOD, to -31m AOD; it is not seeking to vary the permitted operations in any other way. It should be noted that Tarmac's adjacent and adjoining Bankfield Quarry has consent to -50m.

The stone reserves in Lanehead are split into two bedding planes referred to as high and low grade materials, reflecting their respective chemistry. Due to the geology on site, further reserves of the high-grade stone can only be extracted by working at a greater depth. It is estimated that the remaining, permitted, high grade reserves in Lanehead are sufficient for up to 8 years, however if this permission is approved, it is likely that the total life of Lanehead Quarry will be increased to around 13 years.

Issues

In assessing this proposal the main issues relates to noise and dust considerations that may result from this development and how it would impinge on residential amenities. It is also relevant to have regard to employment issues and the safeguarding of the mineral reserves. It is clear that this proposal would go some way in securing the future development of the site and therefore help to safeguard employment.

In order to assess noise and dust issues I have sought the views and advice of the Council's Environmental Health Services Manager have been sought in relation to the proposal.

He advises that he can see no objection in principle to the application as it mirrors the depth of the permission granted for the adjacent Bankfield Quarry operated by Tarmac. Indeed, given the strategic importance of this site the Council should seek to support the retention and growth of the site, where possible, providing there are of course no significant impacts upon the amenity of the occupiers of the surrounding residential properties. On this basis, the Council's Head of Environmental Services recommends that Lancashire County Council be asked to consider in detail the following:

- *The surface finish and dust suppression of the proposed haul road @ approx 29m AOD to be created on benching to/from Bellman Quarry.*

- *All vehicles operating on site/in the quarry shall be fitted with 'white noise' reversing safety systems.*

It is understood that once the new Bellman haul road is operational, it will result in considerably bigger vehicles (70 tonnes rather than present 20 tonners) travelling to and from Bellman with probably +70 vehicle movements per day. If the haul road is left as limestone it will result in the surface degeneration to limestone flour with the likely generation and release of dust problems including PM10/2.5's (particles that can be inhaled by humans), rapid pot holing and percussion noise of body slap from movement of empty vehicles, which is likely to be impact beyond the site boundary. It is recommended that the haul road be required to be a maintained metalled surface and for suitable permanent water suppression system to be required along its length.

RECOMMENDATION

Advise Lancashire County Council that whilst there are no objections in principle and the following matters should be considered:

- *The surface finish and dust suppression of the proposed haul road @ approx 29m AOD to be created on benching to/from Bellman Quarry.*
- *All vehicles operating on site/in the quarry shall be fitted with 'white noise' reversing safety systems.*
- *The haul road be required to be a maintained metalled surface and for suitable permanent water suppression system to be required along its length.*

APPLICATION NO: 3/2012/0945/P (LBC) (GRID REF: SD 374275 441545)
 TO STRIP AND REMOVE ALL FIXTURES AND FITTINGS FROM WOONE LANE TOILETS.
 BLOCK UP THE ENTRANCES TO THE FEMALE CUBICLES AND TO THE MALE TOILETS.
 TO INFILL THE FOOTPRINT OF THE STRUCTURES WITH SOIL, TO COMPACT DOWN,
 AND MAKE GOOD. SUPPLY AND INSTALL A METAL MESH ROOF OVER THE ENTRANCE
 TO THE FEMALE TOILETS. TO LEVEL AND LANDSCAPE AND MAKE GOOD ALL
 SURFACES DISTURBED AT WOONE LANE PUBLIC TOILETS, WOONE LANE, CLITHEROE

TOWN COUNCIL:	No objections.
ENGLISH HERITAGE:	Do not wish to offer any comments on this occasion. Determine in accordance with national and local policy guidance, and on the basis of RVBC expert conservation advice.
HISTORIC AMENITY SOCIETIES:	Consulted, no representations received.
LANCASHIRE GARDENS TRUST:	The work will not be detrimental to the setting of the listed castle, and if carried out with sensitive landscaping could be sympathetic to this.

Proposal

The male and female toilets are largely roofless and sunk in relation to adjoining land. Following negotiation with the applicant and amendment of the scheme, it is proposed to infill the male toilets with earth and seed with grass; the entrance is shown to be blocked with matching stonework. The female toilet cubicle area is shown to be blocked, infilled with earth and seeded with grass; the room containing the electrical incomer for part of the park, the entrance area and the entrance gate is to be retained and covered in stainless steel mesh.

The submitted information states that the toilets were closed in early 2012 and the proposed alterations are a response to maintaining security and preventing falls from height. The facilities offer no provision for the disabled, have no power, lighting or heating and are functionally obsolete.

Site Location

The toilets are located at the Castle Park boundary with Woone Lane (close to the latter's junction with Moor Lane). They are stone block built with pillars and crenulated parapets and are an integral part of the design for the Woone Lane park entrance.

Clitheroe Castle Keep is Grade I listed (19 May 1950) and the Castle Museum buildings are Grade II listed (30 September 1976). The Castle Park appears on the English Heritage Register of Parks and Gardens of Special Historic Interest in England at Grade II. The Register description identifies that *'the castle site and grounds were purchased by public subscription by the then Borough Council from Lord Montagu of Beaulieu in November 1920, to form a memorial to the 260 soldiers from the town who lost their lives in the war... Ribble Valley Borough Council owns and manages the castle and grounds as a museum and public park'*. The above would suggest that the public toilets are to be considered part of the Clitheroe Castle listings (as curtilage structures) by virtue of Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The toilets do not appear on Ordnance Survey maps until 1932. The Council minutes for 28 October 1930 state *'outstanding work in connection with layout to castle grounds be completed, together with lavatories'*. However, Clitheroe Castle: Historical Survey for Restoration (January 1988) suggests the park entrance design may have been largely complete by 1930 *'the entrances at Moor Lane and Woone Lane with their stonework and iron gates, may already have been installed in the 1920s as they would have provided immediate access to the new bowling/tennis facilities'*. (6.5 and photograph at figure 23).

The Register description would suggest that the character of the park and garden is in large part a product of the 1920s design layer. The Register description summary states *'a castle mound, used as the grounds of a private residence, with garden terraces laid out in the early 19th century, the mound and adjacent land being developed for use as a public park in the 1920s'*.

The park entrance, of which the toilets are part, is also within Clitheroe Conservation Area.

Relevant History

No specific reference in the planning record.

Relevant Policies

Planning (Listed Buildings and Conservation Areas) Act 1990.

NPPF.

HEPPG.

Policy ENV20 - Proposals Involving Partial Demolition/Alteration of Listed Buildings.

Policy ENV19 - Listed Buildings (Setting).

Policy ENV16 - Development Within Conservation Areas.

Policy ENV21 - Historic Parks and Gardens.

Policy G1 - Development Control.

Policy G6 - Essential Open Space.

Policy RT10 - Loss of Recreational Open Space.

Policy ENV9 - Important Wildlife Site

LDF Emerging Core Strategy.

Clitheroe Conservation Area Appraisal.

Environmental, AONB, Human Rights and Other Issues

The Regulations require the Secretary of State to decide the listed building consent application because the Borough Council is the applicant. Therefore, following Committee's consideration the matter will be referred to the National Planning Casework Unit.

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

There is no duty in the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the impact of development upon a Registered Park and Garden; however, the NPPF (Annex 2: Glossary) confirms the designation to be a 'designated heritage asset' and such impacts are a relevant material consideration.

The National Planning Policy Framework (27 March 2012) is particularly relevant at:

Paragraph 17 "*within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:*

... 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 109 "*The planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes*"

Paragraph 126 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 ... (and) ... the*

opportunities to draw on the contribution made by the historic environment to the character of a place’;

Paragraph 131 *“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 *“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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”;*

Paragraph 134 *“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”.*

The Historic Environment Planning Practice Guide is most pertinent at:

179 The fabric will always be an important part of the asset’s significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion, together with the use of appropriate materials and methods of repair. It is not appropriate to sacrifice old work simply to accommodate the new;

180 The junction between new work and the existing fabric needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting ... Where new work or additions make elements with significance redundant, such as doors or decorative features, there is likely to be less impact on the asset’s aesthetic, historic or evidential value if they are left in place;

187 Small-scale features, inside and out, such as historic painting schemes, ornamental plasterwork, carpenters’ and mason’s marks, chimney breasts and stacks, inscriptions and signs, will frequently contribute strongly to a building’s significance and removing or obscuring them is likely to affect the asset’s significance;

114 ‘the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration; by spatial associations; and by our understanding of the historic relationship between places;

There is no statutory requirement to have regard to the provisions of the development plan for decisions on applications for listed building consent. However, some regard may be given to:

Policy ENV20 *“Proposals involving the demolition or partial demolition of listed buildings will be refused unless the demolition is unavoidable ... Proposals for the alteration or repair of listed buildings should be sympathetic to their character and appearance. The most important features of any listed building will be preserved”*;

Policy ENV19 *“development proposals on sites within the setting of buildings listed as being of special architectural or historic interest, which cause visual harm to the setting of the building, will be resisted”*;

Policy ENV16 *“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”*. The accompanying text at 4.7.8 states that *“the main elements of Council policy are retention and enhancement”*;

Policy ENV21 *“development proposals affecting a historic park or garden and its setting will be strictly controlled to ensure they do not harm the appearance or function of the area. Proposals will be assessed in terms of scale, size, design and materials”*.

Policy G1 *“In determining planning applications the following criteria will be applied:
(h) Materials used should be sympathetic to the character of the area”*.

The ‘Setting of Heritage Assets: English Heritage Guidance’ (EH, October 2011) states: *“the cumulative impact of incremental small-scale changes may have as great an effect on the setting of a heritage asset as a large-scale development”* (4.5).

The Garden History Society ‘Planning Conservation Advice Note 7: Treatment of boundaries and entrances’ states:

Visually, the boundary around a designed landscape could be as important as the frame around a picture (1.2);

The importance of entrance ‘compositions’ as identification to the passer-by of the status and extent of its designed landscape is well demonstrated on innumerable sites around the country (1.7);

While some structures (lodges, curtain walls, railings etc.) may not be listed as of national importance, their significance in the context of the designed landscape and in particular to an entrance composition may be high. Similarly boundary walls, even if not listed, may be critical to maintenance of the character and integrity of the landscape (Watchpoints, 5.2).

The English Heritage “Listing Selection Guide: Utilities and Communications Structures” (April 2011) identifies that *“Twentieth-century conveniences will rarely fulfil designation criteria except in the case of rarities”*.

The Clitheroe Conservation Area Appraisal includes within its Summary of Special Interest:

“The Castle Grounds which is included on the English Heritage Register of Parks and Gardens”

English Heritage’s ‘Managing Local Authority Heritage Assets: Some guiding principles for decision makers’ (June 2003) states *“It is essential to local authorities’ credibility as stewards of*

the historic environment that they set a good example in the management of their own heritage assets. This means demonstrably achieving the standards they expect of others” and “Understanding the nature, significance, condition and potential of a heritage asset must be the basis for rational decisions about its management, use, alteration or disposal ”.

Conclusions

The applicant, mindful of HEPPG paragraph 179, 180 and 187, has amended the scheme to retain the whole of the existing stone structure and decorative cast iron features in situ with import of new matching stonework for the blocking of the male toilet entrance.

In consideration of NPPF paragraph 134, I note the public benefit of the works in maintaining security and preventing falls from height.

I am therefore satisfied that the proposal, subject to the implementation of conditions, will safeguard the character (including setting and historic fabric), appearance and significance of the listed buildings, Clitheroe Conservation Area and Clitheroe Castle Registered Park and Garden of Special Historic Interest.

SUMMARY OF REASONS FOR APPROVAL

Acceptable impact upon listed buildings, Clitheroe Conservation Area and Clitheroe Castle Registered Park and Garden. Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies ENV20, ENV19, ENV16 and ENV21 of the Local Plan.

RECOMMENDATION: That the Director of Community Services be authorised to convey to the Secretary of State the Borough Council’s support for the granting of listed building consent with the conditions below:

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

2. This permission shall be implemented in accordance with the proposal as amended by letter received on 21 November 2012.

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

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

REASON: In order to safeguard the character, appearance and significance of the listed buildings, Clitheroe Conservation Area and Clitheroe Castle Registered Park and Garden of Special Historic Interest.

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

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2012/0071/P	Application for the discharge of condition no. 6 (Bat survey), 7 (tree protection plan and method statement), 8 (surface water), 9 (site contamination), 10 (surface water restriction) and 11(foul/surface water disposal) of planning consent 3/2010/0001P	Cobden Mill Whalley Road Sabden
3/2012/0640/P	Application to discharge condition 3 (Surface Water Regulation), condition 4 (Disposal of Foul and Surface Water), condition 7 (Details of Solar Thermal Systems), condition 8 (Artificial Bird/Bat Nesting Sites/Boxes), condition 9 (Woodland Management Plan), condition 10 (Updated Protected Species Survey), condition 12 (Assessment of Trees), condition 13 (Protection Measures for Badgers/Setts), condition 14 (Desk Top Study/Site Investigation/Method Statements Relating to Potential Contaminates) and condition 16 (Site Access/Island Works) of planning permission 3/2011/0837/P	Land off Pendle Drive Whalley
3/2012/0666/P	Internal refurbishment and provision of rear dormer to create increased bedroom space and en suite to the first floor	104 Chatburn Road Clitheroe
3/2012/0800/P	Proposed erection of 11no. Light Columns	Samlesbury Aerodrome Myerscough Road Balderstone
3/2012/0802/P	Proposed demolition of existing garage and stable buildings, and replacement with garage building linked to house via glazed porch (Re-submission)	Pepper Hill Wiswell
3/2012/0810/P	Proposed single storey extension	3 Chapel Close Old Langho
3/2012/0814/P	Proposed first floor extension to dormer on front elevation to create additional bedroom accommodation	67 Pasturelands Drive Billington
3/2012/0818/P	Proposed car-port to rear of the garage to provide a covered storage area	Brookside Garage Ltd Padiham Road, Sabden

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2012/0822/P (LBC)	Take down and rebuild front elevation wall above first floor window lintels	St Mary's Vicarage 17 Church Street, Clitheroe
3/2012/0827/P	Proposed replacement porch to the rear and a new store to the side elevation	11 Lingfield Avenue Clitheroe
3/2012/0830/P	Proposed side extension to an existing garage. Re-submission	3 Spinney Croft Longridge
3/2012/0835/P	Single storey studio/utility room extension to rear of the dwelling	64 Pendle Drive Whalley
3/2012/0838/P (LBC)	Application for consent to alter or extend a listed building in association with proposed change of use from Class B1 office to Class C3 residential (two houses)	Stanley House Lowergate Clitheroe
3/2012/0839/P	Change of use from Class B1 – office to Class 3 – residential (two houses)	Stanley House Lowergate, Clitheroe
3/2012/0841/P	Proposed single storey rear extension	13 Woodfield View, Whalley
3/2012/0842/P	Proposed signage (1 x externally illuminated fascia sign and 1 x externally illuminated hanging sign)	10 Market Place Clitheroe
3/2012/0844/P	Proposed classroom and office extension	Blackburn Rovers Academy Brockhall Village Old Langho
3/2012/0845/P	Discharge of condition 4 (Renewable Energy), condition 5 (Surface Water Drainage Scheme), condition 6 (Surface Water Regulation System), condition 7 (Desk Top Study Previous Site Uses), condition 13 (Landscape Management Plan) and condition 15 (Site Access and Highway Improvement) of planning permission 3/2011/0247/P	land off Chapel Close Low Moor Clitheroe
3/2012/0848/P	Temporary siting of a 50m meteorological mast	Huntroyde Home Farm Huntroyde West Whins Lane, Simonstone
3/2012/0852/P	Raise the roof of the existing house. Proposed two-storey extension to provide garage and dressing/en-suite. Re-submission of application 3/2012/0159	6-8 Knowsley Road Wilpshire
3/2012/0853/P	Change of use of residential flat on first and second floors to Class A1 retail use (hairdressers) to be operated in conjunction with existing hairdressers on the ground floor (retrospective application)	40 King Street Clitheroe
3/2012/0856/P	Stone Built Garden Storage Shed 5m x 5m	Waddow House Clitheroe Road, Waddington

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2012/0871/P	Application for the discharge of condition No.2 (Programme of building recording and analysis) and condition No.3 (Bat Survey) of planning permission 3/2011/0481P	Dean Farm Sabden
3/2012/0872/P	Resubmission of proposed engineering operations to form earth banked slurry lagoon and laying of concrete railway sleepers to form cow track across land and new agricultural access	Brickroft Lane at Hodder Bank Farm Dunsop Road, Whitewell
3/2012/0885/P	Proposed extension to existing goat housing to form through passage to all buildings and goat handling area. Roof only, phase 1 of a two-phase plan	Pasture House Farm West Marton Skipton
3/2012/0925/P	Application for the renewal of planning permission 3/2009/0840P for a proposed lounge and bedroom extension and porch	Mellor House 15 Mellor Lane, Mellor
3/2012/0933/P (LBC)	Installation of date stone within original date stone enclosure to depict original build date and restoration date	Stanley House Further Lane Mellor
3/2012/0936/P (LBC)	Repair of jambs in relation to bottom left-hand window	16 Talbot Street Chipping
3/2012/0951/P	Application to discharge condition No.3 (materials) of planning consent 3/2012/0701	Ivy Cottage Newton-in-Bowland
3/2012/0966/P	Application for the renewal of planning permission 3/2009/0996P for a single storey extension to provide a utility room and two storey extension to form new entrance, cloakroom, study and enlargement of existing bedroom	Olive Cottage off Smalden Lane Grindleton
3/2012/0979/P	Application for a non-material amendment to planning permission 3/2011/0307P, for a footpath, rather than a service strip, in front of plots 81 to 89 and redesigned car parking area for plots 89 to 95 inclusive	Barrow Brook Business Village Barrow

APPLICATIONS REFUSED

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
3/2011/0734/P	Proposed erection of 1 no. 10Kw Evoco Wind Turbine on 15m high mast	The Brows Farm Higher Road Longridge	Contrary to the requirements of NPPF, Planning for Renewable Energy: A Companion Guide to PPS22, Local Plan Policies G1, G5,

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
Cont/ Cont...			ENV2, ENV3, ENV24, ENV25, ENV26 and ENV19, and the Planning (Listed Buildings and Conservation Areas) Act 1990. Impact on MOD ATC and Range Control radars, highly visible, incongruous, prominent feature, detrimental to visual amenity of AONB, impact on enjoyment of walkers and adverse visual impact on the character, setting and appearance of Listed Building.
3/2012/0716/P	Proposed erection of a new agricultural building, creation of new access track across land to building from existing access gate	Land off Trapp Lane Simonstone	Policies G1, G5 and ENV3 – building not justified on agricultural grounds, therefore unnecessarily detrimental to the visual amenities of the locality.
3/2012/0788/P	Proposed alteration of existing highway boundary and formation of 6 off-street car parking spaces for three properties. Including demolition of existing bus shelter, replacing with modern bus-shelter frame	1, 2 & 3 Greendale View Main Street Grindleton	Contrary to Local Plan Policies, the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990. Approval of this proposal would have an adverse visual impact on the character, setting and appearance of the street scene, adjacent Listed Buildings and the CA that neither preserves or enhances this location. Refusal on highway safety grounds.

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
3/2012/0790/P	Retention of stable block with covered midden and construction of an outdoor arena for use as a commercial livery	Gamekeepers Cottage Park Road Gisburn	Impact upon historic park and garden and the setting of listed buildings contrary to Policies ENV21, ENV19, G1, ENV3, ENV13, RT1 and ENV14 of the RVDLP.
3/2012/0801/P Cont/ Cont...	Existing East elevation fascia sign board re-sited to the North elevation, new fascia sign board to East elevation, existing window graphic removed and new polycarbonate window graphic installed into the existing window to East elevation and re-instate the poster frame to the North elevation (2 x fascias signs and 8 x other signs)	Stonebridge Off-Licence 1 Whittingham Road Longridge	Contrary to Local Plan Polices G1 and ENV16, Key Statement ENV5 and Policy DME4 of the RVBC Core Strategy 2008-2028 (reg.22 submission draft), guidance within the NPPF and Planning (Listed Buildings and Conservation Areas) Act 1990 – Adverse impact on character and appearance of Longridge Conservation Area.
3/2012/0823/P	Proposed conversion of Old School House at Lane Ends into a three-bedroom dwelling house (Re-submission).	Old School House Lane Ends Grindleton	Contrary to paragraphs 56, 60, 64, 115, 126, 128, 129, 131, 133 and 135 of NPPF and Policies G1, ENV1, H16 and H17 of the Local Plan. Proposal would be visually harmful to the streetscene, to the detriment of the character of the building, and would visually affect the character, appearance and setting within the AONB.
3/2012/0824/P	Change of use from booking office to walk in booking office to include creation of additional parking at Ground Floor Office	6 Abbey Works Back King Street Whalley	G1 and NPPF – Detrimental to highway safety and neighbouring amenity.
3/2012/0826/P	1 x free standing double	76 Mitton Road	G1 – Unsympathetic

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
	sided illuminated sign	internally forecourt	Whalley and out of character for residential area to the detriment of residential amenity.
3/2012/0834/P	Agricultural building	livestock	The former Sewage Works Sabden G1, G5, ENV1 – Unjustified development detriment to visual amenity.
3/2012/0843/P	Proposed change of use from Bakery (Class A1) to Betting Shop (Class A2) including alterations to shop front. Includes erection of 3 x 900mm satellite dishes to roof of ground floor rear outrigger	10 Market Place Clitheroe	The proposed change in use of the property is contrary to Local Plan Policy S3, Paragraph 23 of the NPPF and Policy DMR1 of the emerging Core Strategy: 2008 - 2028 - A Local Plan for Ribble Valley (Regulation 22 Submission Draft). The proposed replacement shop front is considered contrary to guidance contained within Local Plan Policies G1 and ENV16, the NPPF, paragraphs 178 and 190 of the HEPPG, and the Planning (Listed Buildings and Conservation Areas) Act 1990.
3/2012/0846/P	Temporary advertising hoarding situated in the café car park (retrospective application)	Strawberry Fields Main Street Gisburn	Policy G1 – Detriment to visual amenity.
3/2012/0849/P	Part single/ part double rear extension incorporating garage and dormers	Goose Chase Preston Road Ribchester	G1, H10, SPG – Incongruous, dominant and prominent additions harmful to visual amenity.
3/2012/0862/P	Outline application for 9 dwellings on land	Fell View Barnacre Road Longridge	The submitted development, by virtue of its layout, scale,

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>	<u>Reasons for Refusal</u>
3/2012/0897/P 3/2012/0898/P Cont/ Cont...	Alterations to a Grade II listed building both internal and to rear elevation	2 Abbey Croft The Sands Whalley	massing, design, siting and orientation, proposes a scheme contrary to guidance within the NPPF and Policy G1 of the Districtwide Local Plan. The proposal has an unduly harmful impact upon the character and significance of the listed building because of the loss of important historic fabric and alterations to historic plan form. Contrary to Policy ENV20 of the Local Plan.

CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2012/0923/P	Application for a Lawful Development Certificate for a proposed single storey extension and alteration of an existing garage to be used for domestic purposes	1 Sawley Avenue Simonstone

APPLICATIONS WITHDRAWN

<u>Plan No:</u>	<u>Proposal:</u>	<u>Location:</u>
3/2012/0607/P	Extension of existing fence, car park crossing point, alteration of public right of way, modification of air intake duct, installation of trolley shelter, satellite dish and extract	E H Booth & Co Ltd Berry Lane Longridge
3/2012/0648/P	Erection of garden walls, gates and store and removal of existing conifers and store shed	Showley Fold Farm Dixon Road Longridge
3/2012/0817/P	Retention of agricultural dwelling and alterations	Park Style Leagram
3/2012/0863/P	CF 50kw wind turbine, 89.65m high from blade to tip	Handlesteads Collins Hill Lane Chipping

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>No of Dwellings</u>	<u>Progress</u>
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<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>No of Dwellings</u>	<u>Progress</u>
3/2010/0078/P	Old Manchester Offices Whalley New Road Billington	20/5/10	18	With agent and applicants solicitor
3/2012/0065/P	Land off Dale View Billington	24/5/12	12	With applicants solicitor
3/2011/1064/P	Sites off Woone Lane a) rear of 59-97 Woone Lane & b) Land to South- West of Primrose Village phase 1, Clitheroe	21/6/12	113	Signed - awaiting issue of decision notice
3/2012/0014/P	Land adj Greenfield Avenue, Low Moor Clitheroe	19/7/12	30	With applicants solicitor
3/2012/0379/P	Primrose Mill Woone Lane, Clitheroe	16/8/12	14	Deed of Variation With applicants agent
3/2012/0497/P	Strawberry Fields Main Street, Gisburn	11/10/12	21	With Legal
3/2012/0420/P	Land North & West of Littlemoor Clitheroe	8/11/12	49	With Planning
3/2012/0617/P	Land off Clitheroe Road Barrow	8/11/12	7	With Planning
3/2012/0623/P	Land at 23-25 Old Row Barrow	8/11/12	23	With Planning
<u>Non Housing</u>				
3/2011/0649/P	Calder Vale Park Simonstone	15/3/12		Subject to departure procedures Lancashire County Council to draft Section 106
3/2012/0455/P	Shireburn Caravan Park Edisford Road Waddington	7/8/12		Deed of Variation With applicants solicitors

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>
3/2011/0300 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	-	New hearing date to be agreed	

<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>
3/2011/0025 O	25.6.12	J-J Homes LLP Outline planning application for residential development (ten dwellings) Land off Chatburn Old Road Chatburn	–	Procedure has now been changed – appeal will be dealt with via a Public Inquiry, date to be agreed	
3/2012/0158 C	6.7.12	LPA Receiver for Papillion Properties Ltd Outline application for the erection of 73 open market detached dwellings and 31 social housing properties Site 2 Barrow Brook Business Village Barrow	–		AWAITING DECISION
3/2011/0893 D	10.7.12	Mr F P Cherry Outline application for one dwelling situated in the old car park at Hodder Place Old Car Park Hodder Place Stonyhurst	WR	–	APPEAL DISMISSED 8.11.12
3/2012/0390 O	28.8.12	Mr Julian Hindle, Haydock Developments Ltd Proposed erection of a dwelling Land between 52 & 54 Knowsley Road Wilpshire	WR	–	AWAITING DECISION
3/2012/0327 O	31.8.12	Commercial Estates Group (CEG) Mixed use development comprising residential (C3); nursing home (C2); car parking; open space and ancillary landscaping Land to the East of Clitheroe Road (Lawsonsteads), Whalley	–	Inquiry cancelled	– APPEAL WITHDRAWN 16.11.12 Cost application submitted.

<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>
3/2011/0892 O	6.9.12	The Huntroyde Estate Proposed residential development Land off Milton Avenue Clitheroe	–		AWAITING DECISION
3/2012/0259 D	25.9.12	Mr A Ball Proposed new vehicle/pedestrian access to site Seven Acre Cottage Forty Acre Lane Longridge	WR	–	Awaiting site visit
3/2012/0584 D	28.9.12	Mr Peter Kenrick Proposed rear extensions and alterations to existing dwelling 2 Blackburn Road Ribchester	Householder appeal	–	AWAITING DECISION
3/2012/0401 Non-determination	12.10.12	Phillips Property Limited Outline application for the proposed re-development of the site for residential purposes 51-53 Knowsley Road Wilpshire	WR	–	Awaiting site visit
3/2012/0499 D	2.11.12	Miss Jilly Farthing Single storey side extension to dwelling The Granary at Bulcocks Farm Pendleton	Householder appeal	–	Notification letter sent 6.11.12 Questionnaire sent 9.11.12
3/2012/0096 D	14.11.12	Mr & Mrs D Hancox Proposed dwelling with garages, garden and landscaping Kemple Barn Whalley Road Clitheroe	WR	–	Notification letter sent 23.11.12 Questionnaire sent 27.11.12 Statement to be sent by 25.12.12
3/2011/1032 D	19.11.12	Mr Peter Street Proposed 'Log Cabin' style holiday lodges Whins Lodge Whalley Old Road Langho	WR	–	Notification letter and questionnaire to be sent by 30.11.12 Statement to be sent by 28.12.12

LEGEND

D – Delegated decision C – Committee decision O – Overturn

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 6 DECEMBER 2012
 title: CONSULTATION DOCUMENT – EXTENDING PERMITTED DEVELOPMENT RIGHTS FOR HOMEOWNERS AND BUSINESSES
 submitted by: JOHN HEAP – DIRECTOR OF COMMUNITY SERVICES
 principal author: JOHN MACHOLC – HEAD OF PLANNING SERVICES

1 PURPOSE

- 1.1 To request Committee's observations in relation to the Consultation Document published in November 2012 relating to extending permitted development rights for homeowners and businesses.
- 1.2 Members will be aware that there has been significant press coverage in relation to the suggested alterations to extend permitted development rights for domestic properties as well as commercial businesses. This is now the formal Consultation Document published by the Department of Communities and Local Government and confirms the intentions outlined via previous Ministerial statements.
- 1.3 Relevance to the Council's ambitions and priorities:
- Community Objectives - }
 - Corporate Priorities - } Economic Growth is the key objective/priority of the Council.
 - Other Considerations - }

2 BACKGROUND

- 2.1 The consultation document was published in November 2012 and the closing date for responses in the 24 December 2012. The document includes a list of questions in which consultees and interested parties are invited to comment.
- 2.2 There are five main elements of the consultation document:
1. domestic extensions;
 2. extensions to shops, professional and financial services;
 3. office proposals;
 4. industrial buildings; and
 5. installation of broadband infrastructure.
- 2.3 In relation to domestic extensions the proposal is to increase the size limits for the depth of the single storey domestic extension from 4m to 8m for detached houses and 3m to 6m for all other houses limited for a period of 3 years. It is clear that no changes are proposed for extensions of more than one storey. It is also limited to non-protected areas and as a consequence would exclude Conservation Areas and Areas of Outstanding Natural Beauty which form a significant part of the borough.

- 3.4 The proposal in relation to professional and financial services would give permitted allowance for establishments to be increased in size up to 100m² floor space and would allow these extensions up to the boundary of the property. There are some caveats which exist which will be retained and this would relate to the extension being at the rear and again only permitted in non-protected areas. This would again be for a period of 3 years.
- 2.5 Proposal to create a size limit for extension to offices for up to 100m², again only permitted in non-protected areas for a period of up to 3 years.
- 2.6 Increase the size limits for industrial buildings within the curtilage of existing industrial premises to 200m² in non-protected areas and for a period of 3 years.
- 2.7 The final proposal is for removal of prior approval requirements for the installation of broadband infrastructure for a period up to 5 years. It should be noted that this would in essence allow equipment of a certain size to be installed in areas of Outstanding Natural Beauty and Conservation Area without the need for any agreement on the siting.

3 ISSUES

- 3.1 It is important to emphasise that as most of these requirements in relation to alterations to permitted development rights for domestic extensions and commercial premises would not be permitted in “protected areas”, the consequence or the effects on the borough would be reduced given that over 75% of the borough is within an Area of Outstanding Natural Beauty and that there are 21 Conservation Areas. As such and given the other limitations which relate to the overall height of such extensions not exceeding 3m on the boundary and the limit to all extensions not exceeding 50% of the garden space I do not consider that this exemption would have a significant impact on the reduction in requiring planning permission. In some respects there could be more implications in relation to workload of Officers as there would often be a demand for a requirement to ascertain whether or not certain proposals would no longer require consent.
- 3.2 In relation to impacts on residential amenity there is no doubt there will be the odd case where something that could be built under “permitted development” that could significantly affect the amenity of adjacent residential properties by virtue of either overlooking adjacent garden areas and rear property elevations or create a tunnelling effect leading to a loss of light. However this would be at single storey level so the implications would not be necessarily over-significant and given that in most case direction of the 2m fence could have a similar impact albeit reduced, I do not necessarily believe it would cause significant harm. As a compromise I consider that a reduced increase would be suitable for detached properties but it should remain the same for terrace and semi detached units.
- 3.3 In relation to permitted development rights for a commercial premises and industrial premises, I consider that this may certainly assist the regeneration and growth element and although recently permitted development has been changed to already increase this right to extend without need of permission on commercial properties, has not warranted in many enquiries from commercial schemes to asses whether permission is required. I consider that this element be welcomed as it would facilitate in some respects potential regeneration and growth of commercial premises and that adequate safeguard exists in this proposal to protect residential amenity.

- 3.4 In relation to the removal of broadband equipment requiring prior notification to agree the siting, I consider that this could have a significant effect on the visual detriment of Conservation Areas and the Area of Outstanding Natural Beauty and I would not support this motion.
- 3.5 As a result of the proposals and in particular the suggested relaxation to domestic properties I consider there will be a significant problem in advising about and the interpretation of the legislation to both potential developers and objectors. Potentially it would seem unjust if an application would have been refused under previous guidelines to then no longer needing permission yet the impact being the same. I believe this would be an unfair consequence of the changes.
- 3.6 One of the main drivers of this document is to assist economic growth. I accept that the changes in relation to commercial proposals may assist but I do not believe the suggested changes to residential permitted development would have a significant impact. In many instances they would still need to produce plans or documents for building regulations or as a result of the need to confirm that the proposal was exempt from consent at a later date.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources - This report is a consultation document and therefore there are no direct resource implication. If the suggested changes are implemented it is considered that there would limited impact on resources as a result.
- Technical, Environmental and Legal – None identified
- Political - None identified.
- Reputation – None identified.
- Equality & Diversity – None identified.

5 RECOMMENDED THAT COMMITTEE

5.1 Authorise the Director Of Community Services to respond in accordance with the Consultation response form.

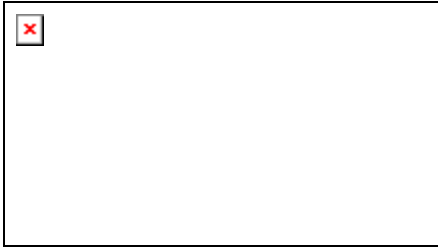
JOHN MACHOLC
HEAD OF PLANNING SERVICES

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

1 CONSULTATION DOCUMENT – EXTENDING PERMITTED DEVELOPMENT RIGHTS FOR HOMEOWNERS AND BUSINESSES DCLG November 2012

For further information please ask for John Macholc, extension 4502



Response Form

Extending permitted development rights for homeowners and businesses: Technical consultation

We are seeking your views to the following questions on the proposals to increase the permitted development rights for homeowners, businesses and installers of broadband infrastructure.

How to respond:

The closing date for responses is 5pm, 24 December 2012.

This response form is saved separately on the DCLG website.

Responses should be sent to: PlanningImprovements@communities.gsi.gov.uk

Written responses may be sent to:

Helen Marks

Permitted Development Rights – Consultation

Department for Communities and Local Government

1/J3, Eland House

Bressenden Place

London SW1E 5DU

About you

i) Your details:

Name:	JOHN MACHOLC
Position:	HEAD OF PLANNING SERVICES
Name of organisation (if applicable):	RIBBLE VALLEY BOROUGH COUNCIL
Address:	COUNCIL OFFICES, CHURCH WALK, CLITHEROE, LANCASHIRE, BB7 24A
Email:	john.macholc@ribblevalley.gov.uk
Telephone number:	01200 414502

ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

Personal views

iii) Please tick the box which best describes you or your organisation:

District Council

Metropolitan district council

London borough council

Unitary authority

County council/county borough council

Parish/community council

Non-Departmental Public Body

Planner

Professional trade association

Land owner

Private developer/house builder

- Developer association
- Residents association
- Voluntary sector/charity
- Other

(please comment):	
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**iv) What is your main area of expertise or interest in this work?
(please tick one box)**

- Chief Executive
- Planner
- Developer
- Surveyor
- Member of professional or trade association
- Councillor
- Planning policy/implementation
- Environmental protection
- Other

(please comment):	
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Would you be happy for us to contact you again in relation to this questionnaire?

Yes No

ii) Questions

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Question 1: Do you agree that in non-protected areas the maximum depth for single-storey rear extensions should be increased to 8m for detached houses, and 6m for any other type of house?

Yes No

Comments

It is considered that the possible ramifications of permitted development rights in relation to the size of any extension could seriously impinge on residential amenities of adjacent properties. There would be an element of inconsistency as a result of the way previous applications may have been determined which would lead to significant confusion. As a compromise it is considered that detached properties could be extended with up to 6m and no change to terraced or semi detached properties.

Question 2: Are there any changes which should be made to householder permitted development rights to make it easier to convert garages for the use of family members?

Yes No

Comments

It could be that clarification be given in relation to what is regarded as a single family unit and guidance be given in relation to detached garages.

Question 3: Do you agree that in non-protected areas, shops and professional/financial services establishments should be able to extend their premises by up to 100m², provided that this does not increase the gross floor space of the original building by more than 50%?

Yes No

Comments

It is considered that minor changes to allow premises to be extended could go some way to assist small businesses. However it remains of the opinion that this would have limited impact on assisting economic growth and that the planning system should not be regarded as a significant blockage to economic growth.

Question 4: Do you agree that in non-protected areas, shops and professional/financial services establishments should be able to build up to the boundary of the premises, except where the boundary is with a residential property, where a 2m gap should be left?

Yes No

Comments

This would seem a reasonable compromise and still offer a degree of protection to properties that have residential dwellings on the common boundary. Previous comments regarding the ability to kick start the economy remain as stated in question 3.

Question 5: Do you agree that in non-protected areas, offices should be able to extend their premises by up to 100m², provided that this does not increase the gross floor space of the original building by more than 50%?

Yes No

Comments

No objections but again consider there would only be a limited benefit to economic growth resulting from these changes.

Question 6: Do you agree that in non-protected areas, new industrial buildings of up to 200m² should be permitted within the curtilage of existing industrial buildings and warehouses, provided that this does not increase the gross floor space of the original building by more than 50%?

Yes No

Comments

No objections but again consider there would only be a limited benefit to economic growth resulting from these changes.

Question 7: Do you agree these permitted development rights should be in place for a period of three years?

Yes No

Comments

It would seem to be that three years is a reasonable period of time to monitor the situation and any period of less than three years would be ineffective.

Question 8: Do you agree that there should be a requirement to complete the development by the end of the three-year period, and notify the local planning authority on completion?

Yes No

Comments

It is important that a monitoring system in which people notify the Local Planning Authority on completion is submitted. However this would involve a further level of bureaucracy and it is questioned how effective it would be if people do not submit the information.

Question 9: Do you agree that article 1(5) land and Sites of Special Scientific Interest should be excluded from the changes to permitted development rights for homeowners, offices, shops, professional/financial services establishments and industrial premises?

Yes No

Comments

It is important to ensure that areas of intrinsic value such as Areas of Outstanding Natural Beauty and Conservation Areas are given more protection as the proposed permitted development alterations could seriously have an impact on such areas and therefore it is important that more safeguards should be given to such designations.

Question 10: Do you agree that the prior approval requirement for the installation, alteration or replacement of any fixed electronic communications equipment should be removed in relation to article 1(5) land for a period of five years?

Yes No

Comments

It is considered that the existing controls should remain as it is important to ensure effective control remains in order to minimize the visual impact on designated areas.

Do you have any comments on the assumptions and analysis set out in the consultation stage Impact Assessment? (See Annex 1)

Yes No

Comments

Thank you for your comments.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 6 DECEMBER 2012
 title: PERFORMANCE MANAGEMENT IMPROVEMENT MEASURES – DEVELOPMENT
 MANAGEMENT
 submitted by: DIRECTOR OF COMMUNITY SERVICES
 principal author: JOHN MACHOLC – HEAD OF PLANNING SERVICES

1 PURPOSE

1.1 To advise Members of the Government's report in relation to the Growth and Infrastructure Bill and how it refers to poor performing authorities with the possible sanction of decision making being taken away from these authorities.

1.2 It is evident that two of the main benchmarks for a 'poor performing authority' are speed in decision making and number of applications overturned. Recently, this has meant that Ribble Valley Borough Council has been identified as one of the poor performing authorities. It is regrettable that these statistics give no reference to the number of applications received or resources available.

1.3 The purpose of this report is to identify some measures which will assist in driving efficiency which will result in speedier determination of planning applications. I have identified two main measures:

1. Alterations to the Delegation arrangement.
2. Limit the use of Section 106 Agreements and replace with conditions where appropriate.
3. Internal management systems to allow planning officers more time to deal with applications.

1.4 Relevance to the Council's ambitions and priorities:

- Council Ambitions - }
 - Community Objectives - }
 - Corporate Priorities - }
 - Other Considerations - }
- To be a well-managed Council providing efficient services based on identified customer need.

2 BACKGROUND

2.1 It is evident that the Government has continued to express concerns in relation to the possible delay that the present system has caused and its impact on driving the economy. This has been emphasised in the Growth and Infrastructure Bill which states that 'the planning system must continue to play a key role in supporting sustainable growth within the tough economic climate by improving efficiency through swift and high quality planning decisions that minimise the costs and delays imposed by the planning system. Part of the impact has been the delay in the determination of planning applications. It is important to explore ways of a enabling quicker decisions without significant harm to the planning process.

- 2.2 It remains important to consider whether or not it is possible to increase the level of delegation on planning applications so that more applications could be determined without the need to go to a Planning and Development Committee.
- 2.3 In relation to the delegation scheme B to make more significant in roads and to allow Members to spend more time focussing on key decision making items, the delegation scheme could be altered in the following way:
- Increase the threshold from 3 to 10 individual household objections in relation to the ability to improve a scheme under delegation.
 - Delegation be given to refuse schemes that relate to applications submitted by Members or staff or close relations.
- 2.4 Planning Advisory Service previously identified how some planning authorities are achieving better planning outcomes by improving the effectiveness and efficiency of the way they make planning decisions by delegation. The common factors characterising this good practice were identified as:
- Maximising the number of delegated planning decisions – delegating higher than 90% of planning decisions, which gives planning committees more time to focus on complex and controversial applications.
- 2.5 It is considered that the delegation scheme in relation to housing proposals should be extended to include all non major proposals which would allow for delegated decisions to be made up schemes that are less than 10 units. The referral request and other criteria would still exist.
- 2.6 Currently all applications that relate to Members or staff of close family are determined by Planning and Development Committee. This was prior to delegation on refusals and I consider that this should be extended so that it is possible to refuse such applications and that only if the applications are to be recommended for approval, should they go are determined by Committee.
- 2.7 It is clear that in many cases applications which are subject to Section 106 Agreements extend well beyond the determination date. The process often adds between 2 and 6 months to decision making. I consider that it is appropriate and in accordance with guidance from the Planning Inspectorate use conditions more frequently rather than a Section 106. This may be on minor schemes where there is no financial contributions which would often necessitate a legal agreement. The use of conditions in relation to affordable housing element has been recently advocated on a recent planning appeal. The use of conditions rather than legal agreements was dismissed at a recent Strategic Housing Group meeting who confirmed that where appropriate, conditions should be used.
- 2.8 It is clear that some Councils operate a system whereby officers are only available for a restricted period, such as mornings which frees up time to carry out inspections and work on applications. I recognise that this has been successful in other Councils, but o not consider a formal system of this manner should operate.

3 ISSUES

- 3.1 In assessing the revisions proposed I do not consider this would have a significant detrimental impact on the planning process as major applications would still need to be determined by the Planning and Development Committee. I envisage that the proposed changes will speed up the determination of planning applications and in turn help to facilitate economic growth. As stated previously the "Referral request" procedure would still be possible on such applications.
- 3.2 These changes would lead to an increase in the level of delegation resulting from the changes and assist the Council in progressing towards the national target of between 90%-95%. This change will bring us more in line with similar Councils and I hope will also free up officer time and member time to be available on key applications with the fact that less applications would need to go to Planning and Development Committee and also assist in a speedier determination which in turn may deliver a more prosperous economy.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
- Resources – any changes could be met with existing staffing and it may also free up some member and officer time.
 - Technical, Environmental and Legal – No implications identified.
 - Political – No implications identified.
 - Reputation – No implications identified.
 - Equality & Diversity – No implications identified.

5 **RECOMMENDED THAT COMMITTEE**

- 5.1 Approve the revised changes to the delegation scheme to include:
- Applications of up to 9 dwellings.
 - Ability to approve applications providing fewer than 10- objections from separately addressed residents received by date of consultation at the time of preparing the report, whatever is the later.
 - Ability to refuse staff and member related applications.
- 5.2 Endorse the procedure to use planning conditions where possible rather than the use of Section 106 Agreements with particular reference to affordable housing elements.

JOHN MACHOLC
HEAD OF PLANNING SERVICES

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

- 1 Current Delegation Scheme.

For further information please ask for John Macholc, extension 4502.

EXISTING DELEGATION SCHEME 13 SEPTEMBER 2012

- RIBBLE VALLEY BOROUGH COUNCIL
- PLANNING AND DEVELOPMENT COMMITTEE
- SCHEME OF DELEGATION OF DEVELOPMENT CONTROL AND COUNTRYSIDE MATTERS
- LAST REVIEWED 24 MAY 2012

This note is designed to clarify when applications received by the Council in relation to planning, countryside and some other related matters will be decided by the Planning and Development Committee and when those decisions will be delegated to officers of the Council. Many of the delegated items date from the inception of Ribble Valley Borough Council. Where dates are known for later additions they are given. Details of planning decisions made under delegated powers will be reported to Committee for information.

From time to time legislative changes may rename or make minor amendments to some of the listed delegated items. Whilst the scheme of delegation will be amended to reflect these changes, there may be periods where the clear intention must be respected even if precise wording or legislative reference has changed.

These powers are delegated to the Director of Community Services.

1. GENERAL DEVELOPMENT CONTROL
 - (a) Determination as to whether applications are county matters or district matters under Schedule 1 of the Town and Country Planning Act 1990.
 - (b) The statutory or the discretionary need to advertise various types of applications.
 - (c) What statutory or other consultations/notifications are required?
2. APPLICATIONS FOR A CERTIFICATE OF LAWFULNESS AND DISCHARGE OF CONDITIONS
 - 2.1 There are two types of application for a Lawful Development Certificate.

These are:

 - (a) Determination of applications for a Certificate of Lawfulness of existing use or development under Section 191 of the Town and Country Planning Act 1990.
 - (b) Determination of applications for a Certificate of Lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990.
 - 2.2 Applications for the discharge of conditions placed on planning approvals.
 - 2.3 Since all these types of application relate to issues of fact, both refusals and approvals are delegated to the Director of Community Services. **These applications remain delegated even if representations are received.**

3. DETERMINATION OF PLANNING APPLICATIONS

- 3.1 Applications submitted on behalf of family members of councillors and officers should be placed before the Planning and Development Committee even if they fall within the below categories.

Approvals

- 3.2 The following types of planning application are delegated to the Director of Community Services providing fewer than three objections from separate addresses are received by the date of consultation closure. The total of these includes statutory consultees.

- Applications for up to 3 new dwellings (14/1/12).
- Substitute dwellings on existing plots within an existing housing estate.
- Applications for new access points wither on classified or unclassified roads.
- Applications for a change of use (26/5/94).
- Extensions or ancillary buildings within the curtilage of industrial or commercial buildings subject to the alterations not constituting a major proposals, ie it should be no more than 1000 square metres floor space (this includes temporary buildings) (6/3/03 then 18/12/08).
- All new build commercial premises irrespective of size.
- Proposals for new shop fronts on existing shops.
- Applications for consent to display advertisements.
- Applications for agricultural buildings irrespective of size.
- Proposals to reinforce existing overhead power lines.
- Applications for listed building consent.
- Applications for conservation area consent (11/4/90 and 30/04/09).
- All applications about which the observations of the Council are requested (23/4/98 and 18/12/08).
- Renewals of previously approved schemes (23/4/98).
- Renewals of temporary consents (15/6/99).
- Applications for temporary buildings (15/6/99).
- Reserved matters applications.
- Modification of conditions and minor alterations to Section 106 Agreements. (24/05/12).
- Minor material amendments (14/1/10).
- Non material amendments (14/11/10).
- Ancillary development within the curtilage of a dwelling house (for example, domestic garages, conservatories, porches, greenhouses and means of enclosure etc).
- Extensions to dwellings.
- Revocation requests relating to Section 106 Agreements (24/05/12).

Refusals

- 3.3 Planning applications falling into these categories can be refused under delegated powers without prior reference to the Chairman (or if unavailable the Vice Chairman) of Planning and Development Committee.

- Household extensions and curtilage buildings.

- Listed buildings.
- New housing clearly contrary to Policy (To be interpreted by Case Officer in conjunction with Head of Planning Services 24/05/12).
- Applications raising design issues.
- Advertisement proposals.
- Buildings in the open countryside.
- Change of uses that do not generate significant employment issues.
- Reserved matters.

Such delegated refusals can be issued with registered objectors.

Section 106 Agreements

- 3.4 Negotiations leading to the satisfactory completion of Section 106 Agreements will be delegated to officers unless Committee have formally requested further involvement at the time of the original decision.

4. PRIOR NOTIFICATIONS

- 4.1 Proposals for agricultural buildings, demolition work and telecommunications apparatus within certain size and locational thresholds may benefit from permitted development rights. The developers are however required to serve a prior notification upon the Council.

This gives the local authority the opportunity to assess whether planning consent is required and also to seek technical alterations if appropriate. The Council has a limited time to respond; but as failure to issue a decision results in an automatic approval these items need to be delegated regardless of the decision reached.

5. ENFORCEMENT

- 5.1 In all cases where there is a breach of planning control, the Director of Community Services is authorised to take the necessary action to regularise the situation, including the service of notice on untidy sites.

6. BUILDING PRESERVATION NOTICES

- 6.1 In the case of an unlisted building that is of Special Architectural or Historic interest and is in danger of demolition or alteration, the Director of Community Services is authorised to serve a building preservation notice. (This is sometimes known as spot listing).

7. TREE PRESERVATION AND COUNTRYSIDE

- (a) The Director of Community Services is authorised to make provisional tree preservation orders where necessary because of the immediate threat to tree involved.
- (b) Decisions on applications for work on protected trees.
- (c) Confirmation of tree preservation orders when no objections have been received.
- (d) Decisions on notifications under the Hedgerow Regulations.
- (e) Confirmation of public rights of way diversion orders.

- (f) Responses to Lancashire County Council on the consultation stage of footpath diversion orders in liaison with Committee Chairman (or if unavailable the Vice Chairman) and ward member(s).

8. OTHER MATTERS

- 8.1 Decisions on whether an application is needed for consent to demolish a building.
- 8.2 Decisions on whether an environmental impact assessment is required for any specific proposal and determination of scoping and screening requests.
- 8.3 The attachment of appropriate conditions to approvals following overturns of officer refusal recommendations to Committee (8/3/01).
- 8.4 Decisions whether or not to use consultants to prepare and present an appeal case is delegated but only following discussions with the Chairman (or if unavailable the Vice Chairman) of the Planning and Development Committee,
- 8.5 Delegation to Director of Community Services or Head of Planning Services to decide to take applications to Planning and Development Committee even if they fall within the Delegated procedure if it is deemed appropriate.

9. COUNCILLORS POWER TO REQUIRE A PLANNING APPLICATION TO BE DETERMINED BY COMMITTEE

- 9.1 The ward councillor will have the right to require that any application or revocation request appearing on the weekly list to be presented to Planning and Development Committee for decision providing that such an instruction is received by the Director of Community Services in writing within 14 days of the 'received week ending' of the relevant list.

PROPOSED DELEGATION SCHEME 6 DECEMBER 2012

- RIBBLE VALLEY BOROUGH COUNCIL
- PLANNING AND DEVELOPMENT COMMITTEE
- SCHEME OF DELEGATION OF DEVELOPMENT CONTROL AND COUNTRYSIDE MATTERS
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9. COUNCILLORS POWER TO REQUIRE A PLANNING APPLICATION TO BE DETERMINED BY COMMITTEE

- 9.1 The ward councillor will have the right to require that any application or revocation request appearing on the weekly list to be presented to Planning and Development Committee for decision providing that such an instruction is received by the Director of Community Services in writing within 14 days of the 'received week ending' of the relevant list.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 6 DECEMBER 2012
title: HOUSING LAND AVAILABILITY
submitted by: CHIEF EXECUTIVE
principal author: COLIN HIRST – HEAD OF REGENERATION AND HOUSING

1 PURPOSE

1.1 To provide Members with information on the most recent results of the Housing Land Availability Survey.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives – The information in this report relates to a number of community objectives but is particularly relevant to the broad objective of conserving our countryside and enhancing the local environment.
- Corporate Priorities - This information is relevant to the local development framework which is the spatial expression of the Community Strategy.
- Other Consideration – None.

2 INFORMATION

2.1 The Council regularly monitors housing land availability and produces a housing land availability report. This document provides the information with which to monitor housing development across the Borough. Monitoring continues to be critical to the process of determining planning applications and the Council's duty to ensure a 5 year supply of developable land. Whilst NPPF anticipates an annual update on the supply of deliverable land, the Council has previously monitored Housing Land bi-annually but is now intending to monitor on a quarterly basis.

2.2 The HLA report itself provides detailed information on sites with planning permission, sites under construction and enables the Council to create a picture of construction trends and activity rates together with base line evidence on the amount of land that is available to be brought forward. Copies of the full report are available for reference at Planning Reception and the members room on Level D.

2.3 Members will be aware that the relevant strategic basis against which housing land supply is currently monitored is the Regional Spatial Plan (RSS). The Council continues to monitor against the provision of 2900 homes between 2003 and 2021 to provide for a strategic provision of some 161 units per year. Although a revised requirement has been established to inform the Core Strategy, the Council has not adopted this for decision-making purposes as yet. The formulation of a revised requirement has been subject to public consultation and remains an issue to be resolved through the Examination in Public to be held as part of the Core Strategy process when those issues/objections that remain, can be considered.

2.4 The supply position for dwelling units as at October 2012 is summarised as follows:

• Units with full planning permission	248
• Units with outline planning permission	433
• Sites commenced, units remaining but not started	128
• Units under construction	139
• Conversions - not started	84
• Conversions –under construction	46
• Affordable Housing Sites (not started)	<u>240</u>
Total	<u>1318</u>

In addition a total of 232 units were the subject of planning applications awaiting the completion of Section 106 agreements. Given that these sites have been agreed in principle and that the Council has put in place measures to monitor progress on the completion of agreements these are included in the supply. Any issues arising from delays in completing the agreements can be monitored and reflected in the Councils Housing Land Monitoring which is now being done on a quarterly basis, this will provide a more accurate position in terms of sites that can contribute to the 5 year supply.

The tables at appendix 1 sets out a 5-year statement, as at October 2012 taking account of the necessary adjustments and smoothing to reflect activity over the monitoring period. Given that we currently plan for 161 units per year this shows that the Council can demonstrate an ongoing 5 - year supply of housing land.

For reference the table at Appendix 2 shows the comparable 5 year assessment against the proposed strategic requirement of the draft Core Strategy, which also shows against that requirement the Council can demonstrate a 5 year supply position.

COLIN HIRST
HEAD OF REGENERATION AND HOUSING

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

- 1 Housing Land Availability Survey files
- 2 North West of England Plan Regional Spatial Strategy to 2021 – GONW- Sept 2008

For details of the Housing Land Availability Schedule contact Sharon O'Neill extension 4506.

For further information on housing and strategic policy issues please ask for Colin Hirst, extension 4503.

Ref: CH/EL/160812/P&D

APPENDIX 1

Five year supply (2012-2017) based on previously adopted RSS figures and including permissions, completions and commitments up until 1 October 2012

Planned Provision

a) Housing provision 2003/2021	2900	161/yr
b) Net dwellings completed 2003-2012 (9.5yrs)	1237	130 (1237/9.5)
c) Net dwellings required 2012-2021 (8.5 years) (adjusted to a revised annual rate)	1663/8.5	196/yr
d) Adjusted Net 5 yr requirement 2012-2017 (5yrs)	980	196 x 5 (annual equivalent smoothed over plan period)
e) Add Buffer of 20%	1176	20% NPPF guideline (196 + 20% = 235)

- a) Strategic housing provision based on previously adopted RSS figures.
- b) Actual completions in monitoring period divided by number of years.
- c) Residual requirements based on completions and plan period remaining. This figure gives the annualised requirement to attain planned figure.
- d) Five year requirements based on the revised/adjusted annualised rate.
- e) Buffer to allow for previous years under delivery 20% (para. 47 – NPPF)

Identified Supply

Supply of deliverable sites over 5 years (Housing Land Availability Survey October 2012)	
Sites subject to Section 106 agreements	232
Affordable units	240
Sites with Planning permission	893
Deliverable sites	(1365)
(discounted by 10% slippage allowance)	1229
Sites under construction	185
Total Supply	1414
Equates to <u>6.0 yrs supply</u> at 5 year adjusted rate at 01/10/12	

Supply: 6.01 yrs supply (1414 ÷ 235)

APPENDIX 2

Five year supply (2008-2028) based on proposed Core Strategy requirement including permissions, completions and commitments up until 1 October 2012

Planned Provision

a) Housing provision 2008/2028	4000	200/yr
b) Net dwellings completed 2008/2012 (4.5 yrs)	439	98 (439/4.5)
c) Net dwellings required 2012-2021 (15.5 years) (adjusted to a revised annual rate)	3561/15.5	230/yr
d) Adjusted Net 5 yr requirement 2012-2017 (5yrs)	1150	230 x 5 (annual equivalent smoothed over plan period)
e) Add Buffer of 20%	1380	20% NPPF guideline (230 + 20% = 276)

- a) Strategic housing provision based on previously proposed Core Strategy requirement.
- b) Actual completions in monitoring period divided by number of years.
- c) Residual requirements based on completions and plan period remaining. This figure gives the annualised requirement to attain planned figure.
- d) Five year requirements based on the revised/adjusted annualised rate.
- e) Buffer to allow for previous years under delivery 20% para. 47– NPPF.

Identified Supply

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Affordable units	240
Sites with Planning permission	893
Deliverable sites	(1365)
(discounted by 10% slippage allowance)	1229
Sites under construction	185
Total Supply	1414
Equates to <u>5.12 yrs supply</u> at 5 year adjusted rate at 01/10/12	

Supply: 5.12 yrs supply (1414 ÷ 276)