

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 14 FEBRUARY 2013
 title: NON-DETERMINATION APPEAL IN RELATION TO A PROPOSED OUTLINE APPLICATION FOR THE PROVISION OF UP TO 504 RESIDENTIAL UNITS (FALLING WITHIN USE CLASS C3), INCLUDING AFFORDABLE HOUSING, WITH THREE NEW VEHICULAR AND PEDESTRIAN ACCESSES ON TO WHALLEY ROAD, ON SITE LANDSCAPING, FORMAL AND INFORMAL OPEN SPACE AND ASSOCIATED INFRASTRUCTURE WORKS INCLUDING A NEW FOUL WATER PUMPING STATION AT LAND TO SOUTH WEST OF BARROW AND WEST OF WHALLEY ROAD, BARROW
 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 16 July 2012. It was given the planning reference 3/2012/0630/P with the 13-week statutory determination period ending on 21 December 2012. The attached report explains the reasons for the 13 week determination date being within December and not the 15 October as would be the usual case. To summarise there were extensive discussions regarding the need for the scheme to be accompanied by an Environmental Impact Assessment with the decision on that matter issued by DCLG on 21 September. After the expiration of the 13 week 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 education matters that arose as a result of initial consultation responses. This coupled with the Case Officer's commitments and conflicting priorities in relation to other major development schemes (applications and appeals) and outstanding consultation responses has meant that there have been limited opportunities to progress work on this particular scheme.

2.3 The appeal for non-determination was submitted on 24 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 18 January to confirm that the appeal is valid.

2.4 The appellant has requested that the appeal be considered at a Public Inquiry which they estimate will sit for 5 days (indicating they will call four witnesses). The Inspectorate considers that the Inquiry procedure is suitable and intends to determine this appeal by that procedure. 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 Officer time and need to engage Counsel and potentially an expert witness. At the time of drafting this report discussions were ongoing with the appellant and Inspectorate to agree dates for the Inquiry.

2.5 All those persons who were notified or consulted about the application, and any other interested persons who made representations regarding the application, have been notified of the appeal with any additional comments to be submitted to the Planning Inspectorate by 1 March.

2.6 The Inspectorate have informed us that although under the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997, the appeal was to have been decided by an Inspector, the Secretary of State considers that he would determine it himself. This means that instead of writing a decision, the Inspector will prepare a report and recommendation, which will be forwarded to the Secretary of State.

2.7 The reason given for this is that the appeal involves proposals for residential development of over 150 units on a site of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

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 included 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 and that there are still a number of matters yet to be examined in greater detail in order to form a final opinion.

3.3 However, on the basis of the planning merits of the case at this particular point in time, 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 issues forming the substance of the Council's case:

1. The proposal would be prejudicial to emerging policy in the Core Strategy.
2. Insufficient information has been made available to enable a comprehensive assessment to be made of the likely impacts of the application on the local highway infrastructure.

3. Visual impact.

3.4 It is also clear that there will be a visual impact as a result of this development and dependant on the resultant harm could also be considered an appropriate reason for refusal. As indicated in the body of the report, if an independent assessment has been commissioned and it is hoped that this could be reported at the meeting to guide members on this issue. Committee are requested that if ongoing discussions between the appellant and the LPA/LHA conclude that the highway network can safely accommodate the level of traffic generated without causing severe residential cumulative impacts then that reason (2 in paragraph 3.3) will not be pursued at the Inquiry.

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) necessary to assist the Council in defending the appeal.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – No implications identified.
- Equality and Diversity – No implications identified.

5 RECOMMENDED THAT COMMITTEE

5.1 Request that Committee endorse the above issues as reasons for refusal and authorise the Director of Community Services and Head of Planning Services to liaise as appropriate to establish the best possible case to defend the appeal.

SARAH WESTWOOD
SENIOR PLANNING OFFICER

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

1 3/2012/0630/P - Outline Application for the Provision up to 504 Residential Units (Falling Within Use Class C3), Including Affordable Housing, with Three New Vehicular and Pedestrian Accesses on to Whalley Road, on Site Landscaping, Formal and Informal Open Space and Associated Infrastructure Works Including a New Foul Water Pumping Station at Land to South West of Barrow and West of Whalley Road, Barrow. Report included as Appendix 1 to this report.

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

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

MINDED TO REFUSE

DATE: 14 FEBRUARY 2013

REF: SW/EL

CHECKED BY:

APPLICATION NO: 3/2012/0630/P (GRID REF: SD 373439 438033)
PROPOSED OUTLINE APPLICATION FOR THE PROVISION OF UP TO 504 RESIDENTIAL UNITS (FALLING WITHIN USE CLASS C3), INCLUDING AFFORDABLE HOUSING, WITH THREE NEW VEHICULAR AND PEDESTRIAN ACCESSES ON TO WHALLEY ROAD, ON SITE LANDSCAPING, FORMAL AND INFORMAL OPEN SPACE AND ASSOCIATED INFRASTRUCTURE WORKS INCLUDING A NEW FOUL WATER PUMPING STATION AT LAND TO SOUTH WEST OF BARROW AND WEST OF WHALLEY ROAD, BARROW

WISWELL PARISH
COUNCIL:

Strongly objects to the proposals with their detailed observations summarised as follows:

Background

1. This is premature and pre-empts the emerging Core Strategy. It is not a preferred option and a decision should be delayed until the Core Strategy is finalised.
2. The development is for an excessive number of dwellings submitted without any consultation or consideration of the effects on the local community.
3. 20 years ago Barrow village contained 186 dwellings. After taking into consideration the current building work at Barrow Brook, the village will soon have 406 dwellings. This development for 504 dwelling would swamp the existing village.

The site

1. The site falls outside the defined settlement boundary of Barrow and is designated open countryside (Policies ENV3, H2 and G5 apply) that has been used for many years for agricultural purposes.
2. Contrary to paragraph 55 of NPPF.
3. The plans show two public footpaths super imposed by two of the site's main access roads.

Public Consultation

1. The Parish Council is not aware of any public consultation which is a requirement of the Localism Act.
2. A meeting in 2011 was cancelled and never rearranged.
3. Any reference to public consultations in 2001 should be disregarded as they were very different to the current application and included plans for alternative access roads, a new school etc and thus cannot be compared.

Employment Opportunities

1. It is unlikely that future employment in this area will be anywhere near the scale proposed.

Environmental Impact Assessment

1. The Parish Council is concerned that the developer is unwilling to submit an EIA and regard this as an essential requirement for an application of this size.

Sewage and Drainage

1. Recent investigations by United Utilities have proven that there is insufficient capacity at the treatment works and within the existing sewer network to accommodate this scale of development.
2. Residents of Barrow have seen examples of the inability of the existing system to cope with raw sewage coming through gates in fields adjacent to the village allotments and entering properties.

Transport

1. The proposed development would lead to the addition of 700-900 extra vehicles in Barrow and the existing road network is incapable of taking this amount of traffic.
2. In order to leave the village, motorists would need to travel through either Barrow, Wiswell or Whalley. The roads in Whalley and Wiswell are not equipped to deal with extra traffic and the pollution and chaos this would create would have a significant environmental impact on local residents.
3. Concerns regarding construction traffic which would cause obstructions, gridlock, dust pollution, noise pollution and many other problems.
4. The ultimate impact on Whalley Road is questioned as this accommodates traffic from other villages.

Infrastructure

1. It does not meet the NPPF for sustainable development.
2. The village has insufficient facilities and infrastructure to support its current population and cannot accommodate further residential developments.
3. The development does not include any plans for extra amenities for the large number of new residents. This would result in extra car journeys to larger villages/towns so residents can obtain the services they require.

Education

1. There are insufficient educational vacancies at Barrow Primary School.
2. Surrounding schools are already approaching their maximum intake and cannot absorb anymore pupils at this time.

WHALLEY PARISH
COUNCIL:

Object for the following grounds:

1. Conservation – the site is designated open countryside (ENV3, H2 and G5). Public footpaths are to be obliterated by two of the site's main access roads.
2. Sustainability – there is minimal contribution to infrastructure of the village proposed. Barrow has insufficient facilities and infrastructure to support its current population and the result will be residents use the shops, dentist etc in Whalley with the associated traffic problems being well documented.
3. Sewage and drainage assessment – during heavy rain the current system cannot cope with resultant risk to property and residents health. No investment or upgrade of existing sewage facilities are indicated by the developer.
4. Transport assessment – the greatest impact is on road traffic with the natural flow being through Whalley village not the A59 as indicated.
5. Education – primary schools are over subscribed.
6. Accumulative 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 quickly destroy the ambience associated with Ribble Valley.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

Members are referred to the file for full details of his observations which are summarised as follows:

These comments relate to the Transport Assessment (TA) prepared by Vectos and the Design and Access Statement prepared by Levitt Bernstein architects, both on behalf of Barrow Lands Company Limited and dated July 2012.

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

I have the following comments regarding the anticipated highway impacts of the proposed development.

a. Development

The TA outlines the proposal for a residential development of 504 residential dwellings and extends into both Whalley and Wiswell Parishes.

For some years there have been discussions concerning the possible splitting of Wiswell Parish, to provide distinct Wiswell and Barrow Parishes. With the scale of this development and its impact on all aspects of residential amenity within Barrow, this would appear to be an opportune moment to consider including within the development community facilities to service such a boundary change, such as a parish/meeting hall.

b. Access Strategy

It is proposed that there will be direct vehicular access to the site from three new points of entry on Whalley Road/Clitheroe Road.

The TA does not identify any capacity issues in relation to the proposed means of access. However, this is based on a number of assumptions regarding the even distribution of turning movements to and from the site and limited choices for motorists leaving the A59.

c. Traffic Flows

The counts undertaken on behalf of the applicant on Whalley Road/Clitheroe Road were carried out on Tuesday January 10 2012. This is a representative day that provides an acceptable basis on which to develop future growth patterns.

d. Traffic Growth

It is not clear from the information provided as to how the figures provided for the TA have been determined and if the rates have been manually adjusted. I would recommend the use of a robust growth scenario and note that this will impact on subsequent calculations relating to traffic generation and vehicle distribution to and from the site. In addition, no reference is made with regard to committed developments in the immediate area which would increase future traffic levels.

Any growth factors agreed will need to reflect the Core Strategy and the latest planning proposals with regard to housing allocations etc. I would be grateful if the Applicant's consultant would clarify the derivation of their growth rates and any assumptions made. This is necessary to ensure that the full impact of a planning proposal is being addressed.

e. Trip Generation

I was unable to exactly replicate the supplied TRICS report as it contained insufficient information, specifying the regions used rather than detailed sites. However, developing a very close approximation to this report produced very similar trip rates to the ones supplied.

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.

f. Trip Distribution

The distribution approach used in the TA indicates a strong existing movement through Barrow from local traffic travelling between Whalley and Clitheroe this journey is characterised as an "inappropriate use of Whalley Road".

The displacement of these journeys onto the principal road network is central to subsequent assumptions concerning junction assessments and the limits of possible mitigation measures through Barrow village. I do not consider that a route between Whalley and Clitheroe that is routed via Barrow is either inappropriate or unwelcome.

In developing subsequent comments I will consider a range of possible vehicle movements that are not examined in the TA. Some of these will reflect existing local traffic patterns, including the Whalley to Clitheroe journey, in addition to new potential demands.

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 the villages of Barrow, Wiswell and Whalley. I do not consider this approach to provide a sound basis upon which to assess the impact of this development.

I would recommend the Applicant's transport consultant provide a further assessment of traffic impact through Wiswell and Whalley, providing traffic numbers as well as potential traffic modelling.

g. Committed and Other Proposed Developments

The Committed developments relevant to this site are located at land to the north of Riddings Lane, Whalley (3/10/0820) and on land to the east of Clitheroe Road, Whalley at Lawsonsteads (3/12/0687).

There are a number of significant developments, both commercial and residential, that are progressing or have planning consent within the Barrow Brook Business Village. However, traffic generation at all of these sites has been focused on the A59 junction, rather than encouraging any additional vehicle movements through Barrow village.

h. Impact on Junctions and Junction Modelling

1. The baseline surveys are accurate and representative. I would have welcomed details of activity at the Whiteacre Lane junction with Whalley Road, as there is the potential for a significant number of trips associated with the development to route through Wiswell village.

2. There is an implicit assumption that the three proposed points of access are to be weighted equally in terms of the movements they will generate and accommodate. However, consideration should be given to a range of appropriate preferences.

3. The PICADY assessments provided for the site accesses onto C549 Whalley Road and Clitheroe Road confirm that there are no capacity issues with the proposed junction layouts, the interaction of the suggested site traffic and the existing traffic flows.

There is a striking potential for the focus of a developing equilibrium for site traffic to include a strong element of additional activity through Wiswell village. This is based on the relative ease of the route through from the A59 Bramley Meade roundabout, turning left towards Wiswell and taking the subsequent left turn to Back Lane towards Whiteacre Lane.

The only opposed movement would be from Whiteacre Lane into the site access opposite and given that this may be the seen as the most prominent of the three new points of access, it may be appropriate to look at a mini-roundabout, should the balance of movements warrant such a measure. At present Plan 6 indicates the provision of a straightforward priority junction.

4. The traffic arrangements for the Barrow Brook Enterprise Park, directing all vehicular traffic via the A59 roundabout, came about following detailed and continuing discussions between the HA and LPA. This has resulted in the BBEP proceeding without a significant detrimental impact on highway capacity or residential amenity as there is minimal traffic generation through Barrow village.

5. There are some apparent anomalies in the Traffic Flow Data contained in Appendix C.

I am concerned that Figure 1 (Junctions 1 & 2) and Figure 2 (Junction 3) are not accurate and should be revisited.

i. Pedestrians and Cyclists Access

Public Rights of Way footpaths 7 and 8 run within the site or along the southern site boundary and it is essential that these routes and their linkages are maintained to a standard and design acceptable to Public Rights of Way officers.

The provision of a priority crossing in the vicinity of Barrow Primary School is to be welcomed.

Without improving conditions for cyclists in the immediate vicinity of the proposed development it is unlikely that a high level of cycle use can be achieved.

There are limited options available to improve accessibility for cyclists on the route from Whalley to Barrow or the A671 into Clitheroe that would make this a more attractive route. Traffic management or other speed management measures through Barrow may encourage cyclists by reducing speeds.

As I have suggested there will be an increase in the level of vehicular activity through Wiswell and this could have a detrimental impact on the operation of the Lancashire Cycleway at this location. Measures that would mitigate or reduce this impact should be considered.

The lack of designated and secure cycle parking and stepped access to the platforms is likely to discourage people from cycling from this development to Whalley rail station. Further to this, it is unlikely that people will cycle to Clitheroe to catch the train south. Therefore, should this application be successful and consent is granted, I would recommend that consideration be given to the following mitigating measures:-

1. A Toucan crossing at the junction of A671 Whalley Road with C549 Whalley Road would provide a safe and secure priority link with the signed cycle route along U22861 Clitheroe Road that leads to Standen Hall (this would provide a continuous signed cycle route into Clitheroe, at an estimated cost of £80,000).
2. The provision of a secure cycle shelter at Whalley railway station should be considered. It would be necessary to determine if a suitable location could be achieved within the existing station grounds (this amenity would have an estimated cost £20,000).
3. Should a new rail stop be constructed within or adjacent to the proposed development, it must be designed to maximise accessibility and encourage additional cycle use within the immediate catchment of the site.
4. Funding to be provided for secure cycle parking in Whalley, Barrow and Clitheroe (significant improvements in this provision could be achieved at an estimated cost of £5000).

i. 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.

In relation to Public Transport I would refer to IHT " Guidelines for Public Transport in Developments". 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 Whalley Road and Clitheroe Road, located within a short distance of the proposed site accesses. However, there is considerable scope to upgrade and update these facilities to make them more attractive for all users and to further enhance the sustainability of the site.

While I have not identified that any of the relevant services are currently subsidised by Lancashire County Council, it must be noted that should this be the case, the continuing funding of these services cannot be guaranteed and alternative sources of funding could be pursued.

The site is skirted by the rail line to the west and there is the potential for an additional stop in the Clitheroe – Manchester line to be introduced. The immediate catchment for such a stop would benefit regular commuter and leisure traffic for new and existing Barrow residents and employment links to the village.

I appreciate that this would involve a large financial commitment and that there are neighbouring stops within a relatively short distance. However, the dynamics of introducing a site of this magnitude into Barrow village require that all possible mitigation measures be explored that will minimise the detrimental impact of additional vehicular traffic through the village.

k. Road Safety

I have reviewed the latest accident data on the immediate highway network surrounding the development. I would note that the Police records indicate that there have been two collisions involving personal injury along the frontage of the site within the last five years, 1 May 2007 to 30 April 2012.

l. Parking Standards

The parking standards contained within The Regional Spatial Strategy (RSS) – North West of England Plan (2008) remain the County wide standard for parking provision.

The 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 subsequent planning layouts will provide specific and detailed provisions for individual properties and communal sites.

m. Travel Plan

This proposed development would be in excess of the DfT guidelines at which a Travel Plan is required. However, the framework travel plan which has been submitted does not meet the minimum criteria for an interim / framework travel plan.

I would like to receive an amended Framework travel plan before Outline Planning Permission is granted and request that the development of a Full Travel Plan be made a condition of full planning approval.

n. Internal Site Layout

Referring to the Illustrative Masterplan, based on the limited level of detail provided to date I am satisfied that the 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.

There is some direct frontage development shown along Whalley Road and Clitheroe Road and it would be a concern that this will encourage on street parking to the detriment of safe and efficient movement of through traffic. This could be detrimental to highway safety should the proximity to a driveway interact in a negative way with a point of access to the main site and the impact such parking would have on visibility for emerging motorists and the safe operation of the adjacent pedestrian movements.

o. 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.

p. 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.

q. 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. Until agreement has been reached on the TA the LHA is unable to provide full details on the request for planning obligations relating to highways and transport but the planning obligations are expected to cover:

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

I carried out my own accessibility score as the details of the individual values obtained by Vectos had not been supplied (just the final score of 20). I obtained a score of 18 - LOW accessibility (the issue may be the measurement to the closest bus stop which I have calculated as 260m, just above the 200m needed to get full marks for this question).

Therefore, a Highways contribution of £862,470 will be sought. This is based on 504 dwellings of unknown room size, 353 for open sale and 151 affordable, with an approximated Accessibility score of 20, as follows:- 353@ 1,900 = £670,700 and 151@ 1,270 = £191,770.

r. Planning Conditions

I have identified a number of Highway Conditions that I would welcome being applied should your Council be minded to approve the application. I also reserve the right to place additional conditions should these become relevant before a decision is reached.

s. Proposed Junction Treatments

The design of the access junctions will be subject to a S278 agreement and will require the approval of LCC as the relevant Highway Authority. While an approach consistent with Manual for Streets is appropriate at this location it is essential to ensure safe operation for all users (motorised and non-motorised).

In line with the guidelines provided in MfS2, the proposed visibility splays of 2.4m by 43.0m 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 3.3 of the TA identifies the relevant vehicle access proposals. The treatment of the central access opposite Whiteacre Lane will warrant further consideration, as I do not consider that the potential impact of traffic movements via Wiswell have been adequately explored.

Reference is also made on the Illustrative Masterplan and Plan 8, but not on the proposed junction drawings (Plan 5, 6 & 7), to the introduction of raised junction tables. There are a number of issues of concern regarding the justification for such measures and their likely impact on bus services through Barrow. I would suggest that this matter will require further discussion to develop an agreed strategy.

t. Traffic Regulation Orders

This application will require the alteration of the existing Speed Limit transition on Clitheroe Road in order to provide a 30mph Speed Limit along the frontage of the development.

The extension of the 30mph Speed Limit will be fully inclusive of the site and should allow for the introduction of additional measures to improve compliance with the revised speed limits, for example with interactive signage.

The extent of any extension will require careful consideration as the inclusion of the Bramley View, Exton Terrace and the "Eagle at Barrow", will result in a short length of 40mph Speed Limit transition between the potential and existing 30mph Speed Limits.

The issue of on street parking in the proximity of the suggested site access points is not one that can be adequately addressed at this time without a more detailed understanding of the internal site layout and the potential for direct access to properties from Whalley Road and Clitheroe Road.

I would suggest that this matter be included for consideration in line with other Reserved Matters or until the likely impact of on street parking can be considered in further detail, as the provision of a TRO should not be discounted at this time.

A 20mph Speed Limit should operate within the site. The provision of the necessary TRO would form part of an agreed programme of measures, should the application receive formal consent.

u. 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 Whalley Road should be provided in detail.
2. Details to be provided of the suggested junction tables at accesses on Whalley Road and Clitheroe Road.
3. The provision of improved footway provisions on Whalley Road and Clitheroe Road are to be discussed further. This is to provide suitable pedestrian links from the site to other facilities and amenities within the Barrow village catchment.

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.

4. To investigate the development of a new station on the Clitheroe Manchester rail line. Subsequent discussions on this matter should involve local access groups, Network Rail, HA and LPA.
5. I have requested additional information on the Whiteacre Lane junction as the impact at this location may be more significant than previously noted. Should further off-site works be required as a result of this specific matter or as a result of subsequent points of detail, I will provide relevant information on these matters at a later date.

v. Items for inclusion in a S106 Agreement

1. Travel Plan - A contribution of £24,000 would be requested.
2. Bus Service Provision - The detailed Public Transport provisions will be resolved as part of a formal Section 106 Agreement. However, the applicant should give consideration to additional facilities on Whalley Road and Clitheroe Road.

The provision of new or enhanced stops would be subject to a suitable design being agreed and 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.

3. Consideration should be given to the provision of community facilities for Barrow, as the proposed development will impact on all aspects of residential amenity.
4. A Toucan crossing at the junction of A671 Whalley Road with C549 Whalley Road would provide a safe and secure priority link with the signed cycle route along U22861 Clitheroe Road that leads to Standen Hall. This would provide a continuous signed cycle route into Clitheroe, at an estimated cost of £80,000

5. The provision of a secure cycle shelter at Whalley railway station should be considered. It would be necessary to determine if a suitable location could be achieved within the existing station grounds. This amenity would have an estimated cost £20,000.
6. Should a new rail stop be constructed within or adjacent to the proposed development, it must be designed to maximise accessibility and encourage additional cycle use within the immediate catchment of the site.
7. Funding to be provided for secure cycle parking in Whalley, Barrow and Clitheroe. Significant improvements in this provision could be achieved at an estimated cost of £5,000.

w. Highway Conditions

There are a number of Standard Conditions that will apply to this application.

x. Conclusion

The proposed development will result in a significant increase in vehicle flows on the existing transport network in and around Barrow village, at peak hours and throughout the day. 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 other junctions in Barrow.

In the summary for the TA, Section 7.1.6, it is stated that the data indicates that there are "no 'severe' residual transport impacts". I believe that the TA as presented underestimates the likely impact of the development on the operation of the local highway network and does not give sufficient credence to a range of origin destination movements linking to the nearby principal road network.

I consider further information is required in respect of the TA to address the issues highlighted above. The HA 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 areas of concern I have highlighted relate to traffic growth, trip distribution, the impact on local highway network and elements of the site access design.

LCC PLANNING
CONTRIBUTIONS:

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. LCC is more than willing to work with the developer's consultant to identify options that could address these concerns.

Further to the consultation with regard to this development, this consultation response outlines a planning contribution request from Lancashire County Council based upon a methodology published in the 'Planning Obligations in Lancashire' Policy Paper.

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 proposes 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 176 primary school places and 71 secondary school places.

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

Development details: 504 dwellings
Primary place requirement: 176 places
Secondary place requirement: 126 places

Local primary schools within 2 miles of development:

BARROW PRIMARY SCHOOL
WHALLEY C OF E PRIMARY SCHOOL
Projected places in 5 years: -18

Local Secondary schools within 3 miles of the development:

ST AUGUSTINE'S ROMAN CATHOLIC HIGH SCHOOL
BILLINGTON
RIBBLESDALE HIGH SCHOOL/TECHNOLOGY COLLEGE
CLITHEROE GRAMMAR ACADEMY
Projected places in 5 years: 58

Education requirement:

Primary

*Latest projections*¹ for the local primary schools show there to be a shortfall of 18 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. 176 places.

Secondary

*Latest projections*¹ for the local secondary schools show there to be approximately 58 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

However two planning applications have already been approved in this area at Petre House Farm and Britannia Street and these have an effect upon the places available, with a yield of 7 secondary places.

Therefore, the number of remaining places would be 58 less 7 = 51 places. With an expected pupil yield of 126 pupils from this development, it is expected that there would be a shortage of 75 places.

Therefore, we would be seeking a contribution from the developer in respect of the pupil yield required to support **this development**, i.e. 75 places.

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

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

Old Manchester Offices
Lawsonsteads
Land off Dale View
Victoria Mill
Land Adjacent Greenfield Avenue

Effect on number of places:

The proportion of the combined expected yield from these developments which is expected to impact upon this group of secondary schools is 36 pupils. Therefore, should a decision be made on any of these developments (including the outcome of any appeal) before agreement is sealed on this contribution, our position may need to be reassessed, taking into account the likely impact of such decisions.

Summary of response:

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

Based upon the latest assessment, LCC would be seeking a contribution for 176 primary school places and 75 secondary school places.

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

$(£13,043 \times 0.9) \times \text{BCIS Indexation (304.20 April 2011 / 288.4 Q4 2008 = 1.054785)}$
= £12,381.80 per place
£12,381.80 x 176 places = **£2,179,197**

Secondary places:
 $(£19,588 \times 0.9) \times \text{BCIS Indexation (304.20 April 2011 / 288.4 Q4 2008 = 1.054785)}$
= £18,595.02 per place
£18,595.02 x 75 places = **£1,394,627**

Due to the size of this development LCC are also seeking a primary school site; 10,900m² in size in addition to the contribution detailed above.

NB: If any of the pending applications listed above are approved prior to a decision being made on this development

the claim for secondary school provision could increase up to maximum of 111 places.

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

Secondary places:

$(£19,588 \times 0.9) \times \text{BCIS Indexation (304.20 April 2011 / 288.4 Q4 2008 = 1.054785)}$
= £18,595.02 per place
£18,595.02 x 111 places = **£2,064,047**

Failure to secure the contributions sought would mean that the County Council cannot guarantee that children living on this development would be able to access a school place within a reasonable distance from their homes.

LCC is unable to specify the school(s) which would have additional places provided at this stage; this is due to the statutory processes surrounding school expansion and the need for consultation.

This response is based on the latest information available at the time of writing. 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.*

COUNTY ARCHAEOLOGIST: The proposal site has been identified by the ALSF aggregate extraction in the lower Ribble Valley final report (Oxford Archaeology North/University of Liverpool, 2007) as having a high potential to contain previously unknown archaeological deposits dating to the prehistoric, roman and medieval periods. Well preserved archaeological deposits of either a prehistoric or roman date would be likely to be considered of regional, and possibly national, importance.

NPPF section 128 states that *where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment and, where necessary a field evaluation.*

Lancashire County Archaeology Services would therefore recommend that given the suggested high potential for previously unknown archaeological deposits to be encountered, contrary to the recommendation of the submitted archaeological desk based assessment which concluded that such work could be conditioned, that rather they should be undertaken prior to determination of the current application. This would be in line with NPPF Section 128, the Borough Council's own saved Local Plan Policy ENV14 and recent LCAS pre-application advice to the Borough Council.

COUNTY ECOLOGIST: The submitted ecological assessment provides an adequate assessment of biodiversity value and potential impacts and is therefore sufficient to enable determination of this application. The report makes a number of recommendations to mitigate and compensate impacts on biodiversity. Implementation of these recommendations, through conditions and the site's design and layout, should be sufficient to ensure that the proposals are in accordance with the requirements of relevant biodiversity legislation, planning policy and guidance.

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

UNITED UTILITIES: No objection to the proposals subject to the attachment of a number of conditions.

NATURAL ENGLAND: Raise no objection to this application which is within 2km of Light Clough SSSI. However, given the nature and scale of this proposal, and the interest features of the SSSI, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted.

CPRE LANCASHIRE BRANCH: Object for the following reasons:

Core Strategy

The Ribble Valley Core Strategy was submitted on 28 September 2012 to the Secretary of State and it is to be the subject of an Examination in public. CPRE Lancashire has concerns that the housing ambitions of the local authority have yet to be formally agreed and wishes to see the Core Strategy in place before a decision is taken concerning such a major residential development that is off plan in open countryside on the grounds that such a decision would be premature.

The Core Strategy in line with the National Planning Policy Framework sets an ambitious minimum target of 4000 houses up to 2028. This target has yet to be adopted. The site allocation document that would identify sites for future land use has yet to be published. Sustainable development is most likely to be achieved through a spatial planning exercise as opposed to coming forward in such an ad hoc fashion.

Loss of pasture land

The site in open countryside is currently used for grazing sheep and cattle. As such, the proposal is contrary to Policy G5 of the Districtwide Local Plan that restricts development outside of settlements. The Core Strategy continues to focus development in key settlements and not in open countryside. The pasture would be permanently lost with associated loss to wildlife.

Designated landscape – proximity to AONB and SSSI

CPRE Lancashire is concerned at the scale of development within view of the Forest of Bowland AONB and in close proximity to the Light Clough SSSI. There will also be loss of important local habitats at Barrow Brook field and lowland meadow priority habitat for biodiversity and geodiversity arising from the proposed development. The developer refers to the landscape and visual impact of the development of Pendle Hill as being benign and CPRE Lancashire does not accept this statement as true.

Access issues – road capacity

CPRE Lancashire is concerned about the accuracy of the information presented in the supporting information with regards to site access.

Infrastructure deficit

The proposed development is not sustainable and it does not provide the additional infrastructure that it would necessitate, such as education, healthcare, community facility, green infrastructure, drainage, waste water treatment, power supply, flood mitigation. Should the Council be minded to approve this large scale residential development, it must ensure that a developer contribution of sufficient value to pay for this needed associated infrastructure.

Employment – Net outmigration

This part of the Ribble Valley has become a satellite dormitory suburb of the neighbouring urban areas of Preston, Blackburn and Burnley. Should this trend be allowed to continue, the level of daily out commuting will be unsustainable. The Core Strategy has ambitions to develop employment at specific locations along the A59 corridor, but at present, there are not sufficient jobs in the pipeline at the local employment sites such as Barrow Enterprise Park to keep inhabitants of 504 additional homes economically active.

THE RAMBLERS ASSOCIATION:

Object to the application on the following grounds:

1. The scale of this outline planning application conflicts with the emerging Core Strategy.
2. The application to build 500 plus houses on 16 hectare of land within open countryside outside a settlement boundary will seriously damage the visual amenity of the rural landscape.
3. This development would have a serious environmental impact on the local wildlife. The site is greenfield with trees and hedgerows in situ, a biological heritage site on south west edge. Lapwings are a very much declining species both locally and nationally and breed on some of the fields on this site as do curlews. There is also a wide selection of birds breeding and feeding in these fields, trees and hedgerows and along Barrow Brook, as well as associated flora and fauna.
4. The development would result in a considerable loss of agricultural land currently used by grazing cattle.
5. Increase light pollution.
6. Impact of traffic through the villages of Barrow, Wiswell and Whalley will be severe and result in pollution and congestion to the detriment of the rural environment.
7. Negative impact on green tourism and dependent businesses.
8. There are a number of public footpaths running through the site and along the southern border. These paths are used by ramblers, visitors to the area, as well as local people and dog walkers. It is very important these much loved rights of way are protected in the present environment for use by future generations.

ADDITIONAL REPRESENTATIONS:

There have been 300 letters of objection to the proposal. Members are referred to the file for full details of these which can be summarised as follows:

1. Pre-empted the emerging Core Strategy and is not a preferred option within the final version of that document.

2. Barrow lands have proposed development outside the proposed Core Strategy and not undertaken consultation with the larger community.
3. It is in direct contradiction to the Localism Act.
4. The site is not within the settlement boundary and is an urban extension into open countryside.
5. The developer puts great emphasis on Barrow Enterprise Park as a receptor for future housing growth as it is identified as a strategic employment site – this is a fallacy as the last 30 year history would not support this contention.
6. Where is the evidence of demand for new housing in the area.
7. The size of the development will generate ownership of between 750-1000 vehicles. The traffic impact on the villages of Barrow, Wiswell and Whalley will be catastrophic regarding pollution and congestion. To reach the main town of Clitheroe and access the main A59 and A671 routes out of the valley will mean journeys through these villages.
8. The application will create additional traffic bottlenecks in Whalley and at the junction on to the A671.
9. Residential properties line Whalley Road with residents cars parked either side of the road making it narrow for two vehicles to pass each other at the same time. The increase in traffic will pose a risk to pedestrians and drivers alike with safety implications.
10. Increase in traffic will make traffic accidents more likely.
11. The likelihood of a new Barrow Station emanates from a world of make believe.
12. The site would dwarf Barrow trebling its size, which is not in-keeping with the rural location.
13. Detrimental to views and setting of the village leaving no green spaces along this side of the village.
14. The development has no regard to the location and layout of existing houses fronting Whalley Road.
15. The development is not proportional to the surrounding environment and appropriate for that particular location.
16. Devastating effect on flora and fauna.
17. Threat to breeding birds and bat pathways.
18. If Whalley could not support a development, how can Barrow which is a much smaller village with very few amenities and facilities available for current residents.
 - The village school is over subscribed and lack of secondary places.
 - There are no convenience stores, shops, post office, doctors or dentist for the residents of Barrow let alone another 1500 plus residents.
 - The deposit waste water storage tank close to the proposed development cannot cope with the current

- waste and has recently overflowed and spilt raw sewage into the neighbouring field.
19. Question the relationship with the allotments – security and fact that some elderly tenants use the plots as substitute gardens and the peace and tranquillity of this area would therefore change.
 20. There is no school site proposed with reference to the Whalley situation in respect of the school site that should have come forward at Calderstones.
 21. The Whalley treatment works system cannot cope at present let alone accommodate the size of this development.
 22. Clitheroe and the surrounding villages have little in terms of employment for any increase in population.
 23. Barrow is not a service centre.
 24. The proposal does not meet NPPF regarding sustainable development – all amenities such as medical, shopping, banking, employment etc would have to be sourced external to Barrow necessitating use of vehicles.
 25. The site in question has and still is being used for agricultural purposes with the grazing of cattle.
 26. The idea of a foul water pumping station is unpleasant for local residents.
 27. There are misleading claims in the submitted information in terms of jobs at Barrow Enterprise Park and the visual impact of the scheme.
 28. Documentation submitted is inaccurate.
 29. Noise pollution.
 30. Light pollution.
 31. Loss of view.
 32. Effect on property prices.

Proposal

The proposal is for up to 504 new homes, including affordable housing, with new vehicular and pedestrian access, possible traffic calming on Whalley Road, on site landscaping, formal and informal open space and associated infrastructure works. The application is made in outline with all matters reserved for further approval with the exception of access for which detailed approval is sought at this stage.

A parameters plan has been submitted to seek approval for the quantum of uses, the general siting of uses within the overall site and points of access and an illustrative masterplan has been submitted providing information on various design and development aspects of the proposals. To summarise the total number of units to be provided will be 504 with 30% of this being affordable (151 units); a mix of house types would be provided across the site (bungalows, detached, semi detached, terraced and apartment) ranging in height from approximately 6m to 15m; as part of a green strategy there are a number of proposed open spaces varying in character and scale; a foul water pumping station to serve those parts of the site located on lower ground contours to the west of the site is detailed as well as the offer of five acres of free

land to a suitable registered provider for self build or affordable homes immediately to kickstart delivery or secure funding (as part of the 30% provision overall).

As stated, the detailed matter being applied for at this time is access with that part of the proposal being as follows:

The illustrative master plan denotes the creation of three vehicular access points into the site from Whalley Road. The northern access is along the existing alignment of the unmade track that leads into the allotment area and is located approximately 65m south of Millbrook Place. The central access would be directly opposite the existing junction of Whalley Road/Whiteacre Lane and would therefore create a crossroad form of junction. A final and third access to the site would be to the south approximately 165m to the south of the central access which is 25m north of the existing Ashleigh Farm vehicular access.

In order to discourage through travel between Clitheroe and Whalley the applicants consider a detailed package of traffic calming measures could be brought forward if considered appropriate by the local Highway Authority. This will promote slower speeds through the village and could be advanced using financial contributions from the development.

Site Location

The site lies to the southwestern edge of Barrow outside the defined settlement boundary within land designated open countryside. It is roughly rectangular in shape extending to approximately 18.26 hectare and comprises predominately open grassland punctuated by existing trees and hedgerows. The site has as its eastern boundary Whalley Road beyond which is the residential development on Barrow Brook (Barrow Enterprise Park); to the west the railway line beyond the triangular shaped county biological heritage site which borders the site; to the north by a ribbon of residential development along the Whalley Road frontage with fields to their rear and similarly to the south. There are allotment gardens that are to be retained. A public footpath extends through the site opposite Whiteacre Lane and links with another public footpath that runs along the southern site boundary. In terms of topography, existing contours show a fall of approximately 10m in a westerly direction from higher land adjacent to Whalley Road and a drop of approximately 16m towards the south western section of the site.

Relevant History

An application for up to 190 dwellings has been submitted on part of this same site but at the time of drafting this report it was going through the registering process.

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 ENV14 - Ancient Monuments and Other Important Archaeological Remains.
 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.
 EN2 – Landscape.
 EN3 – Sustainable Development and Climate Change.
 EN4 – Biodiversity and Geodiversity.
 EN5 – Heritage Assets.
 H1 – Housing Provision.
 H2 – Housing Balance.
 H3 – Affordable Housing.
 DMI1 – Planning Obligations.
 DMI2 – Transport Considerations.
 DMG1 – General Considerations.
 DMG2 – Strategic Considerations.
 DMG3 – Transport and Mobility.
 DME2 – Landscape and Townscape Protection.
 DME3 – Sites and Species Protection and Conservation.
 DME4 – Protecting Heritage Assets.
 DME5 – Renewable Energy.
 DME6 – Water Management.
 DMH1 – Affordable Housing Criteria.
 DMH3 – Dwellings in the Open Countryside.
 DMB4 – Open Space Provision.
 DMB5 – Footpaths and Bridleways.
North West of England Regional Spatial Strategy to 2021
 Policy DP1 – Spatial Principles.
 Policy DP2 – Promote Sustainable Communities.
 Policy DP3 – Promote Sustainable Economic Development.
 Policy DP4 – Make the Best Use of Existing Resources and Infrastructure.
 Policy DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility.
 Policy DP6 – Marry Opportunity and Need.
 Policy DP7 – Promote Environmental Quality.
 Policy DP8 – Mainstreaming Rural Issues.
 Policy DP9 – Reduce Emissions and Adapt to Climate Change.
 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.

Environmental, AONB, Human Rights and Other Issues

This application was made valid on 16 July 2012, with the 13-week target period ending on 15 October 2012. There were matters to be addressed regarding Environmental Impact Assessment (EIA) following initial receipt of the application and once these were resolved (see section below) a revised 13 week date of 21 December was assigned. No formal decision has yet been made in relation to this application with the delay due to a combination of outstanding consultation responses and requests for additional information from consultees in respect of numerous aspects of the scheme. Despite these ongoing discussions regarding need for additional information, 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, once the issues surrounding EIA are discussed, are the principle of development, highway safety, infrastructure provision, ecological considerations, visual impacts and impact on residential amenity as follows:

Environmental Impact Assessment

Reference has been made to the lack of an Environmental Impact Assessment (EIA) in respect of this submission and it is felt appropriate to firstly provide Members with an overview of the situation in respect of this matter to aid their understanding and any implications for passing comments on this proposal.

In November 2011, before the submission of this application, the applicant submitted an EIA screening request to the Council. Further information was submitted in December 2011 to assist in that process and at the end of the statutory three week period allowed for issuing a decision, the Council were minded to indicate that the proposal would be likely to have significant effects on the environment sufficient to require EIA. However, following discussion with the applicant, it was agreed to let the screening request lapse and proceed on the basis that if on registration of the outline planning application the Council decided to adopt a screening opinion that EIA was required and set out the scope of the EIA, then work would be suspended on consideration of the application until the need for the submission of an Environmental Statement by the applicant had been resolved.

The outline application was made valid on 16 July 2012 and the Council informed the applicant on 3 August 2012 that it was our opinion that under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the scale of the development meant that its impact would not be of a localised nature but have wider environmental impacts beyond the site. Thus it was our contention that the proposal did require an Environmental Statement. The applicant did not agree with that conclusion and requested the Secretary of State make a Screening Direction (dated 16 August 2012).

DCLG responded on 21 September to the Screening Direction request from the applicant to the effect that:

In the opinion of the Secretary of State and having taken into account the selection criteria in Schedule 3 to the 2011 regulations, the proposal would not be likely to have significant effects

on the environment by virtue of factors such as its nature, size or location for the following reasons:

There is potential for an impact on the setting of the Forest of Bowland AONB however, advice from Natural England and other available information, leads to the conclusion that the effects are not likely to be so significant as to require an EIA. There are likely to be impacts from additional traffic, both during construction and operation but information provided as part of the planning application indicates that these will not be so significant to require an EIA. The development may have urbanising effects on a predominantly rural area but the visual impact would be unlikely to be significant as it would be seen against the backdrop of existing housing and an industrial development which is in the vicinity. The site also slopes away from the main road through the village (Whalley Road) which will limit the visual impact for existing houses. It is not considered that there are any factors from development, either alone or in cumulation, that will result in significant environmental effects.

You will bear in mind that the Secretary of State's opinion on the likelihood of the development having significant environmental effects is reached only for the purposes of this direction.

Principle of Development

In considering the principle of development the views of the Council's Head of Regeneration and Housing have been sought who has provided the following detailed observations.

The starting point to establish the principle of development is by reference to the Development Plan, unless material considerations indicate otherwise. The Development Plan is taken to comprise the Regional Strategy (2008) and the saved Policies of the Districtwide Local Plan (1998). Beyond this the principle needs to be examined against the National Planning Policy Framework (NPPF), its transitional arrangements and the emerging Core Strategy.

The Secretary of State has published the Government's intentions to revoke the RS, the abolition of which is now accepted as imminent. Consequently in my view limited weight should be attached in practice to the RS policies, however they do form part of the extant Development Plan and need to be given consideration. Relevant policies to which consideration should be given are Policies DP1 (Spatial Principles) and DP2 – 9 that deal with the delivery of sustainable development. Policy DP1 sets the principles that underpin RS: namely:

- promoting sustainable communities;
- promoting sustainable economic development;
- making best use of existing resources and infrastructure;
- managing travel demand, reducing the need to travel and increasing accessibility;
- marry opportunity and need;
- main-streaming rural issues and reducing emissions and adapt to climate change.

As a principle the proposal would in itself and in the context of its spatial setting generally meet these principles in my view with the exception of the points noted below. The question becomes more one of the opportunities to consider this in an objective and comparable way through the application of the statutory plan-making process.

Policies DP2 – 9 provide a more detailed consideration of these principles, which again I would take the view that the scheme as proposed is capable of according with, with the exception that

I consider there to be less consistency with Policies DP4 (making best use of existing resources and infrastructure) and DP6 (marry opportunity and need). This is particularly so where there is the opportunity to make a choice between sites through the plan-making process; in effect the process the Council has gone through in formulating the Core Strategy. Similarly there are aspects of conflict with Policy DP7 (promote environmental quality) in relation to respecting the characteristics of places and landscapes, and maintaining and enhancing the tranquillity of open countryside and rural areas.

The Regional Strategy also provides a policy context in relation to housing, including the provision of affordable housing through Policies L4 (Housing Provision) and L5 (Affordable Housing). Whilst Policy L4 sets a housing requirement (161 dwellings per annum) this has been superseded by the Council's current housing evidence base in relation to the submitted Core Strategy and subsequently accepted at appeal that the relevant housing requirement to be addressed should be a minimum of 200 dwellings per annum as per the current evidence. The proposal will of course help deliver housing including affordable housing, consequently these policies in themselves are less relevant to the determination of the application and there is no conflict.

The saved Local Plan provides a local policy context, however it has to be recognised that the strategic policy base dealing with the general development strategy in particular, including the established settlement boundaries are significantly out of date, being formulated against the superseded structure plan and strategic policy context. Detailed Development Management policies are still valid where they are in conformity with the National Planning Policy Framework however and together they provide a useful base to guide decisions. Subject to taking account of the strategic context referred to above, policies that seek to establish the general extent of open countryside, for example should still be taken into account when assessing the implications of the proposal, and settlement policies similarly can provide a helpful context to understand the character of a settlement, but should not in themselves be solely relied upon to judge the application.

Government published the National Planning Policy Framework in March 2012. This represented an important and significant change to the underlying approach to planning which the Council needs to take into account. Whilst NPPF confirms the plan-led approach it is clear that where relevant policies are out of date, the NPPF must be treated as a material consideration. The NPPF also emphasises that in assessing and determining development proposals the Local Planning Authority should apply the presumption in favour of sustainable development.

In the circumstances of a Development Plan to which less weight should be attached (namely the RS) and where relevant planning policies of the Local Plan are shown to be out of date, NPPF sets out the policy framework against which proposals should be considered and against which the balance of weight to be given has to be judged. This is the case in my view for the Council in determining this application.

Amongst other things as a matter of principle, NPPF establishes the following key considerations to be taken into account when determining applications over and above the principles that individual applications of course have to be judged on their merits. These key considerations are set out in paragraph 14 of NPPF, namely:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking...

For decision-taking this means:

- approving development proposals that accord with the Development Plan without delay; and
- where the Development Plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
 - specific policies in this framework indicate development should be restricted.”

In addition, and specifically in relation to residential development, NPPF specifically reinforces that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a 5-year supply. These two elements are important factors in making any decision.

The Council’s most recently published housing land calculation (report to Planning and Development Committee 17 January 2013 refers), taking account of comments in relation to the deliverability of identified sites following a recent appeal decision but without any further detailed adjustments for deliverability other than the continuation of a slippage allowance, the Council has less than a 5-year supply. However initial information from the 31 December 2012 survey indicates (again without detailed assessments of deliverability) that with the number and rate of applications being approved, the Council has moved back to a 5-year supply.

It is important to stress that this has to be treated with an element of caution given the fact that deliverability appraisal has not been completed. Further work is being undertaken in relation to this assessment, however in view of the fact that the Development Plan strategy is considered out of date, the presumption in favour of sustainable development is triggered in any event with the principle of the development standing to be judged primarily against NPPF in this case. In reality therefore the issue of a 5-year supply is less significant when deciding which policy basis should be used as NPPF and the presumption are engaged in any event. NPPF considerations mean that the proposal effectively falls to be determined in principle against the three strands of sustainable development namely economic, social and environmental aspects that underpin the question of sustainable development and any other material considerations. As a principle, where an application is shown to deliver sustainable development, NPPF guides the decision-taker towards approval unless material considerations indicate otherwise.

In terms of material considerations, the broad location of the application was included within the illustrative area of search as one of the alternative options for development in the Core Strategy process. At that broad level of sustainability, the location was considered to be capable of delivering sustainable development, particularly when the opportunity to link with the recognised strategic employment location, together with the potential to develop as part of that option for growth (should it have been chosen), other services and facilities focussed on both the existing provision in the village and the potential to develop them.

As part of the Sustainability Appraisal process that assessed the Core Strategy, the option was reviewed and found to be broadly a sustainable option. This would support the site being considered sustainable in that broader context. However, this is not the same as examining the sustainability of a specific proposal or indeed a proposal that is not in the context of a focused strategic growth point with the accompanying mix and range of development that would likely to be entailed and anticipated. Whilst there is clearly a very strong link with the Council's employment aspirations and those existing services, the built scheme in itself is a wholly residential scheme seeking to deliver potentially over 500 units. Whilst necessary infrastructure contributions can be secured the application site itself currently provides only for housing, open space and the associated infrastructure to deliver that, nevertheless in isolation the proposal could be judged to meet the requirements of the NPPF.

NPPF however also requires proposals to be judged against other important material considerations. Weight therefore needs to be given as a material consideration to the extent to which the Council's submitted Core Strategy should be considered and the impact that approving this proposal would have on that process. As a submitted Core Strategy the Council has reached a significant and relatively advanced stage in the preparation of its new Development Plan. Although the progress of the plan was delayed by changes in legislation, the Council has positively progressed through a number of key stages over the last 12 months demonstrating especially in the light of the publication of NPPF, the Council's concern to make progress with the plan. The Examination is currently suspended to enable key evidence to be brought up to date to reflect NPPF which will introduce some delays to the adoption of the plan, nevertheless the Council has a submitted Core Strategy, it has been developed through extensive consultation and within that statutory process has established a preferred Development Strategy for the borough. In doing so the process has considered the issue of a strategic growth point focussed on Barrow and through that statutory process the Council has decided that the most appropriate distribution of development excludes the significant growth of Barrow as this proposal would bring. It would provide a strategic site of some 500 dwellings representing approximately a quarter of the development required in the Core Strategy having taken account of the sustainable focus on larger settlements, the identified strategic site at Standen and development that has been completed so far.

In the context of the submitted Core Strategy, which does envisage growth at settlements, such as Barrow (that is, growth is not intended to be precluded) the Strategy does not anticipate at its heart in order to deliver the assessed development needs, a scheme of this scale which when considered against that background is clearly inconsistent with the Council's submitted Strategy. Approval of the scheme as submitted would not accord with the Council's preferred Development Strategy, and would serve to predetermine the outcome of the statutory process. This in itself does not sit well with the intent of the statutory process or the aspirations for localism.

In this regard, I am concerned that approving the scheme as presented outside the opportunity to deal with this issue through the Examination process in relation to the Core Strategy would only serve to limit the proper Examination of issues as the process intends and especially in my view where there is a conflict with the submitted Strategy. Furthermore the Council has committed to an allocations process with the Local Development Framework that would be the opportunity to implement in detail the Core Strategy policies and is the proper mechanism through which sites may be compared and detailed patterns of growth established as intended by the Strategy. The approval of the scheme would bring forward a significant amount of

residential development therefore limiting the choice of sites and relative distribution that the Council, through the statutory process, could consider.

Government guidance on this issue exists in the form of the extant, national guidance issued by the DCLG in 2005 namely "The Planning System: General Principles". This guidance highlights in effect the need to consider the extent to which the granting of permission for such proposals as this could prejudice the consideration of the Core Strategy by pre-determining decisions about the scale and location of new development being addressed in the emerging policy. In effect the grant of permission would be considered to be premature. At this stage of the process as a significant material consideration it outweighs any benefits the scheme may be promoted as delivering in my view.

In reality we can see from the numbers of applications being approved, the Council is moving quite rapidly to a situation where housing supply is being significantly boosted in accord with the intent of NPPF. At the same time because applications that are coming forward are considered to be within the scope of policy, there is less of an impact on the overarching direction that the submitted Core Strategy is seeking to implement. Whilst a number of applications have been approved, generally speaking they have been consistent with the Core Strategy and they have not as this proposal would, served to prejudice the preparation of the plan. The harm to the process is the likely need to consider significant changes to the submitted Core Strategy ahead of the Examination including the potential to consider the need to withdraw the submitted Strategy and produce a new plan. The principal harm being the timeframe that would then be required to put a new plan in place, taking it through its statutory stages when Government guidance is clearly for Local Planning Authorities to progress their plans as quickly as possible. This would be likely to undermine public confidence in the process particularly where extensive consultation has informed the development of the Strategy.

Assessed against the Development Plan, whilst there are some matters against which the application sits well and some aspects where it fits less comfortably, the proposal in my view needs to be determined in practice against the NPPF. In isolation, the scheme would comply with the general policy approach of NPPF. Importantly however in applying the presumptions of NPPF we are obliged to take into account relevant material considerations.

Again there are material considerations that weigh in favour of the application and ultimately it will be a matter for the decision-taker to balance the relevant weight of each of these aspects. Similarly in having regard to the submitted Core Strategy, weight has to be judged against the extent of unresolved objections, which given the number and range does temper the weight that can be attached. I do not consider the housing supply position to be so significant given the current position in the borough to outweigh the need to have regard and give weight to the impact that approving the current scheme would have on the Core Strategy thereby prejudicing its preparation.

The key consideration that tips the balance against the scheme in my view, as a principle is the impact upon the emerging Core Strategy given its current relatively advanced staged. However, it will be vital in arriving at a decision on the scheme to take account of the extent to which other considerations make the application out of accord with NPPF. In principle the applicants proposal would meet the tests of NPPF if considered in isolation, albeit there being some issues of scale, impact on the village and its character that would need to be carefully considered. There are also some aspects of the Development Plan that the proposal does not precisely accord with but less weight should be attached to those aspects.

In general whilst some weight can be attached to the stage the Core Strategy is at, in terms of prejudicing the outcome, the balance of NPPF requires the material considerations as a whole to lead to sufficient harm to outweigh the presumption in favour of development and the National Planning Policy context of supporting growth and boosting housing supply as a general principle. As demonstrated by the numbers of applications being approved and the progress the Council is seeking to put its plan in place, coupled with the increasing developer activity in the borough, the Council continues to address this imperative. However as an important material consideration, greater weight should be attached to the impact that such a decision would have in terms of prejudicing the Council's submitted Core Strategy and pre-determining the outcome of that process. All these judgements are of course very finely balanced however against this latter principle the application is not supported.

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 offered as affordable (151 units). In addition, 5 acres of free land will be offered to a housing association/registered provider to encourage early delivery or to kick start the funding and this includes self build or self provided housing primarily for local people. It should be noted that the draft Heads of Terms document submitted in support of the application clarifies that this land would form part of the 30% provision overall.

The Strategic Housing Working Group have considered the offer of 5 acres of land as part of the affordable offer but feel that a site of that size would provide too large a concentration of affordable units. The group agreed that they would consider a land offer of 2.5 acres which would deliver a more attractive site aside for registered providers. The remainder of the affordable units to achieve the 30% on site will be distributed across the site. They also provided guidance regarding the phasing of affordable housing with this build element.

As Members can see, there is some way to go on agreeing the detailed elements of the affordable offer in terms of the area of land to be gifted to a housing association/registered provider and agreement on phasing. However, the fundamental Council requirements are being offered in relation to this scheme, namely 30% of the site for affordable provision and 15% of the residential development be for elderly persons (of these a 50/50 split between market and affordable units; elderly person units to form part of the 30% provision of affordable homes across the site). Therefore, I would not be advocating that Members seek to raise this as an area of concern but that further dialogue takes place as part of the appeal process in order to ensure that the fine details of the affordable offer comply with the requirements of the Strategic Housing Working Group.

Highway Safety

In respect of highway safety it is clear from the observations of the County Surveyor that on the basis of the information submitted with the application there are some key areas of concern that require further discussion with the applicant (now appellant) prior to him being able to advise the LPA as to whether the scheme would prove detrimental to highway safety. Areas highlighted relate to assumptions made regarding the even distribution of turning movements to and from the site. He has questioned whether the proposed central access point opposite Whiteacre

Lane would receive a large proportion of movements and that this may necessitate a more detailed assessment of turning movements at this location. There are also issues raised relating to traffic growth, trip distribution, mitigation measures for cyclists, public transport, junction treatments, off-site highway works and potential financial contributions to form part of any Section 106 Agreement. This is not an exhaustive list and Members are referred to the full consultation response from the County Surveyor which is on the application file for such comprehensive details.

The guidance LPA's are provided in respect of promoting sustainable transport within the NPPF are to be found in paragraph 32 which states:

“All developments that generate significant amounts of movement should be supported by a transport statement or transport assessment. Plans and decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

At the time of drafting this report, there had been no response from the applicant to the matters raised by the County Surveyor in his response dated 6 November 2012. The appeal for non-determination documentation submitted outlines that in the appellant's opinion *“It is likely that the transport matters can be addressed without the need to provide evidence or appear at a future public inquiry. Discussion will also take place on the level of contributions to be secured through a Section 106 or Unilateral Undertaking if necessary.”* However at this point in time there has been no dialogue on this and to inform Committee that any areas of concern can be resolved would be misleading.

The information made available by the applicant at this time ie the transport assessment, design and access statement and other supporting papers is incomplete. There are outstanding matters of facts to be resolved in respect of the existing highway information that has been produced and points of detail relating to some of the assumptions made regarding basic aspects of the access design, elements of traffic growth, trip distribution and the impact of the development on the local highway network. With no resolution to the matters flagged up in the initial response to the County Surveyor, I do not think it is possible to support this application as the appropriate information has not been received to address those concerns raised over the continuing provision of a safe and reliable highway network in the vicinity of the proposed development. However, in saying this, it is acknowledged that further dialogue between the respective highway professionals may bring clarity to this matter and identify options that could address concerns expressed in that initial consultation response.

Clearly should Members agree then we will need to engage with the applicant/appellant and their highway consultant as a matter of urgency in order to explore the areas of concern in greater detail. It is unfortunate that the appeal has been lodged prior to this discussion taking place as it is recognised that at the moment in respect of highway matters there is no definite answer either way as to whether the impacts would be severe or not. However, as it stands, I consider it only appropriate to identify highway safety grounds as an area of concern and

potential reason for resisting this development at this time, as there is insufficient information available to enable a comprehensive assessment to be made of the likely impacts of the application on the local highway infrastructure.

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 usable public open space. In this development the approach taken is to layout two hectare of the site as open space to serve the proposed dwellings. The plans submitted integrate a network of open spaces, including formal and informal open space, play areas and amenity areas with the wider public footpath network and countryside. In total, five parks are shown throughout the overall site with the existing allotments (0.79 hectare) retained at the centre of the site although not included within the red edge of these proposals.

The proposed level of provision has been discussed with the Council's Head of Cultural and Leisure Services in order to establish whether it accords with the Council's most up to date approach. This is a site that will bring forward a substantial number of properties and he is of the opinion that it is of such a scale as to warrant both a level of informal amenity space with its layout but also a financial contribution towards more strategic levels of provision at nearby locations which would be used by its residents. It is understood that a facilities plan is being drawn up for consideration by Community Committee and that document will identify such a strategic level of provision that is in need of enhancement. The site is within proximity of existing facilities at both Whalley and Clitheroe and thus he considers there may be scope for contributions to either or both of those settlements' facilities. As this is an appeal for non determination, the Council has not, at the time of drafting this report, had the opportunity to discuss this with the applicant/appellant and Members need to be aware that any request for an off-site financial contribution must meet certain tests. The Community Infrastructure Levy (CIL) Regulations require that any planning obligation must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Further consideration will need to be given to the potential for off site contributions.

Infrastructure Provision

Members will note from the consultation responses section of this report that concerns have been expressed by both of the local Parish Councils as well as objectors about the ability of the existing infrastructure of Barrow and its immediate environs 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 176 primary and 126 secondary school places. This cannot be accommodated within the existing schools and thus a sum of £2,179,197 is sought towards the full primary pupil yield and £1,394,627 towards the shortage of 75 places secondary level. 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 the 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. However, what they were not aware of when submitting draft Heads of Terms was the requirement for a primary school site of 10,900m² in addition to the financial contribution.

The response from LCC has been brought to the attention of the applicant/appellant but at the time of drafting this report no response had been forthcoming in respect of that request. Clearly the provision of land to be set aside for a school would reduce the area of land available for residential development and impact upon the total number of units across the site. This may bring into question viability issues but as stated no further work had been undertaken on this in light of the submission of the appeal for non-determination. I have had a brief conversation with colleagues at LCC regarding what their view would be should a school site not be forthcoming and their written response was still awaited when this report was drafted. It is hoped clarity can be sought on this matter prior to the meeting at which this scheme will be discussed.

However, it is safe to say that in LCCs opinion, as expressed in their consultation response dated 7 September 2012, the combination of a financial contribution towards both enhanced primary and secondary provision and the allocation of a primary school site within this overall development scheme is the appropriate way forward to ensure that pupils have an opportunity to access a school place within a reasonable distance from their homes.

Concerns have been expressed in relation to sewage and drainage and this application was submitted with both a Flood Risk Assessment (FRA) and utility statement which examined these matters in detail.

The FRA identifies that the site is located in flood zone 1 which is the lowest level of flood risk. There is an area of zone 3 identified bordering the site alongside the route over Barrow Brook but this is outside the proposed development area. The submitted reports consider surface water run-off from the site and note it is important that surface water drainage proposals ensure that volumes and peak flow rates of surface water discharging from the site are no greater after development than those that exist prior to development. Given this is an outline application, detailed design is not complete but it is proposed that a series of interlinked storage systems will be provided including tank sewers and off-line swales and ponds, in order to provide control over discharge rates. Provision of such surface water attenuation systems will provide a reduction in the surface water flows to Barrow Brook and thus assist in reducing flood risk downstream of the site.

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 Whalley, this is something that has been, and continues to be, examined closely by United Utilities. In respect of proposed sewer loading from the site once developed, regard has been given to the constraints set by United Utilities to ensure that there is no increase in foul water discharge rates during the period up to mid 2016 after which foul water flows can be increased as the capacity at the WWWTW will have been increased to cater for new developments in the locality. The site requires, as part of the overall development proposals, the installation of a foul water pumping station to serve those parts of the site that are located in the lower ground contour areas to the west of the site. By sequencing installation of the foul water pump station early in the construction programme, enables completion of 150 dwellings in advance of the 2016 WWWTW upgrade. Furthermore, by engineering design, this new pump station will provide additional storage volume capacity in the existing public foul sewer. This additional capacity allows peak flow in the existing sewer to be diverted, stored and

then pumped back to the sewer at a controlled rate. This benefits the existing users upstream of the development site and provides additional detention of flood flows.

It is clear from the observations of our statutory consultees on these matters, that there are no objections raised having regard to the technical information submitted and design solutions offered in respect of surface water and sewer provision. Both United Utilities and the Environment Agency suggest conditions be imposed should consent be granted and subject to the safeguards requested, development should not be resisted on these grounds.

Nature Conservation – Protected Species, Landscape, Trees

This is a greenfield site consisting of various fields that are under agricultural usage and divided by ditches, hedgerows and fences, with individual trees and groups of trees throughout and a woodland belt to the north and a woodland belt to the south-east. A Preliminary Arboricultural Impact Assessment has been submitted in support of the application that identifies 89 individual trees, four groups of trees and three woodlands that were surveyed in respect of this proposal. Of these 23 trees, three groups and three woodlands were allocated high retention values, 26 trees and one group were allocated moderate retention values, and 25 trees were allocated low retention values. In addition, 15 trees were classed 'R' and would normally therefore be recommended for removal in the short term regardless of this proposal.

The trees, of which a substantial number are large in size, stand as individuals and as components of groups and woodlands and, as a whole, confer a high visual amenity on the immediate and the wider local landscape. The applicant's have undertaken an evaluation of the Illustrative Masterplan in respect of tree protection and have indicated that proposed development of the site can be satisfactorily achieved whilst retaining the majority of the large trees on site by incorporating them into areas of public open space or suitably sizeable gardens. It is therefore imperative that any subsequent detailed development proposals include adequate provision for the incorporation of the high and moderate quality trees into the design and that sufficient detail regarding the specifics of how these trees are to be retained and protected successfully is included in support of any such associated reserved matters or further application.

The Ecological Survey and Assessment submitted does not identify any significant wildlife interests or constraints that could affect the principle of developing this site. It recognizes that the site contains or lies adjacent to habitats of biodiversity value (Barrow Brook Field Biological Heritage Site/Lowland Meadow Priority Habitat, Hedgerow Priority Habitat, mature and semi-mature trees) and supports 7 UK BAP Priority Species of bird and a Pipistrelle bat commuting route. However, it is concluded that protection and mitigation for designated sites, protected species, Priority Habitat and Priority Species is entirely feasible. Where possible, opportunities to seek biodiversity gain by appropriate management, habitat creation and landscape planting have been identified and described within the submitted documentation. The Council's Countryside Officer and County Ecologist have examined the submitted information and have raised no concerns to indicate that, subject to appropriate safeguards, there are any justifiable reasons to withhold consent on nature conservation grounds.

Layout/Scale/Visual Amenity

As stated previously, this is an outline application with the only detailed matter being applied for at this time being the means of access. However, there is a requirement for submissions to

provide a basic level of information in respect of use, amount of development, indicative layout and scale parameters in order for a local planning authority to make detailed considerations on the use and amount of development proposed.

An illustrative masterplan has been submitted to show how the scheme would fit into the immediate surroundings with residential development to its north and south along Whalley Road and to the opposite side of the road through the village to the east. To the west lie the county biological heritage site and railway line. In respect of scale parameters, the height limits of 8-10m for two storey dwellings which are the dominant type on site, would not, I consider appear over dominant. The submitted parameters for apartment blocks are 12-15m in height and are for illustrative purposes at this time with more details to be submitted at reserved matters stage to provide precise details of each unit in terms of scale and appearance. Therefore, whilst these dimensions may appear out of context at this stage, they are a matter reserved for future submission. In the main, they would be concentrated within the overall site and thus at this stage, I would not wish to raise significant concerns about an element of the scheme that is reserved for future submission.

Any form of development brings with it some effect on the landscape/character of an area and the fundamental consideration is would any harm caused be so significant as to warrant an unfavourable recommendation. Objectors have made reference to the visual impact of this scheme commenting that it is disproportionate to the size of the existing village. As Members will be aware, Barrow has grown over the years with residential developments occurring to the opposite side of Whalley Road to this site and the employment development at the former Barrow Print Works site. Indeed, the Barrow Enterprise site is identified as a main location for employment in the emerging Core Strategy. Given the level of concern being expressed by various persons over the potential visual impact of this scheme, an independent landscape visual assessment has been commissioned in order to establish whether this would form a substantive part of the Council's case in relation to this non determination appeal. At the time of drafting this report, there had not been any initial findings available from our consultant to assist Committee in their deliberations on this matter and it is the intention that further guidance on this will be provided to Members at the meeting.

Residential Amenity

In considering residential amenity, it is important to assess the relationship with properties outside of the site as well as that between units proposed as part of this scheme. To the east are properties that front on to Whalley Road and that form part of the housing estate of Chestnut Crescent and Oak Close; to the north by dwellings again fronting Whalley Road and comprising Mill Brook Place and to the south by dwellings that align Whalley Road.

Proposed parameters of plans have been submitted to indicate that new dwellings along the site frontage to Whalley Road would in the main face on to internal roadways set behind the existing hedgerow at distances of approximately 32m from dwellings to the east, 40m to the south and 20m to the north. Details submitted for consideration would indicate that the Whalley Road frontage dwellings would be detached bungalows along the majority of its length with two storey dwellings bordering existing properties to the north and south. Members should be aware that whilst these details are submitted for illustrative purposes, the distances between respective built forms surrounding the site would be acceptable. I acknowledge that distances to dwellings to the north are close to the 21m that is usually sought to prevent direct overlooking into first

floor habitable rooms but reiterate the plans are illustrative and the dwellings are set at oblique angles to each other.

In terms of the actual scale of the development, the areas of the site that abut existing residential development are indicated as two storey in nature to the northern and southern areas of the site at maximum heights of 10m with bungalows shown to the Whalley Road frontage at a height of approximately 8m. There are some three storey blocks proposed to a maximum height of approximately 15m and the majority of these are shown within the main body of the site. There is the potential for a small collection of these units on the Whalley Road frontage but as the layout is reserved for future submission, I consider that the time to more closely assess that particular relationship would be at reserved matters stage as the submitted masterplan is for illustrative purposes only. Having assessed the submitted details, I do not consider that scheme would prove significantly detrimental to the residential amenities of properties bordering the site.

In respect of the internal relationship at the development site, the illustrative layout shows properties facing on to internal access roads, landscaped/park areas and the retained allotments. From the submitted illustrative plans it would appear that the separation distances between facing blocks of development maybe less than the 21m cited earlier within this section as a generally accepted distance between two storey facing dwellings. However, there are a number of factors to consider in relation to this point in assessing this aspect of the scheme. Firstly, layout is not a detailed matter being applied for at this stage and secondly the description of the development states '*the provision of up to 504 residential units...*'. It is acknowledged that this is a new residential development and potential purchasers will be fully aware of the relationship between various residential blocks prior to buying certain property but that does not mean that development should be permitted that would impinge on residential amenities. Thus, the reserved matters application will need to demonstrate in terms of overall scale and layout that the internal relationship between buildings is satisfactory and that the amenities of future occupiers would not be significantly compromised. Therefore, given the nature of this application (outline with all matters reserved except for access) I conclude that it would be unreasonable to raise concerns over a matter that is reserved for submission at a later date once the overall principle of development has been established.

Miscellaneous

The proposed site is bordered by the Ribble Valley line railway to the west and Whalley Road to the east. Both of these transport routes are potential sources of noise which have the potential to adversely affect the future occupants of the proposed dwellings to be developed on this site. As such, the application has been submitted with an acoustic survey and assessment to ascertain what if any effect these two potential sources of noise could have on the proposed dwellings. The noise survey undertaken and the assessment of the results detailed in the aforementioned report demonstrate that noise levels on the site arising from railway and road traffic noise can be satisfactorily mitigated so as to meet government, World Health Organisation and British Standard requirements aimed at achieving a suitable living environment and providing adequate protection for future residents of the proposed development. Recommendations are proposed in terms of suitable mitigation measures, however these only apply to these properties with facades that will be situated adjacent to either the railway line or Whalley Road. The remainder of the development will receive adequate protection from rail and road noise due to the effect of distance attenuation and by the physical intervention of barrier effect of those properties directly affected.

Members will note from the comments of the County Archaeologist earlier within this report, that he has requested some prior to recommendation works being carried out on site in order that he can be satisfied in respect of the potential of the site regarding archaeological remains. The applicant/appellant has not responded on this matter other than to say they consider the approach set out in their submitted documentation that such works can be suitably conditioned as part of any approval should be sufficient to satisfy LCC concerns. In light of this, I have gone back to colleagues at LCC and at the time of drafting this report for Members, was still awaiting that response.

Section 106 Agreement Content

The application was submitted with a draft Heads Of Terms paper which outlined the following potential contributions/content of a legal agreement. Given this application is now subject of an appeal for non determination no further work has taken place on this aspect of the proposal but work will need to be done prior to the Public Inquiry in order to produce an Agreement between the parties which may or may not include all of the following aspects with/without revision.

1. Affordable Housing
 - Provision of 30% affordable houses on the site.
 - 15% of the residential development of the site to be for elderly persons (of these a 50/50 split between market and affordable units; elderly persons units to form part of the 30% provision of affordable homes across the site)
 - Offer of 5 acres of free land to a suitable registered provider/housing association for self-build or affordable homes immediately to kick-start delivery or secure funding (as part of the 30% provision overall).
2. Highways
 - Contribution based on Lancashire County Council's Accessibility Score – 350 dwellings at £1,200 and 150 at £1,800 Current estimate of £801,000 (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
3. Public Transport
 - New bus stops and the potential penetration of the site or support for existing services to be examined (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
4. Cycle and Pedestrian Measures
 - Contribution to assist with the creation of appropriate pedestrian and cycle links (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
5. Pedestrian Crossing
 - Provision of a pedestrian crossing on Whalley Road to be considered - guide cost of £15,000 to £20,000 (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
6. Traffic Regulation Orders (to extend 30 mph speed limit)
 - Costs of preparing, advertising and bringing the TRO into operation (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).

7. Travel Plan
 - Contribution to enable LCC Travel Planning Team to provide a range of services as described in their Planning Obligations Paper (2008) with respect to Travel Plan (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
8. Public Open Space
 - Provision of informal and formal open space and on-site play areas Management/maintenance responsibilities for the open space/play areas.
9. Education
 - Contribution towards education places where primary schools within 2 miles and/or secondary schools within 3 miles of the development are already oversubscribed or projected to become oversubscribed within 5 years.
10. Waste Management
 - Contribution towards waste management based on the Policy Paper Methodology for Waste Management.

Therefore, having carefully assessed all the above matters, I am of the opinion that there are two distinct areas of concern in relation to this proposal namely its relationship with the spatial vision of the emerging Core Strategy and unresolved highway matters that mean there is at this time insufficient information to properly assess the impact of the development on the local highway network. Members will note that other issues are still being explored in more detail with our colleagues at LCC in respect of education and archaeology. The findings of an independent visual appraisal are also outstanding at the time of drafting this report. Should any of these conclude that additional reasons for refusal would have been brought to Members attention should the Local Planning Authority have been allowed to issue a formal decision on this matter, they will be brought to Committee's attention when this scheme is brought before it.

RECOMMENDATION: That Committee endorse the following issues as reasons for refusal and authorise the Director of Community Services and the Head of Planning Services to liaise as appropriate to establish the best possible case to defend the appeal.

1. The proposal would be prejudicial to emerging policy in the Core Strategy.
2. Insufficient information has been made available to enable a comprehensive assessment to be made of the likely impacts of the application on the local highway infrastructure.
3. Visual impact.