

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 17 JANUARY 2012
 title: NON-DETERMINATION APPEAL IN RELATION TO AN APPLICATION FOR THE ERECTION OF 116 TWO, THREE, FOUR AND FIVE BEDROOM DWELLINGS AND 21 ONE BEDROOM BUNGALOWS TOGETHER WITH ASSOCIATED LANDSCAPING, OPEN SPACE, DRAINAGE INFRASTRUCTURE, CAR PARKING AND ACCESS ROADS AT LAND AT MITTON ROAD, WHALLEY
 submitted by: DIRECTOR OF COMMUNITY SERVICES
 principal author: SARAH WESTWOOD – SENIOR PLANNING OFFICER

1 PURPOSE

- 1.1 To advise Committee in relation to the recently received non-determination appeal and request guidance on the issues relating to the Council's reasons for refusal of the scheme.
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives – } The matters identified raise issues associated with protecting and enhancing the local environment, delivering housing needs and promotion of economic development.
 - Corporate Priorities – }
 - Other Considerations – None.

2 BACKGROUND

- 2.1 This application was made valid on 20 July 2012. It was given the planning reference 3/2012/0637/P with the 13-week statutory determination period ending on 19 October 2012. After this time period applicants do have the opportunity to appeal for non-determination. It is standard practice to assess and aim to make recommendations on applications within the statutory 8 and 13-week periods, however in this case there are reasons why this has not been achieved.
- 2.2 No formal decision has yet been made in relation to this application with there being several reasons for this. There have been ongoing discussions with consultees in respect of highway and archaeological matters that arose as a result of initial consultation responses. In addition to this there has been an ongoing dialogue with colleagues at LCC in relation to the need for this site to be released for housing in order that the potential sterilization of a mineral reserve/resource can be assessed. Members will also be aware of concerns expressed previously in relation to capacity issues at the Waste Water Treatment Works serving this area and the response from United Utilities came after the 13-week period. Finally it was decided that an independent visual appraisal/landscape assessment of the site should be commissioned in order to assist in the decision-making process. The applicant was aware that an independent assessment had been commissioned and notwithstanding the fact that dialogue with various colleagues and LCC was still ongoing, and had not reached conclusions on concerns previously made, the applicant has sought to appeal against non-determination of the application.

- 2.3 The appeal for non-determination was received on 5 December 2012 and on receipt no further work can be undertaken in relation to dealing with the planning application. The Planning Inspectorate contacted us on 14 December for the Council's view on the most suitable procedure to follow in relation to this appeal.
- 2.4 The appellant has requested that the appeal be considered at a Public Inquiry which they initially estimated would sit for 4 days (indicating they would call three witnesses) but in subsequent correspondence from the Inspectorate have requested the Inquiry sit for up to 7 days based on the number of witnesses their Counsel advises. Having regard to the scale and nature of the development proposed, the issues of concern as outlined elsewhere within this report and report included as Appendix 1 and level of opposition to this scheme, I am of the opinion that the Public Inquiry procedure is the most appropriate for this application. However I would question the number of sitting days the applicant/appellant is now requesting and have suggested to the Inspectorate that 4 days is more realistic. It is important to stress to Members that whilst this is the most appropriate procedure to deal with this scheme it is also the most costly in terms of both officer time and need to engage Counsel and an expert witness. Ultimately the Planning Inspectorate will decide how the appeal is to be dealt with but I reiterate that in my opinion the Public Inquiry method is the most appropriate in this instance and this was confirmed to both the applicant/appellant and the Planning Inspectorate on 18 December as per the Inspectorate's request. As part of that response I outlined that 4 sitting days was more realistic based on the issues of concern that were being brought to Members' attention at this meeting.
- 2.5 Once the Inspectorate have decided upon the procedure and provided a start date all those persons who were notified or consulted about the application, and any other interested persons who made representations regarding the application, will be notified of the appeal.

3 ISSUES

- 3.1 In cases for non-determination it is important to gauge the views of Planning and Development Committee in order that Committee Members are satisfied with the officer report and are in agreement with its content and conclusions.
- 3.2 A report is include as Appendix 1 to this report providing details of the representations received and the issues arising. As Committee will note there has been a great deal of public interest in this proposal.
- 3.3 On the basis of the planning merits of the case it is considered that should a formal recommendation have been made to Planning and Development Committee it would have been one of refusal for the following reasons:
1. The proposed development by virtue of its scale and location outside the defined settlement boundary of Whalley is considered to represent an urban extension into the open countryside which would change the character of this area of countryside to the detriment of the visual amenities of the area. It is thus contrary to Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan, Policies DMG1, EN2 and DME2 of the Regulation 22 Submission Draft Core Strategy and the provisions of the National Planning Policy Framework in respect of visual amenity considerations.
 2. The proposal will be unduly harmful to the character, appearance and significance of Whalley Conservation Area, its setting and views into and out of the Conservation Area. This is contrary to Policy ENV16 of the Ribble Valley

Districtwide Local Plan, Policy DME4 of the Ribble Valley Regulation 22 Submission Draft Core Strategy and Paragraph 17 (conserve heritage assets in a manner appropriate to their significance) and Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness) of the National Planning Policy Framework.

3. The proposal will be unduly harmful to the setting and significance of listed buildings, including Whalley Viaduct (Grade II), Whalley Abbey (Grade I) and Whalley Abbey North-West Gateway (Grade I). This is contrary to Policy ENV19 of the Ribble Valley Districtwide Local Plan, Policy DME4 of the Ribble Valley Regulation 22 Submission Draft Core Strategy and Paragraph 17 (conserve heritage assets in a manner appropriate to their significance) and Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness) of the National Planning Policy Framework.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – The Public Inquiry process is the most costly route both in terms of officer time required to provide all the relevant documentation prior to and during the Inquiry process itself and the financial cost of employing Counsel and external consultant(s) to assist the Council in defending the appeal.
- Technical, Environmental and Legal – None identified.
- Political – None identified.
- Reputation – None identified.
- Equality and Diversity – None identified.

5 **RECOMMENDED THAT COMMITTEE**

5.1 Advise that they would have been minded to refuse the application for the above reasons.

SARAH WESTWOOD
SENIOR PLANNING OFFICER

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

- 1 3/2012/0637/P - Application for the erection of a 116 two, three, four and five bedroom dwellings and 21 one bedroom bungalows together with associated landscaping, open space, drainage infrastructure, car parking and access roads at land at Mitton Road, Whalley. Report included as Appendix 1 to this report.

For further information please ask for Sarah Westwood, extension 4516.

APPENDIX 1

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

MINDED TO REFUSE

DATE: 17 JANUARY 2013

REF: SW/CMS

CHECKED BY:

APPLICATION NO: 3/2012/0637/P

(GRID REF: SD 372748 436398)

PROPOSED ERECTION OF 116, TWO, THREE, FOUR AND FIVE BEDROOM DWELLINGS AND 21, ONE BEDROOM BUNGALOWS, TOGETHER WITH ASSOCIATED LANDSCAPING, OPEN SPACE, DRAINAGE INFRASTRUCTURE, CAR PARKING AND ACCESS ROADS AT LAND AT MITTON ROAD, WHALLEY

PARISH COUNCIL: Object to the application on the following grounds:

1. Conservation

- The fields are open countryside and this proposal would result in the destruction of the open aspect and decimation of wildlife and vegetation.
- Views to and from Whalley Nab will be diminished and the viaduct will be lost in amidst of 3 storey houses not enhanced, resulting in detracting from its setting and from that of the Abbey.
- The character of this area of countryside would be lost and replaced by urban sprawl.
- Broad Lane would become a rat run and be very dark when overshadowed on both sides.

2. Sustainability

- The proposal represents more houses with minimal contribution to the social infrastructure of the village.
- There are no local commercial gains or employment.

3. Flooding

- Flooding by the Calder in July 2012 following persistent rain resulted in surface water adjacent to the proposed building.

4. Transport Assessment

- The proposal will increase the Whalley commute to work and school and exacerbate existing problems.
- To accept the developer's claim that car usage will increase only by 0.75 cars is questioned.
- Will development of the site prevent duelling of the A59 between Bramley Meade and the Petre Roundabout if this were to be contemplated due to the increased population in Ribble Valley?

5. Transport Safety

- Question the safety of the exit from the site on a blind bend with a ghost island being inadequate.
- Walking to the village will require pedestrians to cross this busy road before the railway bridge as there is no pavement near Broad Lane with there being a history of road traffic accidents in this vicinity.

6. Education

- Primary schools in Whalley, Langho and Barrow are oversubscribed. It is untenable for Whalley village children to be bussed out of the area but this is already likely to happen with existing permissions.

7. A Cumulative Impact

- A feature of the last two years has been the succession of developers who wish to build both in the immediate environment of Whalley or within the parishes bordering the village. Should all these be successful, the accumulative impact will destroy the ambience associated with Ribble Valley. ENV3 recognised the need to protect and enhance open countryside – this development destroys those features.

DIRECTORATE
(COUNTY SURVEYOR):

dated 27 September 2012 the following comments were made in relation to the Transport Assessment, prepared by Singleton Clamp Partnership on behalf of David Wilson Homes (North West), and the Design and Access Statement, both dated July 2012. Members are referred to the file for full details of the response received which is summarized as follows:

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. The following comments are offered regarding the anticipated highway impacts of the proposed development.

Access Strategy

It is proposed that there will be direct vehicular access to the site from a single point of entry on Mitton Road, utilising and developing an existing field gate.

There is no issue of capacity at the proposed access. However, the operation of the mini-roundabouts at the junctions of Station Road with King Street and King Street with Accrington Road has been the subject of recent discussions with other developers in this vicinity concerning their operational capacity.

Traffic Flows

The counts undertaken on behalf of the applicant on Mitton Road were carried out on representative days and provide an acceptable basis on which to develop future growth patterns.

Traffic Growth

I have discussed the figures provided with David Watson, LCC Strategic Highways Planning. It is not clear from the information provided as to how the figures provided by for the Transport Assessment have been and if the rates have been manually adjusted.

It may be useful if a further explanation is provided as to how the original figures have been derived. As part of this assessment I would ask that specific reference be made to the high levels of car ownership in Whalley and the high percentage of journeys to work by private car undertaken by residents. Census data from 2001 and 2011 has identified that these aspects are at specific variance with comparable National figures.

Trip Generation

I have investigated if the accuracy of the "number of dwellings" parameter could be better tailored to the proposed 137 property development. However, I am satisfied that the use of

a range as presented is common in order to achieve a good sample of sites.

Similarly, the date range for the sites runs from January 2004 and this is reasonable in order to get a bigger sample and the geographical locations are also satisfactory.

For the reasons stated above, it is considered that the overall trip generation presented in the TA, on the immediate local network, for all elements of the proposed development is broadly acceptable but requires revision with specific reference to the Traffic Growth element.

Trip Distribution

The distribution approach used in the TA indicates a strong movement exiting to the west of the site, 26% and 29% in the morning and afternoon peaks respectively. This distribution appears unduly high given the comparative attraction of local employment sites, nearby highway links to principal routes, school trips and local facilities and amenities.

The result of the approach taken in the TA is to minimise, and in my opinion, underestimate the impact of trips from the proposed development through Whalley village centre. I do not consider this approach to provide a sound basis upon which to assess the impact of this development.

Committed and Other Proposed Developments

The Committed developments relevant to this site, at Pendle Road, Calderstones Park (3/11/0837) and on land to the north of Riddings Lane, Whalley (3/10/0820), have been highlighted in the Transport Assessment.

Impact on Junctions and Junction Modelling

1. Site access and Mitton Road;

The PICADY assessments provided confirm that there are no capacity issues with the proposed junction layout. While I have identified some concerns regarding the Traffic Growth figures, including reference to the high levels of car ownership (1.39 per property) and journeys to work by private car (69.3%) within Whalley, these are not sufficient to recommend a review of the anticipated operation of this junction.

2. Station Road and Accrington Road mini-roundabouts;

The capacity of this junction has been identified as sensitive and operating close to capacity when examined in reference to previous applications; on land to the north of Riddings Lane (3/10/0820), and land to the east of Clitheroe Road (3/11/0111).

In my pre-application discussion with Natalie Skuse of SCP Transport Planning, I asked that considerations of the accessibility of the site should include, for example, proximity to public transport, education, significant employment sites, walking distances to village facilities, the nature of the facilities offered within the village and cycle provisions.

There were four junctions identified for further study. These were to include the mini-roundabouts at the junctions of Station Road and Accrington Road with King Street. The TA does not provide any information on the impact of this proposed development at these sensitive locations.

Pedestrians and Cyclists Access

Public Rights of Way footpath 20 runs immediately to the south of the southern site boundary, heading north-west from Broad Lane. It is proposed to provide points of access from the site to this footpath. It is essential that these routes and their linkages are maintained to a standard and design acceptable to Public Rights of Way officers.

The Design and Access statement identifies Broad Lane as part of the "existing footpath network", with additional links "secondary route for cyclists and pedestrians", being created from the site. There are no additional measures being considered to secure enhanced provisions along this narrow section of highway, with no footways available to either side of the road and intermittent passing places.

The existing footway provision between Calderstones Park and Whalley village is not continuous along the west and south side of Mitton Road, with the footway being interrupted between No.9 Mitton Road and Broad Lane, a distance of approximately 130m. Measures should be considered to affect an improvement in provision.

It is the case that opportunities are available for pedestrians from Calderstones Park or other residential streets to the west side of Mitton Road to cross safely from positions with the potential for adequate forward visibility in both directions in advance of the break in the footway. However, from my observations it appears that there are no clear pedestrian preferences, with individuals crossing at a variety of locations.

The provision of a priority crossing to the west of the break in continuous footway provision would serve both existing pedestrians and those generated from the proposed development. This would focus crossing movements at a single location and provide improved access to the rail station and facilities at Whalley Sports Club and the Queen Elizabeth 2 Playing Fields.

I would recommend that an analysis of pedestrian and vehicular movements be undertaken to assess the viability of a

priority crossing in this vicinity. In order to provide representative data it would be appropriate to ensure that our survey included pedestrian and vehicular trips during the school term.

The other main focus for pedestrian movements from the site is at Broad Lane. There are presently no footway provisions on this road and the existing layout would not be suitable for the envisaged increase in localised pedestrian activity. Given that this route from the centre of the site to the rail station is particularly convenient, an appropriate improvement in footway provisions would be required.

The width of the existing footway provision in the vicinity of the site is inconsistent, with widths of less than 1.0m at some points and there is an opportunity to consider addressing these inconsistencies to provide a more suitable width for pedestrian, pushchairs and wheelchairs.

Public Transport

Good access to public transport services will be important factors in helping to reduce dependence on the private car for users of this development.

Key requirements of major housing developments are that all housing is to be within 400m walking distance of a regular/frequent bus service.

There are existing bus stops on Mitton Road, located within a short distance of the proposed main site access. However, I have safety concerns regarding the suitability of the Broad Lane access and do not consider that it provides a safe means of access in its present layout. In discounting this access the route from the centre of the site to the existing bus stop locations falls outside of the recommended 400m radius.

The applicant should give consideration to additional facilities on Mitton Road and these could include bus provisions to the north of the site.

The relatively close proximity of the site to Whalley rail station is highlighted and the consequent benefit of this amenity for regular commuter and leisure journeys is recognised.

Access to the Blackburn platform is achieved from The Arches and is suitable wheelchair users and other user with limited mobility, but this level of accessibility is not available to/from the Clitheroe platform. In the past, measures have been undertaken to introduce a low-rise broad, stepped access with handrails.

However, there is considerable scope to upgrade and update this access for all users.

Road Safety

There have been a number of serious and one fatal accident on the highway network considered within the TA.

The Police road safety record for the B6246 has been looked into, with particular emphasis on incidents involving pedestrians and/or excessive speeding. There were six collisions noted between a point 50m north of Nethertown Close and 50m east of The Arches during the five years between 1 May 2007 and 30 April 2012. The severity of all noted collisions was determined to be "slight".

Parking Standards

The Planning Layout provides a degree of detail that includes on street parking elements and reference to garaging facilities.

The garage facilities that have been identified; CEG1-5 and CYG1-3, while not of a standard size (3.0m by 6.0m), were all capable of accommodating private vehicle(s).

Referring briefly to the internal layout, the House Types V1 and V2 are both shown with a gated approach. I would be concerned that this would restrict the use of the available driveway for these 3 bedroom units and limit the parking provision to a single vehicle.

Travel Plan

This development is in excess of our Travel Plan submission threshold. It therefore requires an Interim Travel Plan, which should be submitted prior to occupation as a condition of planning.

For a development of this size we would normally request a contribution of £6000 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.

Internal Site Layout

Appropriate measures to secure safe, continuous and accessible pedestrian links can be achieved.

The requirement to illuminate the emergency access routes and other pedestrian links, particularly but not exclusively those to the rear of properties along the eastern edge of the site, should be discussed further.

The first four plots are shown as having direct pedestrian access to Mitton Road. I am concerned that this will encourage on street parking on Mitton Road, either for residents or visitors. This would be detrimental to highway safety given the proximity to the single point of vehicular access to the site and

the impact such parking would have on visibility for emerging motorists and the safe operation of the adjacent pedestrian refuge.

Servicing, Delivery, Waste Collection, Emergency Access and Routing

The internal layout shown on the Planning Layout (presentation) provides areas for manoeuvring that would appear to present safe and convenient manoeuvring for servicing, delivery and waste collections.

Construction Period

The impact from construction traffic for any development in this location will be significant. Careful consideration would need to be given to the routing of construction traffic and phasing of the development should planning permission be granted.

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, particularly in respect of public transport. Until agreement has been reached on the Transport Assessment the LHA is unable to provide full details on the request for planning obligations relating to highways and transport.

A Highways contribution of £214,500 will be sought. This is based on 137 dwellings of unknown room size, 96 for open sale and 41 affordable, with an approximated Accessibility score of 23, as follows:- 19@ 1,100; 38@ 1,650; 39@ 2,200 = £169,400 and 41@ 1,100 = £45,100.

Proposed Junction Treatments

The only junction details provided relate to the site access. I have asked for additional information on other junctions and may provide further information on these matters at a later date.

Speed surveys were carried out on Mitton Road on representative days and details of the survey results are presented within Section 4 of the Transport Assessment. The measured speeds were just below 30mph in the morning peak and just over 30mph in the afternoon.

In line with these measurements and following the guidelines provided in MfS2, I am satisfied that the proposed visibility splays of 2.4m by 45.0m are acceptable. However, further to the information already provided and in order to demonstrate that safe operation can be provided at the proposed access, a Stage 1 safety audit should be provided.

Section 4.5 of the TA notes that the junction design includes,

"a pedestrian island located to the east of the proposed access to allow pedestrians to cross Mitton Road". Reference is also made on the Planning Layout drawing, with an indication that details of the junction arrangements are to be found on the "engineer's drawing". However, the junction drawing provided as part of the TA do not include a location or design detail for a refuge.

As a result of the restricted forward visibility along Mitton Road there is a length of solid white lining through the bend at the existing field gate and beyond the A59 over-bridge, between 21 Mitton Road and Nethertown Close.

This marking serves to highlight the existing deficiencies in forward visibility, prohibiting overtaking against the solid lined sections and prohibiting on street parking along its entire length. It is as a result of marking that there are no parked vehicles in the immediate vicinity of the existing field gate access.

I would welcome confirmation that an assessment of the forward visibility has been carried out based on the proposed junction layout and that the relevant details are provided.

The proposed junction design does not retain the solid white lining marking and makes no mention of its omission. It is entirely feasible that on street parking will encroach towards the site entrance as a result, particularly as the first four plots are shown as having direct pedestrian access to Mitton Road.

As I have noted earlier, I am concerned that this will encourage on street parking on Mitton Road, either for residents or visitors. This would be detrimental to highway safety given the proximity to the single point of vehicular access to the site and the impact such parking would have on visibility for emerging motorists and the safe operation of the adjacent pedestrian refuge.

Traffic Regulation Orders

I have not identified any TROs that will be required to secure improved highway safety benefits or to assist with the safe movement of vehicles and pedestrians as direct consequence of the proposed development.

However, the issue of on street parking in close proximity to the site access is a concern given that the existing prohibition by virtue of the solid white lining system is no longer identified as being required at this location. If this alteration in the existing highway layout is verified, as requested above, then the impact of on street parking will have to be considered in further detail and the provision of a TRO should not be discounted at this time.

Proposed Off-Site Highway Works

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

1. The provision of a pedestrian priority crossing on Mitton Road should be investigated. This will address a specific concern regarding the discontinuity of the existing footway provision and will also have a positive benefit in managing vehicle speeds.
2. Details to be provided of the proposed pedestrian refuge on Mitton Road, immediately to the east of the site access.
3. The proposed site access to be constructed in accordance with the layout shown on SCP/10236/SCP1, subject to any further discussions and clarification of details.
4. The provision of improved footway provisions on Broad Lane and at its junction with Mitton Road. This is to link with the introduction of a secondary pedestrian/cycle access from Broad Lane.
5. Accessibility improvements at Whalley rail station. It is not clear the full extent of the improvements that may be achieved at this location, but there is considerable scope to upgrade and update access for all users.
6. In order to maximise pedestrian access between the proposed development site and Whalley village, the provision of drop kerbs along the main pedestrian desire lines, improved surface materials and pedestrian signing to the village shall be reviewed.
7. At this time, the only junction details provided relate to the site access. I have requested additional information on other junctions that may be affected by the proposed development. Should further off-site works be required as a result, I will provide relevant information on these matters at a later date.

Items for inclusion in a S106 Agreement

1. Travel Plan
2. Bus Service Provision

The detailed Public Transport provisions will be resolved as part of a formal Section 106 Agreement.

The applicant should give consideration to additional facilities on Mitton Road and these could include bus provisions to the north of the site.

I would initially estimate that the costs of this provision would be £20k per location plus 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.

Highway Conditions

There are a number of Standard Conditions that will apply to this application should consent be granted.

Conclusion

The proposals will result in increased flows on the existing transport network in and around Whalley village. There will be increased vehicle turning movements and impacts on pedestrian movements at junctions in the vicinity of the development and at a number of junctions in Whalley village centre.

I believe that the Transport Assessment as presented underestimates the likely impact. I consider further information is required in respect of the TA to address the issues highlighted. The LHA must be satisfied that the likely level of impact has been assessed before providing support for the development and where necessary, the appropriate mitigation provided.

In summary the key issues highlighted were:

Traffic growth; trip distribution; impact on local highway network; secondary access provisions; internal site layout and elements of the site access design.

I would recommend that further discussions between LCC, your council and the developer are held in order to consider the additional information that is required. Lancashire County Council is more than willing to work with the developer's consultant to identify options that could address these concerns.

Additional correspondence was received from LCC on 17 December in relation to ongoing dialogue with the applicants that outlined the following matters:

The additional information made available (supplementary data provided by SCP in November 2012) included a comprehensive Technical Note, revised Appendices showing traffic impact modeling, a Stage 1 Safety Audit from Madhavan Design and detailed response from Bill Booker of SCP.

In the conclusion to my original comments, I highlighted areas of concern regarding the possible detrimental highway impacts of elements of the proposal and asked that the applicant consider these aspects in greater detail in an attempt to resolve these matters.

It was my contention that the Transport Assessment underestimated the likely impact of the development and I asked that further information be provided in respect of the TA to address the issues highlighted as the LHA must be satisfied that the likely level of impact has been assessed before providing support for the development and where necessary, the appropriate mitigation provided.

Accordingly the following matters were considered in greater detail:-

1. Traffic Growth

As detailed in the Technical Note (WB/NS/GS/12036 of 13 November 2012), a revised figure for the traffic growth calculation for the 2013 to 2023 traffic movements has been agreed. This has resulted in a factor of 1.088 for the AM peak and 1.090 for the PM peak being incorporated into the subsequent assessment figures.

2. Trip Distribution

The Technical Note reviewed the original trip distribute and the revised vehicle assignment for the proposed development site is agreed as more representative of existing and anticipated vehicle movements.

3. Impact on the local highway network

The modelled outcomes, provided on 16 November 2012, reveal a number of issues regarding the future, safe operation of some junctions and their ability to operate effectively in response to the levels of additional vehicular movements directly attributable to traffic generated by the proposed development. These figures identify two areas of concern, the performance of the Clitheroe Road and Station Road arms in 2023. The figures for the remaining arms and time periods are consistent with normal daily fluctuations in demand.

The operation of the Clitheroe Road arm of the mini-roundabout is affected by the presence of parked vehicles on the exit and approach. Prior to the submission of this application, the possible introduction of a length of prohibition of waiting was being considered at this location as a measure to improve highway safety and the efficient operation of the mini-roundabout.

The proposal being considered would see an extension of the existing lengths of prohibition on Clitheroe Road, by 16m to the west side and 46m to the east side. This is one potential means for improving the geometry and the flow through the mini-roundabout at this arm.

In addition, the operation of this feature could be amended

through minor physical engineering measures to improve approach widths or other geometrical aspects of the mini-roundabout that would result in its improved function.

The operation of the Station Road arm of the mini-roundabout is affected by the presence of parked vehicles. There are existing lengths of prohibition of waiting to the west of the mini-roundabout that provide a clear approach in the immediate vicinity of this feature. However, the alleviation of some delay on the Clitheroe Road approach would improve the performance of this arm, particularly for vehicles turning left to access the A59 via Wiswell Lane. To assist with turning efficiency on this arm, the provision of a short flare could be investigated.

The impact of the increased activity on pedestrians and cyclists is equally significant. As well as the loss of residential amenity, the increased queuing may encourage pedestrians to cross within areas of standing traffic, where visibility is limited and protection minimal.

On this basis, it is my understanding that the development could adversely affect the operation of the local highway network to the detriment of highway safety. However, these negative impacts are based on small changes in vehicular activity and the sensitivity of the capacity calculations present in Whalley must be taken into account.

4. Secondary access provisions

There is considerable merit in securing an acceptable pedestrian/cycle link from the site at Broad Lane, as it would provide a direct focus for pedestrian movements from Whalley rail station and existing bus services. At present there are no footway provisions on Broad Lane and the junction layout at Mitton Road provides for significantly substandard visibility for emerging motorists.

A sketch proposal (SCP/12036/SCP2) for a draft scheme has been included in the supplementary information. This does attempt to improve visibility by extending the kerb edge and drawing forward the STOP line. However, there are no improved provisions for pedestrians and cyclists leaving the site and no measures to assist their movement from the site to Mitton Road.

I have attached a further sketch plan (Broad Lane 3 12 637), that identifies a possible priority working arrangement. The intention of this plan is to initiate further discussions concerning the provision of a significant and realistic improvement that would allow the secondary access from the development site to Broad Lane, with links to the Mitton Road junction.

The measurements I have included are based on a rudimentary survey of the available road widths and limited

construction considerations. Such a scheme would require, as a minimum, the local widening to the west side of Broad Lane, along a section of the frontage of the site. This may impact on the existing tree growth.

5. Internal site layout

The Planning Layout provides a degree of detail regarding the potential layout of the site that includes on street parking elements and reference to garaging facilities. I have every reason to anticipate that this layout will provide adequate provisions for individual properties and areas of communal activity.

6. Site access design

I have no concerns regarding the capacity of the proposed junction with Mitton Road or the ability of the applicant to secure an acceptable access design that will deliver acceptable sightlines for traffic emerging from the site.

The unhindered movement of through traffic on Mitton Road as it passes the site entrance is maintained by virtue of the system of solid white lining that extends from 21 Mitton Road north and west towards Nethertown Close.

It has not yet been established by the applicant if the appropriate criteria have been met that would allow this safety treatment to be retained or if some other measure is required to control on street parking in this vicinity. There are clear limitations on the ability of the LHA to bring to conclusion proposals for the introduction of lengths of prohibition of waiting. The inclusion of Grampian style clauses does not provide any party with confidence regarding its outcome and I am content to avoid the use of such a condition in this instance where more comprehensive and deliverable measure remains available.

Wherever possible these issues should be addressed through the engineering and design of a scheme. In this instance, retaining the solid white line system would be desirable and the applicant should submit drawings identifying an appropriate road marking arrangement, subject to a survey of the road layout satisfying the relevant Department of Transport requirements.

Reference is made in the Safety Audit to restricted visibility on the north side of Mitton Road for pedestrians utilizing the proposed refuge to the east of the access. The suggested maintenance of the foliage that falls within the highway will be beneficial, but even this will provide approaching motorists with a maximum 50m forward visibility of pedestrians approaching the kerb edge to cross at this point. Pedestrian confidence could be further undermined by motorists failing to indicate when turning into the right turn lane towards the proposed site.

In order to improve forward visibility of pedestrians, the location of the refuge and the associated drop kerbs should be reviewed, as a significant benefit could be derived from a relatively minor alteration in their position.

In conclusion, there remain some outstanding matters but the opportunity exists to resolve these issues through further discussion. Therefore, subject to the applicant providing suitable measures designed to provide mitigation against the detrimental impact of the additional site generated traffic, I continue to have no objection in principle to this application on highway safety grounds.

LANCASHIRE COUNTY
COUNCIL (PLANNING
CONTRIBUTIONS):

Transport

The application is being assessed by the transport team. However, precise details have yet to be verified.

Education

This consultation response seeks to draw the Council's attention to impacts associated with the development and propose mitigation for these impacts through a planning obligation. The contribution described is directly linked to the development described and 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 latest information available at this time was based upon the 2012 annual pupil census and resulting projections.

Based upon the latest assessment, LCC would be seeking a contribution for 41 primary school places and 29 secondary school places.

Calculated at 2012 rates, this would result in the following claim:

Development details: 116 dwellings

Primary place requirement: 41 places

Secondary place requirement: 29 places

Local primary schools within 2 miles of development:

WHALLEY CHURCH OF ENGLAND PRIMARY SCHOOL
LANGHO AND BILLINGTON ST LEONARD'S COFE VA
PRIMARY

BARROW PRIMARY SCHOOL

Projected places in 5 years: -28

Local Secondary schools within 3 miles of the development:

ST AUGUSTINE'S ROMAN CATHOLIC HIGH SCHOOL

BILLINGTON

Projected places in 5 years: -34

Education requirement:

Primary

*Latest projections*¹ for the local primary schools showing there to be a shortfall of 28 places in 5 years' time, the shortfall will occur without the impact from this development. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield **of this development**, i.e. 41 places.

Secondary

*Latest projections*¹ for the local secondary schools showing there to be a shortfall of 34 places in 5 years' time, the shortfall will occur without the impact from this development. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield **of this development**, i.e. 29 places.

Summary of response:

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

Based upon the latest assessment, LCC would be seeking a contribution for 41 primary school places and 29 secondary school places.

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

Primary places:

$(£12,257 \times 0.9) \times \text{BCIS Indexation (304.20 April 2011 / 288.4 Q4 2008 = 1.054785)}$
= £11,635.65 per place
£11,635.65 x 41 places = **£477,062**

Secondary places:

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

= £17,532.74 per place
£17,532.74 x 29 places = **£508,449**

This response is based on the latest information available at the time of writing and circumstances may change over time, as other applications come forward. Consequently this response may require re-evaluation if the determination of the application is delayed significantly.

¹ *Latest projections produced at spring 2012, based upon Annual Pupil Census January 2012.*

LANCASHIRE COUNTY
COUNCIL (ARCHAEOLOGY):

Initially commented on 7 September 2012 that the site of a possible Roman Villa identified as work as part of an undergraduate dissertation had been brought to the attention of the County Archaeology Service. The surviving remains of such a site have the potential to be of national importance and would be considered to be worthy of preservation in situ. This would have undoubted ramifications on the proposed layout of the site and consequently LCAS therefore requested that further predetermination archaeological investigation of the site was necessary both in the form of an assessment of the dissertation evidence and its primary sources and further geophysical survey of the area in accordance with Section 128 of the NPPF.

An update position was sought from LCC on 11 December 2012 at which time they advised nothing was found in the trenches excavated to suggest that there is any archaeological interest in the site. However, at that time a report detailing the investigations undertaken by the applicants' archaeological contractors was still awaited.

LANCASHIRE COUNTY
COUNCIL (PLANNING):

In a response dated 17 August 2012 comment the application is a mineral safeguarding area as defined by emerging policy M2 of the Joint Lancashire Minerals and Waste Local Development Framework Site Allocation and Development Management Policies (DPD) and proposals map, and protected by Policy CS1 of the Adopted Joint Lancashire Minerals and Waste Local Development Framework Core Strategy. They suggest in line with national policy, the Core Strategy and the emerging policy M2 of the Site Allocations and Development Management Policies document that a site survey is carried out by a competent geological consultant in respect of this scheme. This would assess the extent and quality of the reserves and whether sand and gravel could be extracted prior to development through reference to the criteria set out in Policy M2. If this survey shows the application has a potential to sterilize sand and gravel reserves, Ribble Valley Borough Council will need to consider whether the need for development outweighs the need to safeguard or extract the mineral resource, and whether the mineral resource can be extracted prior to the development without increasing flood risk to the site.

Further correspondence was received on 11 October 2012 following the submission of further information from the applicant. The information provided identified the presence of sand and gravel, it does not discount it as workable in principle. The information provides an estimated volume of 140,400m³ of sand and gravel which represents a modest supply in the context of the county's annual production rates. Most sand and gravel quarries occur near rivers as this is where the greatest share of workable sand and gravel resources are found, extraction of this mineral could exacerbate flooding in the local area.

The local issue of proximity to nearby housing would be a matter for the Council's Environmental Health Officer. The scale of this development means it cannot be seen as temporary in nature as it would permanently sterilize the mineral resource. On the basis of this Lancashire County Council therefore comment again that in this context it is for Ribble Valley to consider whether the development is contrary to the Development Plan, through reference of the criteria set out in emerging policy M2, and specifically whether there is an overarching need for the incompatible development that outweighs the need to avoid sterilization of the mineral resource.

ENGLISH HERITAGE: Have considered the information and do not wish to offer any comments on this occasion – it should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

NATURAL ENGLAND: From the information provided with this application, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on. The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals maybe able to help the LPA to fully take account of the environmental value of this site in the decision making process. LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.

CPRE: Object to the application with their concerns summarised as follows:

1. Views from two AONBs and Conservation Area – the impacts of development here on the visual landscape should be fully considered. The use of appropriate scaling and materials that fit into the local context is important and we remain unconvinced that the current designs represent the best quality and designs that could be achieved for this site.

2. Loss of pasture land.
3. Access and transportation.
4. The scale and nature of the village would be significantly impacted by the proposed number of houses.
5. Developer contributions – RVBC should maximise developer contributions on high value land in high value locations to provide much needed community facilities.
6. Absence of an up to date Local Plan – CPRE Lancashire are concerned that in the absence of an adopted Core Strategy and the Districtwide Local Plan being significantly out of date, RVBC decision makers may too readily permit development.
7. CPRE want reassurance that the cumulative impact of this and other housing development is being fully considered by officers and elected Members when making their decisions.

ENVIRONMENT AGENCY: Initially objected to the proposed development as submitted until further investigation work was undertaken to ensure that flooding risk is not increased on the site and elsewhere (response dated 22 August 2012).

A subsequent response dated 3 October 2012 states they are in a position to remove their original objection to the proposal (following receipt of additional information) subject to the imposition of conditions.

UNITED UTILITIES: Commented on 19 November 2012 that there is capacity within the waste water infrastructure to serve this proposal on the basis of planning permissions granted up to 1 October 2012. However, there are a number of applications/appeals under consideration in the catchment area for the waste water treatment works by both the Planning Inspectorate and Local Planning Authority. If further planning permissions have been granted or appeals allowed since this date, the position may change.

On the basis of the information available at the date of response, there is no objection to the proposal subject to the attachment of a number of conditions on any consent granted.

ADDITIONAL REPRESENTATIONS: A total of 146 letters of objection have been received to this development including a representation made on behalf of the Save Whalley Village Group. Members are referred to the file for full details of the concerns raised which can be summarised as follows:

1. As RVBC has reached its five-year supply of land

allocated for building, the application is premature in advance of the Core Strategy. The five-year supply has been achieved under the proposed number of 200 units per year.

2. The proposed development is outside the settlement boundary and would represent an urban extension into the open countryside to the detriment of the visual amenities of the area contrary to Policies G1 and ENV3.
3. It is not in keeping or character with the rest of the village which has historically grown along its main artery.
4. The modern housing proposed is bland and characterless.
5. The proposed development would be the largest single development in the village.
6. The application is not sustainable under the terms of NPPF as it proposes only the building of houses and offers nothing by way of infrastructure improvements, employment opportunities or economic provision.
7. Brownfield should be developed before greenfield.
8. There is opportunity for further smaller developments that should be considered that would have less impact than developments of this scale and be more in keeping with the character of the village.
9. It is green belt land.
10. A critique of the submitted TA which questions the methodology, assumptions and data submitted.
11. Development would have a detrimental impact on the local highway network if this development is approved and added to the traffic generated by other developments already approved since 2008.
12. It is likely that foot traffic generated by the proposals will head towards The Sands, via Broad Lane to access the village centre – there is very limited provision for pedestrians with no pavements and poor street lighting and how would the emergency access on Broad Lane be policed?
13. Access to the proposed site is on a blind bend and as numbers 15, 17, 19 and 21 Mitton Road have only on-street parking they use the area proposed for access as a turnaround.
14. Traffic will use Broad Lane to avoid the junction of

Mitton Road and King Street.

15. Increased parking difficulties.
16. The site contributes to the significance of the Conservation Area and its loss to development would have a significant adverse effect on the setting of the Conservation Area and listed buildings including the Abbey and viaduct.
17. The development contravenes a statutory duty to protect the Conservation Area and listed buildings and does not conform to national or local plan policy.
18. The views into and out of the Conservation Area will be severely affected by the construction of this development, particularly from The Sands/Broad Lane/Ridding Lane. This is one of the most popular views of Whalley and features in publicity material, photographs and postcards. It forms an important component of the rural backdrop beyond the viaduct and defines a clear visual boundary.
19. The development will lead to the perception that the viaduct is enclosed in housing for almost the entire valley north of the river. The rural setting as viewed from the west, or across Whalley from the Nab will be lost thereby destroying this highly recognisable landscape.
20. The development would lead to the merging of Whalley, Nethertown and Calderstones as one community – the individual character of these smaller communities will be completely lost.
21. Question impact on archaeological remains.
22. The loss of views of the village by building on this open land will have a detrimental impact on the number of visitors and in turn the businesses in the village that rely on tourism.
23. Agricultural land should be kept for agriculture – the field has been used by local farms for sheep and/or cattle during winter and then for hay or laylage during the spring and summer months (photographs have been provided to show the field in agricultural use).
24. Sustainability – to build on land which may soon be needed to feed people is short-sighted and unsustainable.
25. Three-storey terraced houses will detract from the imposing and dramatic nature of the viaduct.

26. Question the design as dwellings are to be mainly brick whereas Cross House is stone with a stone/slate roof and the nearest houses on Mitton Road have red tiled roofs and are rendered.
27. It is an area subject of flooding (surface water from drains and the sewers and river bursting its banks) and the FRA does not recognise this.
28. Question capacity of sewage works to accommodate development.
29. The geo-environmental site assessment says the land is not suitable for building houses with normal foundations – it would not be the first time unsuitable land has been used for building in Whalley.
30. Concerns regarding education – the difficulties of finding a primary school place in Whalley school are well known within the community. Lancashire has no plans to build any new schools at present.
31. Reference to Calderstones and the proposed school that never happened.
32. Too great a strain will be placed on the health care.
33. Loss of privacy from building on higher ground to existing houses.
34. Noise disturbance.
35. Pollution.
36. Loss of sunlight from garden areas.
37. There is an abundance of wildlife that resides on the site – Herons have been spotted on the site.
38. Loss of view.
39. Concerns that the application was submitted in the holiday period and only 3 weeks to provide comments.
40. Consent has been refused previously for building on this land.
41. Effect on house prices.
42. Whalley does not need any more housing – there are plenty of existing ones for sale.
43. Whalley will lose its status as a village and become a town.

Proposal

The proposed application seeks full planning permission for the residential development of the site comprising 137 dwellings (116, two, three, four and five bedroom dwellings and 21, one bedroom bungalows) together with associated landscaping, open space, drainage infrastructure, car parking and access roads. The 137 dwellings comprise a mix of types and sizes including provision of 21 bungalows arranged in mews style courtyards for accommodation by older people. 30% (41 units) of the development would also be provided as affordable housing comprising 2 and 3 bedroom properties and half of the older persons' 1 bedroom bungalows.

In terms of layout the existing hedgerow and tree line running broadly from east to west across the site is to be retained and form a green corridor through the proposed scheme, with development parcels located to the north and south. These areas are in turn divided into three character areas defined in the submitted documentation as courtyard (development enclosing street and courtyards); viaduct (higher density and taller development located along the Broad Lane edge) and country edge (lower density housing forming the south western edge of the development). The layout provides for a number of bungalows offering specialist older persons accommodation, set out in two mews style arrangements around central courtyards. One is located to the north of the central green space and one is proposed at the southern edge of the development. The development is laid out with a hierarchy of streets and routes including main streets, shared surface routes, cycle paths and pedestrian footpaths linking to the surrounding area and perimeter roads and footpaths.

The scale and design of development ranges from single storey bungalows (approximately 5.6m) to three storey dwellings nearer to the viaduct (approximately 9.1m). The courtyard character area will include predominantly two storey dwellings; the country edge will contain 2 to 2½ storey properties and the viaduct area will comprise predominantly 3 storey properties to reflect the form and scale of the arches. This approach provides for a decrease in scale away from the viaduct. In terms of facing materials, the 'courtyard' house types will provide a mix of red and buff bricks, render and stone detailing with materials grouped around the main street spaces and key corners; 'country edge' house types will similarly use red and buff brick, stone and render and the 'viaduct' dwellings will be red brick with smooth red brick detailing.

The 2.3 hectare balance of the undeveloped site area (3.8 hectare of a site being used for residential development) will be laid out and managed as open space to serve the proposed dwellings and preserve the landscape appearance of the river corridor to either side of Ridding Lane between the viaduct and the A59 embankment. This area will also preserve the part of the site outside the zone 1 flood risk area. A locally equipped area for play (LEAP) will be provided in close proximity to the proposed housing, along with more informal recreation space and landscaping. The landscaping strategy for the site will also allow for ecological enhancement.

A new vehicular access will serve the development from Mitton Road. The access proposals include the formation of a ghost island in the Mitton Road carriageway and a pedestrian island located to the east of the proposed access to allow pedestrians to cross. There will be no vehicular access into Broad Lane (except for emergency vehicle access) or Ridding Lane. Pedestrian access will be provided to Broad Lane/Mitton Road and Ridding Lane to provide access to the railway station, bus stops and village centre.

Site Location

The application site is approximately 6.2 hectare in size and comprises two fields separated by a central hedgerow and tree line that roughly follow a change in land levels as the land falls away towards the River Calder. The site levels slope from approximately 49.39m AOD on the north western boundary to 43.13m AOD on the south eastern boundary. The site is bounded by

the A59 by-pass at an elevated level to the west, Mitton Road to the north, Broad Lane to the east and Ridding Lane to the south with the River Calder beyond. There is a single dwelling and its associated garden area adjacent to the southern corner of the site at the junction of Ridding Lane and Broad Lane with Whalley Viaduct (Grade II listed structure) to the east beyond Broad Lane. The whole of the site lies outside the settlement boundary of Whalley within land designated open countryside.

Relevant History

3/86/0391/P – Two dwellings and garages. Refused. Appeal dismissed.
3/84/0552/P – Two dwellings and garages. Refused 10 January 1985.
3/80/1180/P – Residential development, stables and riding school. Refused.
6/10/0850/P – Residential development. Refused 28 November 1960.
6/10/0542/P – Residential development. Refused 24 June 1957.
6/10/1259/P – Residential development. Refused 27 April 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.

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.

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 associated Management Guidance.
Historic Environment Planning Practice Guide.
Lancashire Minerals and Waste Local Plan 2006.
Lancashire Minerals and Waste Development Framework Core Strategy.
Emerging Policy M2 Lancashire Minerals and Waste Site Allocations and Development Management Policies DPD.

Environmental, AONB, Human Rights and Other Issues

This application was made valid on 20 July 2012, with the 13-week target period ending on 19 October 2012. No formal decision has yet been made in relation to this application with the delay due to ongoing discussions in respect of numerous aspects of the scheme. Despite these ongoing discussions, the applicant has sought to appeal against non-determination of the application. Therefore the purpose of this report is to gain Council and Planning and Development Committee support/approval for the following reasons for refusal that will be presented to the Planning Inspectorate as part of the Council's Statement of Case.

The matters for consideration are the principle of development, highway safety, infrastructure provision, ecological considerations, visual and heritage impacts on residential amenity. For ease of reference these are broken down into the following sub-headings for 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 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.

However, I am mindful of the comments provided by colleagues at LCC in respect of the relationship of this development with a modest mineral reserve at this site and that if there is a need for the housing to be built then this would outweigh the need for safeguarding the minerals. If however there is no need for this site to be developed for housing then in accordance with LCC emerging policy the minerals should not be sterilised. In this respect, given the comments made above regarding housing land supply, further guidance has been sought from the Council's Head of Regeneration and Housing who has commented that the 'need' question now has to be looked at in a number of revised scenarios, namely the five year supply position being revisited following the Barrow appeal decision, need for land in Whalley being looked at in the context of our current Core Strategy proposals and SHLAA opportunities together with the wider issue of need for housing to meet requirements within the borough. Work is currently being undertaken to update the SHLAA but as yet progress is yet to be taken forward on allocations. Until this additional work is concluded, he is unable to give a definitive answer to the question posed by LCC on the need issue. Discussions are ongoing with LCC

regarding this to ascertain whether they would recommend a refusal on minerals grounds that could be substantiated at appeal.

At the time of drafting, further clarification had not been received and thus I conclude that 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 proposal 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.

The scheme is submitted with 30% of the site being offered as affordable units (41 units) with this then split between 2-bed housing (21 units), 3-bed housing (10 units) and the remaining 10 units being offered as 1-bed bungalows. These details have been discussed by the Strategic Housing Working Group who have commented that the affordable offer meets the requirements set out within the Addressing Housing Needs Policy Document but in terms of house types have asked if 4 of the bungalows could be provided as 2-bedroom units instead of the 10, 1-bed bungalows as put forward in the draft Heads of Terms Document.

In terms of tenure type the request has been made that there are 21 affordable rent units across each of the house types and 20 shared ownership units in total.

There have also been negotiations regarding the phasing of the affordable units in terms of number of market dwellings that can be occupied before a registered provider is secured and number of market dwellings that can be completed before 100% of the affordable properties are completed. Initially there was a fallback mechanism proposed by the applicants to the effect that had the affordable units not have been purchased by an affordable housing provider they could then be sold on the open market free of restrictions. This was not acceptable and the Council's Housing Strategy Officer suggested an alternate clause whereby in the event that no registered provider is secured, the affordable units being delivered as private rented property (with the rent set within local housing allowance rate) and as discount sale at 40% from open market value.

As Members can see there have been ongoing negotiations in respect of the affordable housing element of this scheme since submission with the Legal Agreement content sub-heading later within this report providing specific details for the clauses covering affordable housing. (It should be noted that the only formal response made by the applicant to the requests from the housing working group was to query the request for two bedroom accommodation for the over 55's.)

Highway Safety

It is clear from the observations of the County Surveyor that from the outset he has raised no objections in principle to the proposal on highway safety grounds. There were questions raised about some of the data submitted in the initial Transport Assessment (TA) and there has been ongoing dialogue between the respective highway professionals to clarify these areas with additional information submitted for due consideration. As Members will note many of the objections to this development relate to matters of highway safety and the ability of the existing road network within the area to cope with the level of traffic generated by this development.

The scheme provides for a new vehicular access to serve the development site from Mitton Road. The access scheme includes a ghost island right turning lane and includes a pedestrian island located to the east of the proposed access to allow pedestrians to cross Mitton Road. In order to accommodate the ghost island right turning lane, Mitton Road would be widened marginally. No vehicular access is shown on to Broad Lane (other than the route of an emergency access in the north east corner of the site) or Ridding Lane. Pedestrian access is available to both Broad Lane and Ridding Lane.

The TA submitted in support of the application make reference to the committed developments at Calderstones and Hayhurst Road and provides information on proposed trip generation. Discussions led to the inclusion of the Lawsonsteads development which was approved after the submission of the initial TA with these proposals estimated to result in less than 1.5 vehicles per minute on average entering the highway network in the AM and PM peak hours. Junction capacity test data has been provided for the following locations – site access/Mitton Road; Station Road/King Street/Clitheroe Road/Brookes Lane; King Street/Accrington Road and Clitheroe Road/Wiswell Lane.

It is proposed that should consent be forthcoming, a travel plan would be provided (by imposition of a condition) to promote sustainable modes of travel. The Transport Assessment references that bus stops are within a 5 minute walk of the site and Whalley Train Station is in close proximity. The village centre is within a 10 minute walk of the site.

Concerns over the assessment of the safe and efficient operation of the immediate highway network through Whalley village are understandable. The nature of on street parking patterns, the volume of through traffic and the operation of the two mini-roundabouts make for a complex set of highway parameters with sensitive outcomes.

Therefore, while the data provided confirms that individual junctions in Whalley are operating close to their theoretical capacity and can experience periods of delay with the existing demands being placed on the highway infrastructure, these delays appear to be very localised and typical of a compact road network serving a large village where the main street has to serve the conflicting interests of deliveries, public transport, parking, pedestrians and through traffic.

The updated response from the County Surveyor to the additional information submitted clearly specifies he concludes that whilst at this time there remain some outstanding matters the opportunity exists to resolve these issues through further discussion. Therefore, subject to the applicant providing suitable measures designed to provide mitigation against the detrimental impact of the additional site generated traffic, he continues to have no objection in principle to this application on highway safety grounds.

Having regard to paragraph 32 of NPPF development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. On the basis of the very detailed observations and advice offered by the County Surveyor in respect of this development, I must conclude that implementation of this scheme subject to appropriate mitigation measures would not prove significantly detrimental to the local highway network and as such, should not be resisted on highway safety grounds.

Play and Open Space

On a site of this size under Policy RT8 of the DWLP and DMB4 of the Regulation 22 Submission Draft Core Strategy the layout of the development is expected to provide adequate and useable public open space. In this development the approach taken is to layout the 2.3 hectare balance of the undeveloped area of the site as open space to serve the proposed dwellings and preserve the landscaped appearance of the river corridor.

The proposed layout denotes a locally equipped area for play (LEAP) to the southern part of the site adjacent to, but outside flood zone 1, that runs alongside Ridding Lane, along with more informal recreation space and landscaping. A landscaped strategy for the site will also allow for ecological enhancement particularly in connection with the proposed surface water balancing pond and habitat are proposed adjacent to the existing watercourse to the west of the site entrance road. The precise details of all of these would be subject to further detailed design specifications required in order to discharge appropriately worded conditions should consent be granted. On the basis of this I am satisfied that the open space and landscaping put forward would comply with the requirements of plan policy.

Infrastructure Provision

Members will note from the consultation responses section of this report that concerns have been expressed by both Parish Council and objectors about the ability of the existing infrastructure of Whalley to cope with the additional demands generated by this development.

In respect of education the consultee response from LCC identifies that a scheme of this size generates 41 primary and 29 secondary school places. This cannot be accommodated within the existing schools and thus a sum of £477,062 is sought towards primary and £508,449 towards secondary provision. They have commented that failure to secure these contributions would mean they are unable to guarantee that children living on this development would be able to access a school place within a reasonable distance from their homes. At this stage they are unable to specify the school(s) which would have additional places provided due to the statutory processes surrounding school expansion and the need for consultation. The applicant is aware of the need for a contribution and included provision for it within their draft proposed Section 106 Head of Terms document appended to their submitted Planning Statement. Objectors have referred back to a historic situation with the redevelopment of the Calderstones Hospital site and potential school site there. Whilst mindful of events that have occurred in the past it is important for Committee to focus on the response that colleagues at LCC in response of this particular scheme. In their opinion and financial contribution is the appropriate way forward to provide enhanced primary and secondary provision and Members should be satisfied that due consideration has been given to this matter in reaching that conclusion.

There have been objections made to this development on the grounds of flood risk with reference made to recent flooding on site that has impact upon the dwelling at the southern boundary of the site – Cross House. Indeed when the Environment Agency initially commented on this scheme, they stated that the Flood Risk Assessment submitted with the application incorrectly stated that the site never floods and made reference to July 2012 when the site flooded as the River Calder came out of bank and flowed through the site. They therefore at that stage objected to the proposed development as submitted until further investigation work was undertaken to ensure that flooding risk is not increased on this site and elsewhere as a result of this development.

The majority of the site lies in flood zone 1, an area to the south lies within flood zone 2 and the land adjacent to the River Calder lies within flood zone 3. Correspondence from the applicant to the Environment Agency dated 30 August 2012 clarified that the development layout does not include any residential development within zones 2 and 3 ie all residential plots are located within flood zone 1. It also made reference to the proposed floor levels of the development which are to be set no lower than 44.50m AOD, some at 1.37m above the one in 1,000 year event and 2.31m above the one in 100 year flood level including allowance for climate change. Reference was also made to the fact that the site may have been impacted by flooding from overland flows due to the impermeable soils and that this has been considered in the surface water drainage design put forward. The surface water network for the site being designed to attenuate flows to the green field run-off rate and a detention pond to retain flows on site with overland flow routes considered to ensure that the proposed properties do not flood. By

ensuring that the post development run-off rates do not exceed the pre-development run-off rate, the applicants are of the opinion that flood risk as a result of the development will not be exacerbated and not impact on the existing properties or land. The Environment Agency studied the additional information submitted and responded on 3 October stating that having regard to that they were in a position to remove their original objection subject to the imposition of conditions on any consent granted. Therefore in respect of the potential implications of this development on flood risk issues I am of the opinion that this has been examined in detail by our statutory consultee on this matter and that Committee should be guided by them. Thus notwithstanding concerns raised in this by objectors, I must conclude that, subject to the safeguards requested by the Agency, development should not be resisted on this ground.

Reference has been made to the capacity of the existing treatment works to accommodate this scale of development and as Members will be aware from previous submissions within the catchment area for work this is something that has been, and continues to be, examined closely by United Utilities. The response received in relation to this application clearly states that on the basis of permissions granted up to 11 October 2012, there is considered to be capacity within the network to accommodate this development. Thus no objection is raised and Committee should be guided by our consultee on this technical matter.

Nature Conservation – Protected Species, Landscape, Trees

This is a greenfield site and there are trees and hedgerows within and aligning the site boundaries. As part of the application an ecological survey and assessment, tree report and agricultural land classification (ALC) report have been submitted to help inform design and site layout considerations. The ALC report identifies the land as Grade 3b – moderate quality agricultural land capable of producing moderate yields of a narrow range of crops or lower yields of a wider range of crops. Objectors have provided photographic evidence to demonstrate that the site is still in agricultural use but at Grade 3b it would not be classed as the best and most versatile agricultural land that Policy ENV6 of the Districtwide Local Plan seeks to safeguard.

A total of 25 trees and five groups of trees were surveyed as part of the assessment submitted in support of the proposal. Trees across the site are Sycamore, occasional Ash and Oak and classed as fair in terms of quality. Construction of the development would result in the loss of 4 trees with the layout being designed around the natural features of the site thereby maintaining key hedgerows and trees throughout.

The ecological report submitted does not detect any rare or uncommon plant species on site. The hedgerows and tree lines being linear habitats have some function as wildlife links for bats, bird and small mammal movements and no evidence of protected species was detected at the site or in the immediate surroundings. The Council's Countryside Officer has examined the submitted information and has raised no concerns to indicate that, subject to appropriate safeguards, there are any justifiable reasons to withhold consent on nature conservation grounds.

Heritage

The application site extends to approximately 6.2 hectare and is located to the west of the centre of Whalley. The site abuts Whalley Conservation Area at its south eastern corner and can be regarded as being within the setting of that and listed buildings including the viaduct (grade II).

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development that affect a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving

the building or its setting or any features of special architectural or historic interest which it possesses.

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 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.

Policy ENV19 concerns itself with development proposals on sites within the setting of listed buildings. It advises that proposals which cause harm to the setting of the building will be resisted and offers a number of factors to take into account including the desirability of preserving the setting, the effect of the proposed development on the character of the listed building and the contribution which the listed building makes to the townscape or countryside, and extent to which the proposal would bring substantial benefits to the community including economic benefits and enhancement of the environment. It comments that setting may be limited to ancillary land, but may often include land some distance away from it.

The basis of the above Local Plan policies have been carried forward into the Regulation 22 Submission Draft of the Core Strategy document in Policy DME4 and also key statement EN5.

The relevant sections of NPPF have already been quoted within this report and it is also important to have regard to guidance offered within HEPPG (A practice guide to PPS5, which remains valid as a government endorsed document pending its review of guidance supporting national planning policy as set out in its response to the select Committee). Paragraph 76 states 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 80 'New development: design in context' of the Practice Guide states *A successful scheme will be one whose design has taken account of the following characteristics of the surroundings, where appropriate:*

- (i) The significance of nearby assets and the contribution of their setting.*
- (ii) The general character and distinctiveness of the local buildings, spaces, public realm and the landscape.*
- (iii) Landmarks and other features that are key to a sense of place.*
- (iv) The diversity or uniformity in style, construction, materials, detailing, decoration and period of existing buildings and spaces.*
- (v) The topography.*
- (vi) Views into and from the site and its surroundings.*
- (vii) Green landscaping*
- (viii) The current and historic uses in the area and the urban grain.*

Having regard to the relationship of the site with the Conservation Area, listed viaduct and other buildings of historic interest (both designated and non designated) the Council's Design and Conservation Officer has been consulted on this scheme. Members are referred to the file for his full response but to summarise, 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 and the character (setting) and significance of Whalley Viaduct (Grade II listed) and Whalley Abbey (Grade I listed).

It is acknowledged that (i) the proposed development site is outside of Whalley Conservation Area and (ii) Whalley Conservation Area has been recently extended to include the most obvious omissions. However, in his opinion, the considerations of special architectural and historic interest above apply to the development site in consideration of its impact upon the setting and views into and out of Whalley Conservation Area. He concludes that:

In summary, this land is very important in maintaining the attractive, rural and tranquil historic and architectural context of Whalley Conservation Area which is formed by the immediately adjacent felicitous combination of fields, historic structures and the River Calder.

From the A59 it is the viaduct which dominates the otherwise bucolic landscape (recent additions at the historic textile mill site are unfortunate). Its value is primarily aesthetic and is sublime. In my opinion, the proposed development will be incongruous, conspicuous and visually intrusive and will dominate and detract from the setting and significance of the listed building.

Layout/Scale/Visual Amenity

As stated previously this is a full application with details submitted of layout and design of all built elements. In respect of the layout and scale of the scheme I would comment that in the main a scheme has been brought forward that has regard to its surroundings in terms of scale and massing in the 'courtyard' and 'country edge' areas. The design of these areas picks up on features throughout the village and would not in themselves lead to detailed concerns in relation to the house types put forward. The remaining built form area is classified by the applicants as 'viaduct' in the submitted details and consists of 3 storey town houses immediately in front of the viaduct. Reference has been made under the heritage sub heading of this report to the viaduct and potential impact of this scheme on the setting of that listed structure. It is these proposed 3

storey units that would have the greatest visual impact not only on the heritage asset(s) identified within this report but also have a significant impact on the wider landscape.

In light of the concerns being raised in relation to the visual impact of this proposal in relation to both the heritage asset(s) and wider landscape area the Council have commissioned an independent and impartial landscape assessment of the site by a chartered landscape architect. The assessment has been carried out in accordance with the Guidelines for Visual and Landscape Assessments produced by the Landscape Institute and the Institute for Environmental Management and Assessment and provides the following observations:

Whalley lies at the boundary of two landscape character areas as described by Natural England, Character Area 35, Lancashire Valleys to the south and Character Area 33 Bowland Fringe and Pendle Hill to the north. The landscape type classification is undulating lowland farmland. Historically the land is classed as Ancient Enclosure. The setting of the village of Whalley is physically constrained on two sides by man made features, the A59 and the railway viaduct to the west and the A671 to the east, and by the River Calder to the south.

The proposals for the site are for mixed residential use, with a combination of high and low density housing, in three main styles, low density country edge, and high density courtyard terraces and viaduct influenced three storey town houses.

The proposed development site lies on the western outskirts of Whalley, on gently sloping ground to the south of Mitton Road, which is the main route from the village to the north east side. It is tightly defined by the A59 (T) bypass to the west, Ridging Lane, a public footpath, and thence the River Calder, to the south, and the railway viaduct and Broad Lane to the east.

Mitton Road for the most part has properties on either side, and those on the south side have rear gardens which immediately bound the development site. The bypass sits on a low, sparsely planted embankment raising the road above the floodplain, which offers some screening of the site from the west. The huge Victorian brick viaduct dominates the east side of the site, reaching a height of 70 feet (21 m) above the River Calder.

The south eastern most corner of the site brushes the edge of the Whalley Conservation Area, and the dramatic medieval stone Abbey gateway lies just the other side of the viaduct, marking the medieval edge of the village. Ancient earthworks just outside the eastern boundary of the site are thought to include the remains of another gateway.

The site lies very close to two important listed structures that are of great significance in the landscape. The first of these is the iconic Victorian brick viaduct which strides across the floodplain from Billington. North of the River Calder, unimpeded views of its' dramatic west elevation can be seen from the bypass and vantage points on many well used local footpaths. The second structure is the medieval north eastern gateway to the Abbey, which lies to the east of the viaduct within the Conservation Area. The ancient stone gateway still marks the western edge of Whalley, and the ancient village boundary is still intact in this south eastern corner of the village.

The drama of the viaduct crossing the floodplain, would inevitably be reduced by any development which takes place on its western side, impeding the views of the viaduct itself on the west side, and from the east side, removing the clear view through the arches of green fields beyond.

The impact upon the medieval gateway is more subtle, as direct views of the development will be limited, its setting will be affected, as its whole *raison d'être* comes into question if the site is developed: for over 700 years it has stood at the edge of the village with no development beyond it, save the viaduct itself.

The site, and the impact of any development here would be seen from a number of footpaths and lanes to the south, south east and west of Whalley, including from within the Conservation Area on Whalley Nab.

The development will have an impact on users of both the bypass and the railway where there is little vegetation to screen views into the site.

Views of the site from within Whalley village will be limited, as it lies at comparatively low level, and the viaduct largely screens it from the east, views into the site from travellers on Mitton Road will be limited to those at the site entrance, and longer views south eastwards from the entrance to Calderstones.

The proposals will have an effect in terms changes to visual amenity for residents with properties backing directly onto the Mitton Road site and those of properties not immediately adjacent to the site but with views into the site.

There are many footpaths south and west of Whalley some well used and others less so, those leading from the centre of the village are popular with local people and visitors alike. South of Whalley FP 20 along Ridding Lane will be most affected by the proposals, and visual intrusion will be very significant as part of the route follows the southern boundary of the proposed site, and the development will be very conspicuous from the bypass eastwards. At present the paved route along the lane is surrounded by open country on both sides, and apart from the underpass beneath the bypass, the path provides a pleasant walk along the River Calder, linking into a number of other routes. Views north from FP40 further south, on the opposite side of the river will be moderately to significantly affected by the Mitton Road development. There will be a slight impact to views from FPs 18 and 19 at Nethertown, as the bypass, and existing vegetation would screen much of the development from view. Because of its elevated position, overlooking Whalley, many views north and east from Whalley Nab will be affected. There are a number of footpaths and small lanes that are used by walkers here that will look over the Mitton Road site, some of these, on the lower sections of Moor Lane for instance, are within the Conservation Area, and the visual impact of the proposals here would be moderate.

In terms of the visual impact of this scheme for both local residents and visitors of roads and public open space around Whalley the greatest visual impact will be to users of the bypass. This could be described as very significant as the proposals will not be screened by any additional planting. Any tree planting along the edge of the bypass would screen out the prospect of the viaduct and is considered undesirable. The proposals are designed to present an attractive frontage to the bypass, however this will detract from the dramatic views of the western side of the viaduct. Furthermore the taller town houses, to be built in red brick, and running parallel to the viaduct, use similar materials to the viaduct, and their location immediately in front of the arches will give a confused and weakened view of the viaduct. The development of the Mitton Road site, spreads the footprint of the village beyond its existing bounds, extending the suburban sprawl in to open countryside.

The proposals will have a lesser impact on other roads in and around Whalley and will only be conspicuous from Broad Lane, where its visual impact will be very significant, Riddings Lane and Mitton Road.

The impact of street lighting and the increased light pollution which would be caused by the proposed development, should be considered. Even if methods are put in place to keep light pollution to a minimum level, lighting will be introduced into an area which has previously been dark.

In summary, the proposed development on Mitton Road would be a sizeable addition to the village of Whalley, which would be beyond the compact village boundary, significantly altering the perception of the whole settlement from the west, where the viaduct is currently perceived as defining the edge of the village.

From footpaths and lanes around Whalley and properties in Billington, the landscape character of the western side of Whalley will become suburban, the development will visually link Whalley to Netherton, which is currently seen as a separate settlement.

The proposals offer minimal mitigation measures to reduce the visual impact of the scheme: aside from the buffer planting around Cross House, there is no other screen planting proposed. There could be scope for some planting along the rear boundaries of properties on Mitton Road as a buffer to the existing back gardens. Treatment of and opportunities for mitigation on the open space in the south western corner of the site and the proposed balancing pond is unresolved. The design of the town houses running parallel to the viaduct are visually inappropriate, and rather than attempting to create a scheme that uses the viaduct as a dramatic backdrop, attempts to compete with it architecturally. This will be visually confusing and very detrimental to views of the viaduct.

The setting and character of the viaduct, a grade II listed structure, will be seriously affected by these proposals, the simple form of the viaduct stepping across the flood plain will be cluttered up with new buildings, from the east the backdrop of green seen through the arches will be lost or substantially reduced, while from the west the scale and symmetry of the arches will be reduced and weakened.

Therefore, having very carefully assessed the visual impact of the development proposal as put forward it is concluded that the scheme would prove detrimental to the visual amenities of the area and thus contrary to the saved policies of the Ribble Valley Districtwide Local Plan, the emerging policies of the Regulation 22 Submission Draft Core Strategy and provisions of the NPPF.

Residential Amenity

In considering residential amenity it is important to assess the relationship with properties outside the site as well as between the units proposed as part of this scheme. To the north of the site are properties fronting Mitton Road whose rear buildings lines are between approximately 33m – 47m from the rear elevations of the proposed dwellings and at the north-eastern corner approximately 37m front to rear separation distances and 23m between the gable of one of the three-storey dwellings and side elevation of number 4 Broad Lane. Having regard to the scale and massing of the dwellings proposed, I consider there to be sufficient separation distance so as to not significantly compromise existing amenities.

To the south east corner of the site is Cross House and the layout denotes bungalows set approximately 43m distant and 2-storey dwellings some 45m away. There would be landscaped area between respective built structures and thus the relationship is again not considered to prove significantly detrimental.

The final aspect of existing residential accommodation to consider is the development of Abbey Fields to the eastern side of Broad Lane, the grassed verge and viaduct. I am mindful that the proposal shows 3-storey dwellings on this eastern boundary but given the distance between proposed and existing dwellings (distances between approximately 47m to 57m) and the intervening structures and uses, I do not consider the existing amenities of those residents would be significantly compromised.

Having regard to the internal relationship of the development, I am mindful of the various designs put forward for different house types and on the basis of the details submitted, consider that separation distances are acceptable throughout.

Section 106 Agreement Content

The application has been submitted with a draft heads of terms document to cover matters of affordable housing and education contributions. This report as outlined in detail these aspects and taken account of comments from respective consultees/officers of this Council who are responsible for those matters. Members will note the dialogue in respect of a highways contribution and therefore to clarify the Legal Agreement will stipulate the following:

1. Affordable Housing

- 30% of the dwellings to be constructed on the site shall be affordable housing (41 units).
- 21 of the units shall be affordable rent.
- 20 of the units shall be shared ownership.
- 15% of the dwellings will be bungalows for the over 55's and built to lifetime home standards of which half of these shall be included as part of the affordable housing provision.
- Not more than 25% of the market dwellings shall be occupied until the affordable housing units have been offered to an affordable housing provider.
- Not more than 50% of the market dwellings shall be occupied before 100% of the affordable housing units have been practically completed.
- The affordable housing units to be used as affordable housing in accordance with the priority order (ie a cascade of a categories of persons in housing need) which is to reflect the qualifying persons criteria to be defined in writing by RVBC.

2. Education Contribution

- A sum of £477,062 to be paid in phases to be agreed with Lancashire County Council towards primary school provision.
- A sum of £508,449 to be paid in phases to be agreed with Lancashire County Council towards secondary school provision.

3. Highways

There are likely to be contributions in respect of sustainable transport measures, travel plan and bus stop provision. At the time of drafting negotiations have not concluded on the highways aspect of the scheme and thus these need to be resolved prior to finalising the sum to be requested and any phasing of such payments.

RECOMMENDATION: That Committee endorse the reasons for refusal that will be presented to the Planning Inspectorate as part of the Council's Statement of Case as follows:

1. The proposed development by virtue of its scale and location outside the defined settlement boundary of Whalley is considered to represent an urban extension into the open countryside which would change the character of this area of countryside to the detriment of the visual amenities of the area. It is thus contrary to Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan, Policies DMG1, EN2 and DME2 of the Regulation 22 Submission Draft Core Strategy and the provisions of the National Planning Policy Framework in respect of visual amenity considerations.

2. The proposal will be unduly harmful to the character, appearance and significance of Whalley Conservation Area, its setting and views into and out of the Conservation Area. This is contrary to Policy ENV16 of the Ribble Valley Districtwide Local Plan, Policy DME4 of the Ribble Valley Regulation 22 Submission Draft Core Strategy and Paragraph 17 (conserve heritage assets in a manner appropriate to their significance) and Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness) of the National Planning Policy Framework.

3. The proposal will be unduly harmful to the setting and significance of listed buildings, including Whalley Viaduct (Grade II), Whalley Abbey (Grade I) and Whalley Abbey North-West Gateway (Grade I). This is contrary to Policy ENV19 of the Ribble Valley Districtwide Local Plan, Policy DME4 of the Ribble Valley Regulation 22 Submission Draft Core Strategy and Paragraph 17 (conserve heritage assets in a manner appropriate to their significance) and Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness) of the National Planning Policy Framework.