

# RIBBLE VALLEY BOROUGH COUNCIL

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please ask for: OLWEN HEAP  
direct line: 01200 414408  
e-mail: olwen.heap@ribblevalley.gov.uk  
my ref: OH/CMS  
your ref:  
date: 1 October 2013

Council Offices  
Church Walk  
CLITHEROE  
Lancashire BB7 2RA

Switchboard: 01200 425111  
Fax: 01200 414488

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** is at **6.30pm** on **THURSDAY, 10 OCTOBER 2013** at the **TOWN HALL, CHURCH STREET, CLITHEROE.**

I do hope you can be there.

Yours sincerely

CHIEF EXECUTIVE

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

## AGENDA

### Part I – items of business to be discussed in public

1. Apologies for absence.
- ✓ 2. To approve the minutes of the last meeting held on 12 September and 26 September 2013 – copies enclosed.
3. Declarations of Interest (if any).
4. Public Participation (if any).

### DECISION ITEMS

- ✓ 5. Planning Applications – report of Director of Community Services – copy enclosed.

- ✓ 6. Planning Applications with Non-Completed Legal Agreements – report of Director of Community Services – copy enclosed.
- ✓ 7. Development Management – Housing Figures – report of Director of Community Services – copy enclosed.

INFORMATION ITEMS

- ✓ 8. Growth and Infrastructure Act 2013 – report of Director of Community Services – copy enclosed.
- ✓ 9. Sablesbury Enterprise Zone Proposed Masterplan and Local Development Orders – Update – report of Director of Community Services – copy enclosed.
- 10. Appeals (if any).
- 11. Reports from Representatives on Outside Bodies (if any).

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

NONE

INDEX OF APPLICATIONS BEING CONSIDERED MEETING DATE 10 OCTOBER 2013						
	<u>Application No:</u>	<u>Page:</u>		<u>Officer:</u>	<u>Recommendation:</u>	<u>Site:</u>
<b>A</b>	<b>APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS:</b>					
					NONE	
<b>B</b>	<b>APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR APPROVAL:</b>					
	3/2013/0715/P	1		GT	AC	Bellman Mill, Salthill Clitheroe
	3/2013/0776/P	7		SW	AC	Shackletons Clitheroe Road, Chatburn
	3/2013/0804/P	10		CS	AC	Hackings Caravan Park Potterford Farm, Elker Lane Billington
<b>C</b>	<b>APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL:</b>					
	3/2013/0691/P	18		MB	R	Elmridge Farm Elmridge Lane, Chipping
<b>D</b>	<b>APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED</b>					
	3/2013/0169/P	27		SK	DEFER	Pendle Garage Site Clitheroe Road, Barrow
	3/2013/0711/P	41		GT	DEFER	Land off Henthorn Road Clitheroe
<b>E</b>	<b>APPLICATIONS IN 'OTHER' CATEGORIES:</b>					
					NONE	

**LEGEND**

AC Approved Conditionally  
R Refused  
M/A Minded to Approve

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

GT Graeme Thorpe  
MB Mark Baldry  
CB Claire Booth  
SK Stephen Kilmartin

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

Agenda Item No

meeting date: THURSDAY, 10 OCTOBER 2013  
title: PLANNING APPLICATIONS  
submitted by: DIRECTOR OF COMMUNITY SERVICES

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

APPLICATION NO: 3/2013/0715/P (GRID REF: SD 375905 442630)  
PROPOSED ERECTION OF MIXED USE (B2/B8) INDUSTRIAL UNIT AT BELLMAN MILL,  
SALTHILL, CLITHEROE, BB7 1QW

CLITHEROE TOWN COUNCIL: No objections.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): Based on the amended site plan that includes additional parking on site, the Highways Engineer raises no objections to the proposed development.

ENVIRONMENT DIRECTORATE (ARCHAEOLOGY): No significantly archaeological implications to the proposed development.

NATURAL ENGLAND: The planning application has been submitted following advice that NE gave the applicant after a most unfortunate event which led to the excavation/ removal of spoil within Bellman Quarry without the necessary consent of Natural England.

NE confirm that the clearance of spoil and rubble from against the wall of the old quarry in the northern most part of the works site, towards the end of last year, so as to create a flat level area for the new building proposed, has not resulted in any damage to features of interest within the SSSI. Neither has the re-positioning of the spoil within the north-eastern most part of your works site.

NE can also confirm that the removal of such spoil has advantageously re-exposed the old quarry wall, which will undoubtedly be of future interest to geologists, as with existing exposures along the southern most boundary of the works site. So long as the new rock face is now made safe from over hanging material, whilst care is also taken to ensure that sufficient space is kept between it and the new building proposed, to enable future access for bona fide geologists (i.e. a buffer strip of some 3-5 metres - as with other areas within the Salthill Quarry Industrial Estate), then Natural England have advised that they will take no further action against the Applicant and nor will they object to the new building proposed.

ENVIRONMENT AGENCY: No objection in principle to the proposed development. As the site lies on top of a historic landfill site, to ensure the proposal does not pose a risk of pollution to controlled waters we recommend specific planning conditions be attached to any approval.

UNITED UTILITIES: No observations or comments received at the time of the reports submission.

ADDITIONAL REPRESENTATIONS: No additional representations have been received.

### **Proposal**

The application seeks planning permission for the erection of a large scale mixed use (B2/B8) industrial building for Dugdale Nutrition Ltd at Bellman Mill, Salthill, Clitheroe. The building will be used for the storage, manufacture and distribution of animal feeds, hence the mixed use, to both local and national agricultural units. The building form is a simple, rectangular shape that allows the feeds and nutrients to be stored and mixed within the building itself prior to distribution. The building will be a modern, steel portal framed building with a metal profile cladding roof and sides terminating with a perimeter concrete plinth wall to prevent vehicular and impact damage around the perimeter of the building. The building will measure 48m (d) x 71.99m (w) x 15.71m to the ridge (13.15m to the eaves).

### **Site Location**

The site is located opposite the Clitheroe Auction Market Site within the Salthill Industrial Estates, close to the A59. It is within the Clitheroe settlement boundary, but also lies within a county Biological Heritage Site (BHS) and a Site of Special Scientific Interest (SSSI) as designated by the Ribble Valley Districtwide Local Plan (adopted June 1998).

### **Relevant History**

3/2011/0588/P - Proposal for two cooler ducts to be re-routed vertically 3m above the apex of the mill roof (Subject to the Environment Agency requirements for a PPC operating permit) – Granted Conditionally.

3/2007/0619/P – Proposed demolition of existing offices and construction of new replacement office building for Dugdale Nutrition Ltd and 7 No. Industrial Units (as a phased programme). Associated external works including service yard, road, car parking and landscaping works. – Granted Conditionally.

3/2004/0874/P - Proposed demolition of existing welfare block and construction of replacement staff facility serving Bellman Mill – Granted Conditionally.

3/1994/0411/P - Replace existing temporary offices with permanent structure – Granted Conditionally.

### **Relevant Policies**

*Ribble Valley Districtwide Local Plan Adopted June 1998*

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy EMP7 – Extensions/Expansions in Main Settlements.  
Policy ENV7 - Species Protection.  
Policy ENV8 – Sites of Special Scientific Interests.  
Policy ENV9 – Other Important Wildlife Sites.  
Policy ENV10 - Development Affecting Nature Conservation.  
Policy ENV13 - Landscape Protection.  
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.  
DMG1 – General Considerations.  
DMG2 – Strategic Considerations.  
DMI2 – Transport Considerations.  
DMG1 – General Considerations.  
DMG2 – Strategic Considerations.  
DMG3 – Transport and Mobility.  
DME2 – Landscape and Townscape Protection.  
EN2 - Landscape  
EN4 – Biodiversity and Geodiversity.

National Planning Policy Framework.

The Conservation of Habitats and Species Regulations 2010 (as amended).

The Wildlife and Countryside Act 1981 (as amended).

The Natural Environment and Rural Communities Act 2006.

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

The main issues to consider with regards to this proposed application are the principle of the scheme, the visual impact of the proposed building, whether or not the proposal will have an impact on local amenity, whether there are any highway safety issues and whether the scheme will have a detrimental impact upon the SSSI in which the proposed site lies.

A significant level of engineering work has already been carried out on site in preparation for the proposed building, a fact that was admitted to Natural England from whom the applicant should have first obtained the necessary letter of consent under S28 of the Wildlife and Countryside Act, 1981 on the basis that the site lies within an Site of Special Scientific Interest (SSSI). The applicant is aware that planning permission should also have been granted prior to the works being carried out. This application therefore technically seeks retrospective consent for this particular portion of the proposal. The impact of this element will be discussed later in this report.

### **PRINCIPLE OF DEVELOPMENT**

With regards to the principle of the development, within Section 1 of the NPPF (paragraphs 18 to 21) the commitment of the Government to securing economic growth to create jobs and prosperity is highlighted. It notes that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth, with significant weight being apportioned to support economic growth through the planning system. Local Plan Policy EMP7 supports the expansion of existing firms within the main settlements providing no significant environmental problems are caused and the extension conforms to other policies within the plan. On this basis, providing the new building has no significant visual impact or impact upon the environment, then the principle of the proposal is accepted.

## VISUAL IMPACT

With regards to the visual impact on the area, the building proposed is a typical industrial style building in terms of its height, size and design. Due to the sites sunken location the proposed new building will not be significantly visible from the adjacent public highway. The likely view of the building is depicted on the drawing entitled 'Typical Site Cross Section', and as this highlights, the building would be seen against the backdrop of the existing, significantly taller industrial building on site. Despite not initially proposing additional landscape screening within the original D&A, having discussed the possibility of additional planting along the boundary of the site with the Agent, they are now happy to provide a level of screen planting for mitigation. Bearing in mind the industrial nature of the existing buildings on site at present, it is considered that the proposed new building will cause no further, significant detrimental visual impact on the site.

## IMPACT ON SSSI/BHS

The proposed site of the new building does not lie within the Salthill Quarry Biological Heritage Site (BHS) or Salthill Quarry Local Nature Reserve, and on this basis it is considered that due to the proposal being located on land already used by the business the erection of the proposed building is considered to have little if no impact on the Sites in question. Despite the site not being within the BHS, the Applicant is happy to mitigate for the loss of trees from the site during the excavation work by virtue of additional screen planting along the northern periphery of the site.

With specific regards to the impact upon the SSSI, I will refer to the advice provided to me by the Conservation Adviser at Natural England, Jon Hickling. He notes that the applicant admitted to carrying out various operations inadvertently within Salthill and Bellman Park Quarries SSSI, without having first obtained the necessary letter of consent from Natural England under S28 of the Wildlife and Countryside Act, 1981. However, he confirms that the clearance of spoil and rubble from against the wall of the old quarry in the northern most part of the site, towards the end of last year (done so to create a flat level area for the new building being applied for here), has not resulted in any damage to features of interest within the SSSI, and neither has the re-positioning of the spoil within the north eastern most part of the site. Indeed, he notes that the removal of such spoil has 'advantageously' re-exposed the old quarry wall, which he considered would undoubtedly be of future interest to geologists, as with existing exposures along the southern most boundary of the site. He advises that as long as the new rock face is now made safe from over hanging material, and whilst care is also taken to ensure that sufficient space is kept between it and the new building proposed (to enable future access for bona fide geologists i.e. a buffer strip of some 3-5 metres-as with other areas within the Salthill Quarry Industrial Estate), then Natural England will take no further action against the Applicant and nor will they object to the new building proposed. The only condition of this is that any associated landscaping works are completed prior to the use of the building, and suggest that it is landscaped appropriately with native shrubs and trees and /or seeded with a suitable grass and wildflower mix to replicate the native calcareous grassland flora of the surrounding area.

On this basis, I am satisfied that despite the carrying out of unauthorised engineering works in the SSSI, the works have not significantly affected or damaged features that are of interest in the SSSI.

## IMPACT ON AMENITY

The Agent has supplied an on-site noise assessment that highlights that the only significant noise source will be the blending shovel, however as this will operate exclusively internally, it will be inaudible outside. The site is currently governed by an Environmental Operating Permit, approved by the Environment Agency, and they must adhere to a specific Noise and Vibration Management Plan. Bearing this in mind, and on this basis that the distance between the site to existing commercial premises is 250m+, the distance to the nearest residential properties is 600m+ and that the existing industrial works are being carried out under strict operation rules, I considered that the proposed building will have an acceptable impact on the amenity of the occupiers of nearby commercial and residential properties.

## IMPACT ON HIGHWAY SAFETY

Whilst there were no significant issues raised by the County Highways Engineer in relation to the principal of this development, there was concern raised in respect to the number of parking space proposed by the developer given the likely use of the building. The Agent has since submitted an amended site plan that includes the required number of spaces and the Highways Engineer is now satisfied with this proposal.

## PLANNING BALANCE AND CONCLUSION

The National Planning Policy Framework is clear that the economic benefits of a development proposal should be given significant weight during the decision making process. On the basis of the above assessment, when considering the planning balance of the scheme submitted I have the following view. Given that the site lies within the settlement of Clitheroe, the main service centre within the Borough, and is a site accessible by car, bus, bicycle and (to an extent) foot, the benefits include:

- short term economic benefits through the creation of jobs during the construction phase of the development;
- medium to long term economic benefits through the creation of additional jobs for the company;
- medium-long term benefits of the likely growth of the business on site (as supported by the NPPF); and
- the provision on-site of additional mitigation planting to offset any lost during the unauthorised works.

The main detractors in this instance are the slight increase in visual impact and the likely/slight impact upon the SSSI due to the unauthorised works. However, bearing in mind advice from Natural England, having considered these two elements I consider that neither of them is considered to be so significant as to represent a sustainable reason for refusal of the application, and the benefits to this proposal are considered to significantly outweigh these minor adverse impacts. On this basis, I recommend the proposal accordingly.

**RECOMMENDATION:** That planning permission be granted subject to the following conditions:

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

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

2. The permission shall relate to the development as shown on Plan Drawing numbers PR13-0305, PR13-0305-01, PR13-0305-02, PR13-0305 Rev. C and PR13-0305-04.

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

3. The additional car parking spaces proposed on plan drawing number PR13-0305-03 Rev. C shall be marked out and made available for use prior to the first use of the building hereby permitted becomes operative.

REASON: In the interests of highway and pedestrian safety and sustainability and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Key Statement DMG1 of the Core Strategy 2008 to 2028 Regulation 22 Submission Draft.

4. No development approved by this planning permission (or such other date or stage in development as may agreed in writing with the LPA), shall take place until a scheme that includes the following components to deal with risks associated with contamination of the site shall each be submitted to and approved , in writing, by the LPA:

1) A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the LPA. The scheme shall be implemented as approved.

REASON: To ensure the proposed development does not pose a risk of pollution to controlled waters.

5. The construction of the mixed use industrial building development hereby permitted shall not be commenced until full details of the landscaping of the site, including wherever possible the retention of existing trees, have been submitted to, and approved in writing by, the Local

Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of native trees and shrubs and their distribution on site, and those areas to be seeded with grass/wildflower mix seeds. The scheme shall also include details of the buffer zone requested by Natural England to surround the building.

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

REASON: In the interests of the amenity of the area and to provide suitable mitigation measures on site. To comply with Policies G1, ENV7, ENV8, ENV9 and ENV10 of the Ribble Valley Districtwide Local Plan, and Policies DMG1 and DME3, and Key Statement EN4 of the Core Strategy 2008 to 2028 Regulation 22 Submissions Draft.

6. Prior to their use in the development permitted, details of the type and colour of the metal profile cladding to be used for the roof and walls of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built to conform to the details which shall have been so approved.

REASON: In the interest of the visual amenity of the area and so that the Local Planning Authority shall be satisfied as to the details and in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028 Regulation 22 Submission Draft.

7. For the avoidance of doubt, permission is granted for the erection of a mixed use (B2/B8) industrial building to be used for the purposes of storage, manufacturing and distribution of animal feed only.

REASON: Permission has been granted for a building with a specific use, and any change in this would require further consideration from a highway safety perspective.

APPLICATION NO: 3/2013/0776/P (GRID REF: SD 376544 443538)  
PROPOSED RENEWAL OF PLANNING PERMISSION 3/2010/0378/P AT SHACKLETON'S GARDEN AND LIFESTYLE CENTRE, CLITHEROE ROAD, CHATBURN

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

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR): No comments received at the time of report preparation.

UNITED UTILITIES: No objection.

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

## **Proposal**

This application seeks a renewal of a consent granted in 2010 for an aquatics building.

The previously approved building has approximate dimensions of 14.3m x 22.3m x 5.5m to the apex of its pitch. It is shown to have an overhanging canopy to the front of the building similar to the building adjacent to Clitheroe Road (an overhang of approximately 2.5m) with the structure having facing stone, roof materials (green profile sheeting) and glazing to match those employed on other buildings on site.

## **Site Location**

The garden centre is located outside any defined settlement limit, lying within land designated Open Countryside.

## **Relevant History**

3/2010/0378/P – Proposed aquatics building. Approved with conditions 2 September 2010.

3/2009/0902/P – Proposed erection of warehouse and security fencing. Approved with conditions 15 January 2010.

3/2007/0694/P – Proposed relocation of aquatics building and relocation of security fencing. Approved with conditions 3 September 2009.

3/2007/1070/P – Removal of existing polytunnels and replace with portal frame indoor retail and external covered retail areas. Approved with conditions 3 October 2008.

3/2007/0329/P – Replacement and extension of aquatics building and installation of two fire doors in replacement building. Approved under 3/2005/1034/P. Approved with conditions 20 July 2007.

3/2005/1034/P – Replacement 7 bay polytunnel with larger permanent building and alterations to conservatory. Resubmission. Approved with conditions 1 August 2006.

3/2005/1000/P – Increase range of goods for sale to include home ware, gifts and indoor fish (retrospective). Approved with conditions 3 September 2009 (subject to a Section 106 Agreement).

3/1999/0399/P – New garden centre building, change of use of site from nursery to garden centre. Approved with conditions and subject to a Section 106 Agreement 18 September 2000.

## **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy EMP8 - Extensions/Expansions of Existing Firms.

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

Key Statement EC1 – Business and Employment Development.  
Key Statement DS1 – Development Strategy.  
Key Statement EN2 – Landscape.  
Policy DMG1 – General Considerations.  
Policy DMG2 – Strategic Considerations.  
Policy DME2 – Landscape and Townscape Protection.  
Policy DMB1 – Supporting Business Growth and the Local Economy.

National Planning Policy Framework.

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

As this is an application to replace an extant permission in order to extend the time limit for implementation the matter for determination is whether there has been a material change in planning circumstances which would lead to a different recommendation than had previously been made.

In terms of principle of development, this is an established business, albeit located outside any defined settlement limit and consent has already been granted under 3/2010/0378/P for an aquatics building in this position. Members may recall that there is a Section 106 Agreement associated with the overall site that ensures that the whole of the garden centre site remains as one planning unit, specifies the ranges of goods that can be sold from different areas of the site and regulates the operation of the restaurant. The Section 106 Agreement contains a plan that identifies ranges of goods to be sold from certain areas of the site and an aquatics building is considered appropriate in this context. Whilst the relevant planning policy context has changed since the original consent was granted with the introduction of the National Planning Policy Framework and emerging Core Strategy I do not consider that the provisions of these would preclude a development such as this in principle. There remains a focus to support economic growth and support for local businesses and the provision of an additional undercover sales area for an existing business would accord with the principles of the NPPF and emerging Core Strategy.

Having regard to highway safety matters, whilst the comments of the County Surveyor had not been received at the time of report preparation he did not raise any objections to this development previously.

In respect of the visual impact of the works, this has been considered previously by Members in determining the previous application (3/2010/0378/P) with no objections raised. To summarise the ridge height of the building is the same as that previously approved for another building on site and providing a canopy over the front of the building similar to the building adjacent to Clitheroe Road would bring a degree of uniformity to the site. The building is to be constructed in materials to blend with existing structures and thus I do not consider there would be any significant detriment to the visual amenities of the area.

Therefore having regard to the above, I am of the opinion that the scheme should be given favourable consideration.

### **SUMMARY OF REASONS FOR APPROVAL**

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

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

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

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

2. This permission shall be implemented in accordance with the proposal as detailed on drawings TRI-0559/01 REV0 proposed plans and elevations and TRI-0559/02 REV0 site block plan.

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

INFORMATIVE(S):

1. This permission shall be read in conjunction with the Section 106 Agreement dated 3 August 2009 and Deed of Variation dated 27 August 2010 which restricts the extent of the retail use on site and ensures this building does not operate independently from the site's primary use as a garden centre.
2. This site must be drained on a separate system with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the local authority. If surface water is allowed to be discharged to the public surface water sewerage system, flow rates may need to be attenuated to a maximum discharge rate determined by United Utilities.
3. A separate metered supply to each unit will be required at the applicants expense and all internal pipework must comply with current Water Supply (Water Fittings) Regulations 1999.

APPLICATION NO: 3/2013/0804/P (GRID REF: SD 371306 436819)  
PROPOSED DEMOLITION OF EXISTING CARPORT/STORE AND ERECTION OF A DWELLING TO PROVIDE MANAGER'S ACCOMMODATION FOR THE CARAVAN PARK/FARM AND ASSOCIATED OFFICE AND RECEPTION FACILITIES IN CONNECTION WITH THE CARAVAN PARK (AMENDED SCHEME) AT HACKINGS CARAVAN PARK, POTTERFORD FARM, ELKER LANE, BILLINGTON

PARISH COUNCIL: No representations have been received at the time of report preparation.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): Comments that the proposed three car parking spaces are appropriate for a dwelling of this size and that the proposed residential accommodation for the manager of the caravan park is unlikely to have a significant effect on the adjacent highway network. There is therefore no objection to the proposed development on highway grounds.

ADDITIONAL REPRESENTATIONS: None received.

## **Proposal**

Permission is sought for the demolition of an existing timber building that is used as a carport and for storage purposes associated with the operation of the caravan park; and the erection in its place of a dwelling to provide manager's accommodation for the caravan park/farm and associated office and reception facilities in connection with the caravan park.

Previous application 3/2013/0120/P sought permission for a similar development. In that application, the proposed building was 21.5m wide by 12m deep with an eaves height of approximately 5.8m and a ridge height of approximately 9.2m. It was of two storey appearance but with a staircase giving access to the roof space at second floor level. In that previous application, the front part of the ground floor was to comprise a post room, office, reception, meeting room and disabled WC for use in association with the caravan park. The remainder of the ground floor was to be a lounge, kitchen/dining room, utility and carport. At first floor level there was to be a second lounge and four bedrooms, all with en suite bathrooms. That originally proposed building was of stone construction with a blue slate roof and was of traditional appearance incorporating mullioned windows with drip moulds.

The forecourt area at the front of the building was to be retained and a drive through carport was to lead to private off-street parking and a private garden at the rear of the building. In that previous application no plans were submitted to show the context and impact of the proposed dwelling in respect of the immediately adjacent 17<sup>th</sup> century listed farmhouse.

Application 3.2013/0120/P was considered by Committee on 18 July 2013. In the report on that Committee agenda, the relevant issues were discussed and it was recommended that permission be refused for the following two reasons:

1. In the opinion of the Local Planning Authority, this caravan site does not necessitate the construction of a manager's dwelling within its boundaries. The proposed development therefore represents the erection of a dwelling (that does not satisfy an identified local need, and is not for the purposes of agriculture or forestry) in an isolated open countryside location. As such, the proposal would be contrary to the requirements of saved Policies H2 and G5 of the Ribble Valley Districtwide Local Plan and Policies DMG2 and DMH3 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft; and would also be contrary to the presumption in favour of sustainable development that is the overriding requirement of the National Planning Policy Framework.
2. The proposed dwelling due to its size, design and siting would form a dominant and incongruous structure that would unduly harm the setting of the adjoining Grade II listed farmhouse contrary to the requirements of saved Policy ENV19 of the Ribble Valley Districtwide Local Plan, Policy DME4 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft, and the advice within Section 12: Conserving and Enhancing the Historic Environment, of the National Planning Policy Framework.

Committee resolved in accordance with the recommendation and permission was refused for the above two reasons.

Following discussions and negotiations between the planning officers and the applicant/agent, this current application has been submitted which seeks to address the reasons for refusal of the previous application.

This current application differs from the previous application in two principal ways. Firstly, the design and precise siting of the building have been amended with the aim of providing a property that relates more appropriately with the adjacent listed farmhouse, whilst also reducing the amount of habitable space and correspondingly a reduction in the overall massing and scale of the property relative to the farmhouse.

In common with the original application, the front elevation of the proposed building is set slightly behind the rear elevation of the existing farmhouse. In the original application, however, the eastern side elevation of the proposed dwelling was on approximately the same line as the western side elevation of the existing farmhouse such that there was no visual separation between the two buildings. In the current application, however, the building now proposed has a single storey element at its gable closest to the existing farmhouse which, together with its amended siting, provides a much improved visual separation between the two buildings.

The main two storey front elevation as now proposed is 16.54m in length and the single storey element has a 3m frontage giving an overall length of 19.54m. This is a slight reduction in the overall length of the building from the previous application but due to the changes described above there will now be a separation distance between the two properties of approximately 7m.

The eaves and ridge heights have also been reduced to 5m and 8.3m respectively with no storage accommodation to now be provided within the roof space. Two front facing gables have also been introduced into the design in order to “break-up” this long elevation and to some extent reflect the one front facing gable in the farmhouse. Amendments have also been made to the fenestration details.

The other principal difference between the two applications relates to the explanatory information submitted with this current application; and the offer by the applicants of a Unilateral Undertaking. The background to the proposal (as also given in the previous application) is a claim that the proposed accommodation has arisen following the death of Mr Hacking senior and the subsequent retirement of his widow Mrs Hacking senior who continues to reside in the original farmhouse. At present the applicants, Mr & Mrs Hacking junior reside in Whalley and travel to the site to manage both the caravan park, the livery yard and farm enterprises on a daily basis. It is claimed that this situation has persisted for a considerable period of time but is proving totally unworkable. It is also stated that the applicant’s mother is constantly troubled by the day-to-day issues surrounding the operation particularly of the caravan park because the existing reception facilities are retained within a portion of her home. The first permission for the caravan park was granted in 1951 and it has grown since that time leading up to the current situation in which the site licence makes provision for 128 units of which 60 can be occupied as primary residences. As such, the applicants consider that the management and operation of the holiday park, the livery business, the touring caravan storage business and the agricultural enterprise need considerable and continual round the clock management.

Reference had also been made in the documentation with the previous application of a wardens unit for which planning permission was granted in 1979. More detail on this particular matter is given in the documentation submitted with this new application. It is stated that, a wardens unit was therefore considered to be necessary in 1979 and that since that time the park and the associated facilities such as touring caravan storage, horse livery etc have expanded the range of facilities at the farm such that it could now be argued that the necessity for an additional workers unit of accommodation is all the more of a necessity than was the case 30 years ago. That original permission, however, was granted for a temporary period of 2 years and was never renewed. The wardens caravan, however, remains on site although the person who performed the wardens function retired some three years ago. The applicants correctly claim that this situation is something that could have been the subject of a Certificate of Lawfulness application

up until the point at which the current warden retired, but that this is no longer possible. Therefore, by default, that consent has now lapsed but nonetheless the applicants consider that it demonstrated the need over the past 30 years for a second person to be resident on site to ensure the efficient running of the enterprise.

Leading on from this, it is stated that the main farmhouse is presently utilized as the lifelong home of Mrs Hacking senior who is now in retirement although it is the intention that eventually as circumstances change over the years, Mr & Mrs Hacking junior would move into this property with their own children occupying the new dwelling that is now proposed, being the fourth generation of Hackings to operate this family run caravan park and agricultural enterprise since the caravan park was first established in 1951.

It is explained that whilst it is not their intention to dispose of the original farmhouse, in order to provide the Council with the surety that it will remain available to the owners and occupiers of the caravan park, they would be prepared to embody a clause within a Unilateral Undertaking to impose an appropriately worded occupancy restriction on the existing farmhouse. A similar condition would, of course, be imposed on the new dwelling in the event of this application being approved.

A Unilateral Undertaking has therefore been submitted with the application which contains the following obligation:

“The owners covenant with the Council with the intent that this is a planning obligation for the purpose of Section 106 of the Act not to allow Potterford Farmhouse to be occupied by any person or group of persons that do not satisfy the following occupancy clause: “the occupation of the dwelling shall be limited to a person solely or mainly working, or last working at Potterford Farm in the mixed agricultural, equestrian and caravan park enterprise, including, as the case may be, a widow or widower of such a person, and to any residents dependant”.

### **Site Location**

The actual application site has an area of approximately 0.05 hectares and comprises the timber building that is to be demolished and a small yard area at the rear.

The site lies in the middle of the original built up form of what would have been the original farmstead prior to the development of the static holiday caravan park. Immediately adjacent to the application site is the original farmhouse which is a Grade II listed building.

The submitted heritage statement submitted with both the previous application and this current application confirms that Potterford Farmhouse is significant as an outlying farm with C17 origins. Individual features (the list description refers to a mullioned ground floor window, a chamfered stair window, a fireplace inscribed ‘EC 1610’, chamfered and stopped ceiling joists and a timber-framed wall with original doorway), its overall shape and form belong to this period.

The heritage statement states that the farmhouse and its two other historic outbuildings had ‘become surrounded by numerous modern sheds’ by the 1960s. Potter Ford Farmhouse was listed on 13 March 1986.

The land in the immediate vicinity is predominantly in agricultural use except for the land to the south and east which forms the existing static holiday caravan park.

The site is situated in the open countryside, outside any settlement boundary, as defined in the Ribble Valley Districtwide Local Plan.

## **Relevant History**

3/2003/0927/P – Listed building consent application to extend the existing toilet block to form a post room for the caravan park. Approved with conditions.

3/2003/0931/P – Planning application to extend the existing toilet block to form a post room for the caravan park. Approved with conditions.

3/2007/0378/P – Demolition of existing storage building and construction of new agricultural general storage building. Approved.

3/2012/1024/P – Proposed demolition of existing carport/store and erection of a dwelling to provide manager's accommodation for the caravan park/farm and associated office and reception facilities in connection with the caravan park. Withdrawn by the applicant.

3/2013/0120/P - Proposed demolition of existing carport/store and erection of a dwelling to provide manager's accommodation for the caravan park/farm and associated office and reception facilities in connection with the caravan park. Refused.

## **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy H2 - Dwellings in the Open Countryside.

Policy ENV3 - Development in Open Countryside.

Policy ENV19 - Listed Buildings.

Planning (Listed Buildings and Conservation Areas) Act 1990 – section 66(1).

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

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMH3 – Dwellings in the Open Countryside and AONB.

Policy DME2 – Landscape and Townscape Protection.

Policy DME4 – Protecting Heritage Assets.

Historic Environment Planning Practice Guide (HEPPG).

National Planning Policy Framework (NPPF).

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

The relevant considerations and applicable policies in the determination of this application are contained within the two reasons for refusal of the previous application as reproduced in full in the 'proposal' section of this report. There are therefore two considerations to be made.

Firstly, it must be considered whether the additional information/explanation now provided in the submitted supporting documents, and the unilateral undertaking that has been offered, are sufficient to satisfy the objections contained in the first reason for refusal of the previous application.

From the additional information now submitted, the Local Planning Authority accepts the applicants contention that the need for a second dwelling on-site to provide occupation for

essential workers at the caravan park/caravan storage/farm/equestrian enterprise is perhaps stronger now than it was when planning permission was granted for the wardens caravan in 1979. It is also accepted that, had an appropriate application been made at the appropriate time, there would still be a permission in place for a wardens unit at the site as well as the existing farmhouse.

Through the Unilateral Undertaking that has been offered, plus a similar occupancy condition on the proposed new dwelling, there would again be two dwellings at the site for the exclusive occupation of persons working or last working at the mixed enterprise (including, as applicable, a widow, widower or dependant of any such person).

These two dwellings would serve the needs not only of the caravan park but also of the 60 acres of agricultural land which is actively farmed with 100 sheep and 150 lambs and the associated requirements linked to that agricultural operation not just on a daily basis but particularly during the lambing season. The on-site presence of staff would also assist with the touring caravan storage facility which accommodates over 150 touring caravans and which has to be accessible between the hours of 0700 and 2030 seven days a week with attendant security issues outside those hours. Additionally, it would assist with out of hours responsibilities for the 15 horses that are stabled at the premises.

Whilst the existing farmhouse and proposed new dwelling would therefore benefit all of the component parts of the enterprise, the Council does not consider that the agricultural element of the business would, in itself, justify the proposed additional dwelling. The agricultural element is appropriately included in the occupancy clause for the existing farmhouse that is contained in a Unilateral Undertaking offered by the applicants. However, the agricultural element will not be specifically mentioned in any condition restricting the occupancy of the proposed new dwelling in the event that this application is approved.

Overall, following consideration of the additional information and the changed circumstances through the offer of the Unilateral Undertaking, the Council considers that a reasonable case has been put forward that the proposal is required for the continued operation of a long established rural mixed use business.

The ability for staff to be resident at the site is not only beneficial to the operation of the business but would also improve its sustainability by removing the need for staff to travel to and from work. By supporting and assisting in the viability of the existing rural business (a major element of which is tourist related) the proposal would also benefit the local rural economy in line with guidance in section 3 of NPPF.

Overall, the proposed provision of a dwelling at the site for occupation by the manager of the enterprise is considered to be acceptable in principle.

Secondly, consideration needs to be given as to whether the alterations to the size, design and precise location of the proposed dwelling are sufficient to overcome the second reason for refusal of the previous application.

In the previous application, the proposed dwelling had a long unbroken front elevation, was higher than the dwelling now proposed in this current application, had inappropriate fenestration details, and was located very close to the western side elevation of the existing grade II listed farmhouse. It was considered that, due to its height, inappropriate design and fenestration details, and location in such close proximity to the existing farmhouse, the proposed dwelling would form a dominant and incongruous structure that would unduly harm the setting of the adjoining grade II listed farmhouse. The previous proposal was considered in relation to

paragraph 134 of NPPF but, on the basis of the information submitted with that application, it was not considered that the proposal would result in any public benefit that would outweigh the harm to the listed building.

To seek to address this particular objection to the previous application, alterations have been made to the height, design and siting of the dwelling.

The Council's Conservation and Design Officer has viewed the amended plans and considered the proposed front elevation to be an improvement on the previous proposal. The rear elevation, however, contains a number of projections and a mixture of various window types. The Conservation and Design Officer considers this elevation to be inappropriate. He also comments that, if it is accepted that this second dwelling is needed for the enterprise, it could still be better located further away from the listed building. The Conservation and Design Officer also comments that the original farmhouse was always meant to be the dominant element of the farmstead, but that would no longer be the case if this application was approved and the new dwelling constructed. The Conservation and Design Officer cannot therefore offer his support for this proposed development.

As with the previous application, a benefit of the proposal is that the dwelling would replace an existing unattractive agricultural building that, in itself, does not enhance the setting of a listed building. The other benefits of the proposals are the improvements to the operation of this established rural business, and consequent benefits to the rural economy that are now accepted by the Local Planning Authority as a result of the additional information provided with this application; and the benefits to sustainability as a result of managers and workers being present on-site. Overall, when the balance is made, the benefits are considered to outweigh the effects upon the setting of the listed building.

A Bat Survey Report submitted with the application concludes that no evidence could be found of occupation by bats of the existing building that is to be demolished. However, it is still considered appropriate to impose a condition relating to the remediation measures outlined in the Report that would be necessary in the event that bats were subsequently found to be present.

In conclusion, it is considered that, in the light of the additional information provided with this current application, and the alterations that have been made to the height, design and siting of the proposed dwelling, the objections to the previous application have been satisfactorily addressed such that the development will benefit the existing established enterprise and consequently the rural economy; and that these benefits outweigh the effects upon the setting of the adjoining listed building. There would also be no detrimental effects upon the amenities of any nearby residents or upon highway safety considerations.

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

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

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

2. This permission shall relate to the proposal as shown on drawing numbers HAC/01B DWG04 and DWG05.

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

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

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan, AND Policy DMG1 of the Core Strategy 2008 to 2018 Regulation 22 Submission Draft.

4. Unless otherwise agreed in writing with the Local Planning Authority the development (including the demolition of the existing building) shall be carried out in strict accordance with the recommendations of the Bat Survey Report dated 28 September 2012 (document reference 1451) that was submitted with the application.

REASON: To ensure that no species/habitat protected by the Wildlife and Countryside Act 1981 are destroyed, or harmed, and in order to comply with the requirements of Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Core Strategy 2008-2028 Regulation 22 Submission Draft.

5. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working, or last working in the mixed use enterprise at Potterford Farm including, as the case may be, a widow or widower of such a person, and to any resident dependant.

REASON: To comply with the terms of the application and because permission would not normally be granted for a dwelling in this location for general residential occupation, and to comply with the requirements of saved Policies H2 and G5 of the Ribble Valley Districtwide Local Plan and Policies DMG2 and DMH3 of the Core Strategy 2008-2028 Regulation 22 Submission Draft.

6. This permission shall relate to the Unilateral Undertaking dated 3 September 2013 which contains a clause that restricts the occupation of the existing Potterford Farmhouse to a person solely or mainly working, or last working at Potterford Farm in the mixed agricultural, equestrian and caravan park enterprise, including, as the case may be, a widow or widower of such a person, and to any subsequent resident dependant.

REASON: As permission has been granted for the proposed new dwelling on the basis that there is an identified need for two dwellings to be occupied by managers/workers at this rural enterprise and to comply with saved Policies H2 and G5 of the Ribble Valley Districtwide Local Plan and Policies DMG2 and DMH3 of the Core Strategy 2008-2028 Regulation 22 Submission Draft.

7. The ground floor rooms annotated as "office", "reception", "meeting room" and "post room" on drawing number HAC/01B Dwg 05 shall only be used for commercial purposes associated with the mixed use enterprise at Potterford Farm. These rooms shall not be used for any other purposes (including residential use) unless a further planning permission has first been granted in respect thereof.

REASON: As part of the justification for the proposed building relates to facilitating improvements to the operation of the business and to comply with Saved Policies H2 and G5 of the Ribble Valley Districtwide Local Plan and Policies DMG2 and DMH3 of the Core Strategy 2008 to 2028 Regulation 22 Submission Draft.

## **C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL**

APPLICATION NO: 3/2013/0691/P (GRID REF: SD 359596 440551)  
PROPOSED CONVERSION OF THREE BARNs TO FOUR DWELLINGS, ERECTION OF AGRICULTURAL BUILDING FOLLOWING DEMOLITION OF EXISTING STRUCTURES AND CREATION OF AGRICULTURAL ACCESS ROAD. (RESUBMISSION OF APPLICATION 3/2013/0100) AT ELMRIDGE FARM, ELMRIDGE LANE, CHIPPING

PARISH COUNCIL: No representations received at time of writing this report.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): 3/2013/0100 – I raised concerns regarding the site access into Elmridge Lane, following a site meeting with the applicant and his agent, the current application has resolved these issues satisfactorily. At the meeting I also raised concerns regarding the visibility at the access on to Heights Lane, whilst not raised in my previous comments, I think there is an opportunity to improve the visibility at this junction which would be necessary as there are likely to be increased movements at this junction. Subject to conditions being attached to any permission that may be granted I would raise no objection to the proposal on highway grounds.

ENVIRONMENT AGENCY: No objections in principle but wish to make the following comments:

- Any discharge of sewage or trade effluent made to either surface water or ground water will need to be registered as an exempt discharge activity of hold an environmental permit issued by the Environment Agency.
- Domestic effluent discharge from a treatment plant/septic tank at 2m<sup>3</sup> or less to ground or 5m<sup>3</sup> or less to surface water in any 24 hour period may be registered as an exempt activity providing that no public foul sewer is available to serve the development and that the site is not within an inner ground water source protection zone.
- A soakaway used to serve a non mains drainage system must be sited no less than 10m from the nearest watercourse, not less than 10m from any other foul soakaway and not less that 50m from the nearest potable water supply.
- Where the proposed development involves the connection of foul drainage to an existing non mains drainage system, the applicant should ensure that this is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.
- The proposed development must fully comply with the terms of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 and the Code of Good Agricultural Practice (COGAP) for the Protection of Water, Soil and Air (produced by DEFRA).

- The Environment Agency must be informed of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before the structure is brought into use. Further guidance is available on our website and the applicant will need to complete WQE3: New or Improved Agricultural Structures form which can be obtained from the Environment Agency.

COUNTY ARCHAEOLOGY: No objections subject to the use of a condition relating to building recording.

ADDITIONAL REPRESENTATIONS: Two letters have been received from two nearby addresses, the comments can be summarised as follows:

- The submitted details are not consistent with one another.
- The existing reversing bay is essential to cars on light industrial vehicles to turn around and depart up Gib Hey Lane.
- The submitted details state the proposed access route to the new site will enhance footpath 42 so it can be used by disabled persons but an existing stile is erroneously marked as a gate, thus making disabled access impossible.
- There is an agreement at present that the cost of maintaining Gib Hey Lane is allocated at a third each between the applicant and the occupiers of Gib Hey Cottage and Gib Hey No 2, which equates roughly to the volume/weight of vehicles used by each subscriber. I trust the applicant will accept a new sharing of maintenance cost once construction of the new ? gets underway since it will have many more delivery vehicles than the two dwellings.
- I would hope that the applicant and/or developer advises would ascertain whether the present water supply will be adequate to furnish the increased number of dwellings demands.
- The proposed slurry pond is significantly larger than the existing pond adjacent to the agricultural building. Just as an issue to minimise any nuisance from smells that may occur would it not be wiser to stipulate that the slurry should be contained in a covered tank.
- There are already water pressure issues at three properties, seven will make these worse, the supply pipe should be upgraded.

### **Proposal**

The proposed development consists of the conversion of three barns to four dwellings and the erection of a new agricultural building and formation of new farmyard with the formation of a new agricultural access road.

The buildings on site which are included in the proposed development have been identified as buildings 1, 2, 3, 4, 5, 6 and 7. For purposes of clarity I would use the same identifiers.

### Building No 1:

This building is a traditional stone built agricultural building finished with slate roofs located 17m to the east of the main farmhouse. This building has, at some point, been subjected to a series of extensions and alterations. One of which is a single storey brick built structure to the side whilst extensions to the rear are constructed from timber and metal sheeting.

The main body of the stone built building and the attached brick built element to the side are to be retained and converted. The other extensions to the rear constructed from metal sheeting and timber are to be demolished.

An existing blockwork mono pitched structure attached to the rear of this building is to be retained but refurbished to reflect the remainder of the building.

The number of new openings proposed in this building is limited by virtue of the fact that the existing structure benefits from already having a range of openings.

### Building No 2:

This is the largest building on the site. Constructed predominantly from stone under slate roofs it has also been subjected to some extensions and alterations with the addition of timber wrap around structures to the north east elevation. This building is approximately 20m away from the existing farmhouse. The south west elevation of this building forms the focal point of the existing farmyard when accessed from Elmridge Lane.

This building is to be converted into two residential dwellings. The main alterations proposed to this building are the demolition of the existing timber wrap around extensions.

Three new openings are proposed in the east elevation, the north elevation (rear) contains of a large catslide roof. This roof will have two roof lights and two flue vents inserted. One of each feature for each proposed dwelling. The existing large opening on the south elevation is to be retained and glazed.

### Buildings 3, 4, 5 and 6:

These buildings are constructed to more modern standards utilising steel clad portal framed structures. These buildings are of no particular architectural merit or historic significance. They currently provide storage and livestock housing facilities for the existing farm. It is proposed that they are to be all demolished.

### Building No 7:

This building is a traditional field barn constructed from stone under slate roofs. It is not part of the main group of buildings. It is located 170m to the north east of the existing farmhouse. The existing building contains an extremely limited number of openings.

It is proposed that this building will be retained and converted to residential use. This barn will form the new farmhouse being sited immediately to the south of the proposed agricultural building and farmyard.

The main exterior alterations to this building are the formation of five new openings and the insertion of a flue vent pipe on the rear roof slope. The existing large opening on the east elevation is to be retained and heavily glazed.

#### Development ancillary to residential conversions:

The proposed development includes provision for three double garages. One is to be sited on land between building 2 and the existing farmhouse. Whilst the other two garage units are to be constructed as a group of four and sited on land to the eastern corner of the residential enclave. The proposed garages are to be constructed from stone under dual pitched slate roofs with timber vehicles doors.

#### Proposed new agricultural building and associated farmyard and slurry lagoon:

This is perhaps the most significant part of the development. Following the conversion of the existing farm into a residential enclave, it is proposed to relocate the farm on to previously undeveloped land to the north east of the existing farmstead.

This aspect of the development will involve the formation of a farmstead of approximately 0.63 hectares on land immediately top the north west of building No 7.

Within the proposed new farmstead it is proposed to erect a steel portal framed agricultural building and a manure store. The proposed agricultural building is to measure 37.3m x 34m occupying a footprint of 1268m<sup>2</sup>. This building is to be constructed to a ridge height of 7.9m and be constructed from concrete blockwork, Yorkshire boarding and fibre cement sheeting. The building is to be divided into three sections internally, a workshop area of 190m<sup>2</sup>, straw/hay storage/additional livestock handling area of 550m<sup>2</sup> and a cattle section of 459m<sup>2</sup>.

In addition to the agricultural building a manure store is also proposed to the north west corner of the new farmyard. This would cover an area of approximately 400m<sup>2</sup>.

#### Site Location

Elmridge Farm is located to the east of Elmridge Lane approximately 3 miles to the south-east of Chipping. The existing farm itself is set in excess of 100m back from Elmridge Lane and accessed via a single width track. The development site is located within the Forest of Bowland Area of Outstanding Natural Beauty.

The nearest village of Chipping is the nearest service centre for amenities and services situated 3 miles away. The nearest point of access to public transport is the bus stop on Hesketh Lane 2 miles to the east of the site. Any future occupants of the proposed dwellings would be reliant of private transport to access amenities and services.

The existing site consists of a detached farmhouse adjacent to the north-east and south-east are two traditional stone built agricultural buildings. Both of these buildings have been extended or altered through the addition of extensions constructed from timber and corrugated metal work. Beyond the largest of the traditional buildings on site there are three steel portal framed type buildings current used to house livestock.

The final building on site is a traditional stone built field barn. This is situated in excess of 90m to the north east of the main group of buildings and is accessed via the existing agricultural tracks which follow the route of public right of way (FP42).

## **Relevant History**

3/2013/0100/P – Proposed conversion of three barns to four dwellings, erection of agricultural building following demolition of existing structures and agricultural access road. Refused 19 March 2013.

## **Relevant Policies**

*Ribble Valley Districtwide Local Plan (DWLP)*

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV1 - Area of Outstanding Natural Beauty.

Policy H2 - Dwellings in the Open Countryside.

Policy H15 - Building Conversions - Location.

Policy H16 - Building Conversions - Building to be Converted.

Policy H17 - Building Conversions - Design Matters.

*Ribble Valley Core Strategy Regulation 22 Submission Draft*

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DMH3 – Dwellings in the Open Countryside and AONB.

Policy DMH4 – The Conversion of Barns and other Buildings to Dwellings.

Policy DMH5 – Residential and Curtilage Extensions.

National Planning Policy Framework (NPPF).

Policy SPG - Agricultural Buildings and Roads.

English Heritage – The Conservation of Farm Buildings: A Good Practice Guide.

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

The previous application (3/2013/0100) was refused for the following reasons:

- The design of the proposed conversions and the impact this would have upon the character of the traditional buildings was considered unacceptable.
- The formation of the new farmstead and agricultural building would be detrimental to the character, setting and visual amenities of the AONB.
- The location and scale of the proposed farmstead does not represent sustainable development and is therefore unjustified.
- The development would lead to intensification in the use of a substandard junction which would be prejudicial to highway safety.

The resubmitted scheme under construction in this application needs to address the previous reasons for refusal in order to be considered appropriate. I am satisfied that the general design of the proposed conversions is acceptable. The number of new openings required has been significantly reduced, the level of extensions and general alterations have been kept to an absolute minimum. In addition to this the extent of the proposed curtilages of the development is acceptable.

As I have outlined above the County Surveyor has raised no objections to the scheme on the grounds of highway safety; subject to the imposition of a series of conditions. I am therefore satisfied the previous highways reason for refusal has been addressed.

This however does leave to other extant reasons for refusal.

Principle of Development:

The conversion of traditional agricultural buildings is a common development undertaken across the Borough. They can, when executed well safeguard the long term future and integrity of a traditional landscape feature. Buildings of this nature contribute to the general character and amenity of the countryside and in this particular instance the Forest of Bowland AONB.

However in this particular instance there is one unique feature to the proposals under consideration in this application. That is the conversion of the existing farm to a residential development and the wholesale relocation of the existing farmstead to previously undeveloped land.

The National Planning Policy Framework advocates sustainable development and identifies three mutually dependent strands that define sustainability and states there should be a presumption in favour of sustainable development. They are:

- An economic role – contributing to building a strong, responsive and competitive economy.
- A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet needs of present and future generations.
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

With regards to the principle of converting the barns to a residential property, the creation of a new dwelling in the borough's open countryside would not normally be allowed unless it was needed for the purposes of agriculture or forestry or met an identified local need thereby contributing to the social well being of the area.

Notwithstanding this, Policy H2 of the Local Plan is an 'exception policy' relating to the formation of dwellings in the open countryside. This policy allows for *'the appropriate conversion of buildings to dwellings provided they are suitably located and their form, bulk and general design are in keeping with their surroundings'*. However, in light of the National Planning Policy Framework and that settlement strategy policies in the Districtwide Local Plan are considered to be out-of-date, and this national document must be the first consideration. This document promotes sustainable development and this therefore the location of the barn needs to be considered.

The NPPF seeks to ensure that, amongst other things, development takes place where it will enhance and maintain the vitality of rural communities. The Framework also notes that new isolated homes in the countryside should be avoided unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*

- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
  - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
  - *reflect the highest standards in architecture;*
  - *significantly enhance its immediate setting; and*
  - *be sensitive to the defining characteristics of the local area.*

(Paragraph 55, NPPF)

Elmridge Farm is an existing operational farm. The proposals would result in a farmhouse being retained albeit in a different location. The proposed development would accord with the first bullet point of Paragraph 55.

In terms of whether the development would represent the optimal viable use of a heritage asset; the barns in question as depicted on the 1<sup>st</sup> Edition Ordnance Survey, surveyed in 1844. The buildings are therefore considered to be of some historic interest and therefore regarded as non-designated heritage assets. At the time of my site visit, the barns were in agricultural use principally as storage the more modern portal frame structures were used to house livestock. No evidence has been submitted to suggest that its conversion to a dwelling would represent the optimum viable use for the retention of the barn in future.

The buildings in question are not redundant or disused.

With regards the final bullet point, the proposal is again not considered to be truly outstanding or innovative and whilst the proposal would involve the removal of modern lean to additions, their removal is not considered to *significantly enhance its immediate setting*.

In addition, the proposal does not accord with one of the Core Planning Principles within the NPPF which seeks to support the transition to a low carbon future in a changing climate. The proposed re-use of an existing building would not involve the creation of a carbon intensive new build, however, the site occupies a remote location in relation to any settlement, therefore travel by occupiers of the barn (which may or may not be related to the farm if an unrestricted dwelling were allowed) to any shops, services and facilities would be heavily reliant on the private car. This would be inconsistent with the underlying sustainability objectives of national guidance. This further substantiates the opinion that the principle of an unrestricted dwelling in this isolated rural location is unacceptable.

#### Precedent:

The development proposed within this application raises significant concerns with regard to the precedent of the wholesale relocation of farmsteads to allow for residential conversions.

Approval for such proposals would signal that the LPA are content with the concept of relocating farms to new modern facilities whilst allowing the historic farmstead to be given over to residential uses, once existing facilities are considered to be outdated. Similarly in a generation's time when the new farmstead is deemed not to meet modern standards do we simply relocate again. Whilst only one agricultural building is proposed within the current application farmyards grow and adapt over time; as has been demonstrated by the existing farmstead. Therefore in establishing a new farmstead it could conceivably require additional agricultural buildings on the site in the future, leading to the site growing in a piecemeal fashion.

#### Justification of the new farmstead:

The existing built extent of the existing farmstead covers approximately 0.5 hectares. In contrast the new farmstead would occupy approximately 0.6 hectares, doubling the extent of the built form of the existing site.

No justification has been provided to detail the extent or viability of the current agricultural enterprise at the site and the expectations or envisaged capabilities of the new farmstead should the proposed development proceed.. The only evidence provided is an email from the applicant's agent that states;

'It is my opinion that the viability of my clients' farming business is a material consideration of weight. The income that will be generated as a result if the barn conversions and sale of the farmhouse will allow the business to continue. Without that income it is highly likely that the business will fail and agricultural use of the site will cease.'

During the previously refused application Land Agents at Lancashire County Council did question the extent of the proposed agricultural development. It was considered that the extent of the proposed yard was larger than required, as was the proposed manure store. It was also stated that the proposed building was higher than would be necessary for its intended use. The proposed building is to be built to a height of 7.9m. Given that this element of the development remains unchanged in terms of scale and design I expect the previous comments to still have merit.

It should also be noted that whilst the Land Agent acknowledged that farming practices have changed over time meaning that some of the traditional buildings on site are therefore no longer suitable; he did state that the existing more modern structures were suitable for continued use.

Therefore to conclude; the proposed development would represent an unsustainable development by virtue of its scale and location. In addition to which if approved the principle of wholly relocating farmsteads when they are deemed no longer to be suitable could set a dangerous precedent that could be used elsewhere in the Borough. The conversion of the farmstead would arguably safeguard the traditional farm buildings and return them to a more substantive use than at present. However the proposal of an entirely new farmstead, doubling the extent of the built form on the site would be harmful to the character and setting of the AONB. I therefore recommend accordingly.

**RECOMMENDATION:** That planning permission be REFUSED for the following reasons:

1. The proposed formation of a new farmstead including the erection of an agricultural building and associated yard area would be detrimental to the character, setting and visual amenities of the AONB, contrary to Policies ENV1 of the Ribble Valley Districtwide Local Plan and Policy DME2 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft).

2. The proposed farmstead by virtue of its location and scale does not represent sustainable development as defined in the National Planning Policy Framework (NPPF) and would therefore form an unjustified development within the open countryside to the detriment of the appearance, character and setting of the Forest of Bowland AONB. It is therefore considered contrary to Policies ENV1, G5, and H2 of the Ribble Valley Districtwide Local Plan, Policies DME2, DMG2 and DMH3 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft) and Section 6 of the National Planning Policy Framework.

**D APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED**

APPLICATION NO: 3/2013/0169 (GRID REF: SD 374165 441802)  
DEVELOPMENT OF 28 DWELLINGS FOR A 100% AFFORDABLE HOUSING SCHEME CONSISTING OF TWO AND THREE BEDROOM DWELLINGS WITH ASSOCIATED ANCILLARY AND SERVICING.

PARISH COUNCIL: Wiswell and Whalley Parish Council have put forward comments regarding the application. Members are referred to the file for full details of their comments which can be summarised as follows:

1. The application is an attempt to pre-empt the Core Strategy and therefore further development in Barrow cannot be justified at this time.
2. The cumulative effect of the extent of development proposed in Barrow will be of detriment to the character of the settlement.
3. The proposal is out with the settlement boundary of Barrow and therefore does not meet the infill criteria.
4. Sewerage facilities in the area are inadequate and do not have the capacity to accommodate further development.
5. The development would result in an increase in traffic and potential parking on Clitheroe Road. The local transport system in barrow is already at capacity.
6. The proposal does not meet the National Planning Policy Frameworks criteria for sustainable development as the village currently has insufficient facilities/services.
7. There are insufficient educational vacancies within barrow to accommodate additional children.
8. The Parish Council are disappointed that the application does not include the any contributions by way of a s106 agreement that would benefit the wider community in Barrow. If the application is approved the Parish Council feel the developer should be required to contribute towards the local community by way of a financial contribution.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

The County Surveyor has made numerous representations during the course of the application relating to concerns over inadequate parking and the orientation of a number of the parking bays and carriageway width.

LANCASHIRE COUNTY  
COUNCIL (PLANNING  
CONTRIBUTIONS  
OFFICER):

Members are referred to the file for full details however the County Surveyor has confirmed that the majority of the original concerns have been addressed through the submission of an amended layout

Lancashire County Council's contributions office has made additional representation representations in respect of the application following the application being brought before the Planning Committee meeting of the 12<sup>th</sup> of September. Members are referred to the file for full details of their comments which can be summarised as follows:

The latest information available at this time was based upon the 2013 annual pupil census and resulting projections. Based upon the latest assessment, LCC would be seeking a contribution for 3 primary school places but would not be seeking a contribution for secondary school places. Calculated at the current rates, this would result in a claim of:

**Primary places:**

$(£12,257 \times 0.9) \times \text{BCIS Indexation (310.60 April 2012 / 288.4 Q4 2008 = 1.076976)}$   
= £11,880.45 per place  
£11,880.45 x 3 places = **£35,641**

**NB.** If any of the pending applications listed above are approved prior to a decision being made on this development the claim for school provision could increase up to maximum of 2 secondary places.

Calculated at the current rates, this would result in a maximum claim of:

**Secondary places:**

$(£18,469 \times 0.9) \times \text{BCIS Indexation (310.60 April 2012 / 288.4 Q4 2008 = 1.076976)}$   
= £17,901.60 per place  
£17,901.60 x 2 places = **£35,803**

Please note that as this is a claim with a range a recalculation would be required at the point at which the application goes to committee. It is therefore the responsibility of the planning authority to inform LCC at this stage and request a recalculation in order to obtain a definitive figure.

Members will note that the applicant had previously submitted a viability assessment in light of the request for a financial contribution claiming it would result in rendering the proposal unviable and therefore undeliverable.

ENVIRONMENT AGENCY: Have no objection in relation to the proposal subject to the imposition of conditions relating to:

- Surface water run off.
- That development shall not commence until a remediation strategy is submitted to and approved by the Local planning Authority.
- No part of the development shall be occupied until a verification report demonstrating that the works set out in the approved remediation strategy have been completed has been submitted to and approved by the Local planning Authority.

The environment agency have also request that an informative be attached to the application in relation to contaminants found on site and the disposal of excavated waste/contaminated soil.

ADDITIONAL REPRESENTATIONS:

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

1. Barrow has had its fair share of development.
2. Barrow at present has very limited services/facilities and infrastructure, with any additional development likely to result in additional pressure which will have a negative impact upon the exist residents of the area.
3. Parking for the proposed apartments is insufficient.
4. There are numerous properties for sale/vacant in the area and therefore there is no need for additional housing.
5. The proposal is not sustainable development as set out in the National planning Policy Framework.
6. The apartments are out of keeping with the area, particularly being located fronting Clitheroe Road.
7. Residential development in close proximity to the Whalley Industrial Park which will inevitably be of detriment to the living conditions of potential residents of the development.

### **Members Update Note**

Members will note that this application was originally brought before committee and deferred on the 12<sup>th</sup> of September to allow for further negotiations in respect of the educational contribution and to allow for a briefing to be undertaken by Lancashire County Council to provide additional context in respect of the potential long-term consequences of not securing educational contributions in relation to affordable housing proposals. At the time of the writing of this report these discussions have not yet been undertaken, it is therefore envisaged that the outcome of

any such briefing will be reported verbally to members should the aforementioned meeting/briefing have taken place prior to the 10<sup>th</sup> of October Planning and Development Committee Meeting.

### **Proposal**

This application seeks full consent for the erection of 28 dwellings for a 100% affordable housing scheme consisting of two and three bedroom dwellings with associated ancillary and servicing at the site of the former Pendle Garage, Clitheroe Road, Barrow.

The submitted details propose a mix of semi-detached and terraced 2 storey dwellings in that will provide a mixture of accommodation ranging from 2 to 3 bedrooms, 100% of which are proposed to be affordable housing, it is proposed that the tenure split will be as follows:

Affordable rented:	9 x 2 bedroom & 5 x 3 bedroom units
Affordable shared Ownership:	8 x 2 bedroom Units & 6 x 3 bedroom units.

Members will note that the original submission proposed the “Erection of a 29 unit housing scheme, 30% of which is affordable, consisting of 9 apartments, 17 houses and 3 bungalows with associated car-parking, landscaping and highway works”.

Members will therefore be aware that the proposal has been significantly amended/alterd during the course of the application.

### **Site Location**

The proposal site is located on the former Pendle Garage site located to the southern extents of Barrow, directly adjacent Whalley Industrial Park and opposite The Eagle, fronting Clitheroe Road and directly to the north of the former nursery site. The proposal site extends eastwards to match the extents of the earth bund that bounds Meadow Court units to the north. The site is currently occupied by the former Pendle Garage building, and associated forecourt hard-standing. There is an established hedgerow to the northwest extents of the site and a number of trees/hedges along the southern site boundary and within the site itself.

The site is Brownfield land and is approximately 0.71 Hectares in size, largely disused in nature with portions being clearly in a state of disrepair.

### **Relevant History**

There is no planning history associated with the site that is relevant to the current application. However members will note that outline consent has been granted on the neighbouring former Whalley Nurseries site to the south (Ref: 3/2011/0784) for the erection of six dwellings (four 4/5 bedroom houses and two single bedroom bungalows). Members will note that the outline consent granted was for all matters reserved, at this stage no reserved matters application has been forthcoming.

### **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy H2 – Dwellings in the Open Countryside

Policy H20 – Affordable Housing – Villages & Countryside

Policy ENV3 – Development in open Countryside

Policy ENV13 - Landscape Protection.

*Core Strategy 2008 – 2082 – a Local Plan for Ribble Valley Regulation 19/22 Consultation Draft*

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DME3 – Site and Species Protection and Conservation.

Policy DMH3 – Dwellings in the Open Countryside

Policy DMH1 – Affordable Housing Criteria

National Planning Policy Framework (NPPF).

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

The matters to be considered in the determination of this application relate to the principle of the development in policy terms; the impact of the development in visual terms; the effects upon ecology and trees; the impact on neighbouring residential amenities; highway safety; the mechanism by which the properties have been made affordable; and the matter of financial contributions requested by Lancashire County Council.

#### **Principle of Development**

In assessing the proposal it is imperative to establish whether, in principle, the development would be considered acceptable in light of current and emerging policy considerations whilst fully considering the proposal against the aims and objective of the National Planning Policy Framework (NPPF). In relation to the aforementioned considerations the Head of Regeneration and Housing has made the following comments/observations:

The site lies within the currently defined Open Countryside but it should be noted that the current settlement boundaries of the District Wide Local Plan (DWLP) are out of date and pending future work on new boundaries within a site allocations DPD, as yet no replacement boundaries are in place. NPPF paragraph 55 emphasises that the development of isolated homes in the countryside should be avoided unless there are special circumstances. This involves a judgement as to whether the site is isolated. Given its position opposite a public house, adjacent to an industrial park and within close proximity to existing dwellings it would be difficult to consider such a development as isolated and therefore would not directly contradict paragraph 55.

In addition and relating to the employment lands situation, conversations with the Council's economic regeneration officer indicate that the site is no longer used for employment purposes and sufficient attempts have been made to promote further employment on the site without any success. It is therefore potentially appropriate for other non-employment related uses.

Therefore, given that the site can be considered as sustainable in NPPF terms and, while being in the Open Countryside, is not isolated, there would appear to be benefits to this proposal which are not significantly outweighed by adverse impacts in terms of the Borough's current five year supply and the extant unimplemented permissions in Barrow and their implications.

#### **Mechanism by which the properties would be made affordable**

In the past, the usual mechanism for securing the provision and retention of affordable dwellings has been through appropriate clauses in a Section 106 Agreement. The Council's Strategic

Housing Officer, however, has advised that this issue was discussed at length by the Strategic Housing Working Group in November 2012.

After considering all the risks of accepting a condition rather than a Section 106 Agreement, it was agreed by the group that a condition would be accepted as this resulted in significant benefits in terms of affordable housing delivery and where delivery is by a Registered Provider, the risk is minimal due to the Homes and Communities Agency regulations. The group however, did not want this to set a precedent for future applications and were clear that a condition would only be accepted where a Registered Provider was delivering a 100% affordable scheme.

As this application relates to a 100% affordable scheme to be provided by a Registered Provider, in this case, the use of an appropriate condition is sufficient and a Section 106 Agreement in relation to this particular matter is not required.

### Highways Safety

Original comments received from the County Surveyor raised concerns regarding insufficient parking provision and the orientation of a number of the parking spaces in relation to the internal access road and the widths of the carriageway.

The proposed access off Clitheroe Road and internal arrangement/configuration of the site layout as amended, has been largely influenced by detailed advice from the Local Planning Authority and the County Surveyor to ensure that the internal roads are to full adoption standards whilst providing adequate parking provision and ensuring the development can safely accommodate the manoeuvring of vehicles.

Additional comments have been received from the County Surveyor in relation to the amended proposals confirming that the majority of all concerns have been addressed through the amended details.

### Residential Amenity

In respect of potential impact upon residential amenity, given the isolated nature of the site in relation to adjoining/nearby dwellings, I consider the proposal as submitted would have no detrimental impact upon the residential amenities of existing/neighbouring occupiers. However it is imperative, in securing positive and well-designed/considered development, that I also consider the residential amenity of potential residents/occupiers of the development. I consider the separation distances between the proposed dwellings, based on the revised details, satisfactory so as not to adversely impact upon the residential amenities of potential occupiers of the development.

Members will note that the original proposal proposed a number of dwellings being located along the northern boundary with Whalley Industrial Park. Following officer concerns regarding the potential long-term detrimental impact upon residential amenities and the potential for “bad-neighbour” development as a result of the proximity to the park to the north, the proposal has been significantly altered with the access road now forming a physical and visual buffer between the proposed dwellings and the existing units to the north, these matters will be covered in detail later in this report.

I am therefore mindful of the relationship between the proposed dwellings and the existing properties/uses within the area and given the layout and spatial relationships as detailed on the submitted plans, consider the scheme acceptable

## Layout

As previously stated, the original submitted application proposed a three-storey apartment block, accommodating 9 apartments fronting Clitheroe Road, 17x 2 and 3 bedroom two-storey dwellings and 3 x 2 bedroom bungalow to the eastern extents of the site. A number of the 2 bedroom and 3 bedroom properties were located along the northern boundary with Whalley industrial park/ Meadow Court, the access road to the development was located along the southern boundary with associated landscaping.

The submitted site layout has been significantly amended in light of comments and extensive negotiations undertaken by the Local Authority. Initial concerns related to the proximity of dwellings to the units to the north, the potential overbearing relationship of the existing industrial units and the appearance of the apartment block upon the streetscene and its appropriateness in terms of the overall context of the existing settlement.

The majority of parking is provided on-plot to dwelling frontages with a number of additional spaces provided at the termination points of individual cul-de-sacs and within the site in the form of dedicated bays to along the northern boundary.

The primary access to the development is directly off Clitheroe Road, with a small number of overspill parking spaces and hard landscaping/tree planting to the north of the road. Upon entry into the site a number of properties front directly onto the carriageway to ensure an active and open frontage, with the property directly fronting Clitheroe Road having being designed as a “double-fronted” dwelling to ensure the development positively addresses the primary road frontage.

Internally the dwellings are divided into pairs of semi-detached dwellings and terraces of three properties. This aids in ensuring the development has a level of visual permeability and that it is effectively broken down into smaller visual parcels. The properties have been orientated so that no outward aspect is dominated by the presence of the industrial units to the north. A further overspill/visitor parking bay and area of hard-landscaping/tree planting is proposed along the northern boundary towards the east of the site with a low maintenance landscape buffer aiding in softening the appearance of the existing industrial units.

## Appearance & Visual Amenity

In respect of the appearance of the proposed dwellings, extensive negotiation has been undertaken with the applicant that sought to embrace the applicants intention to provide a contemporary form of development whilst ensuring the proposed house-types reflected a level of contextual response. It was suggested and agreed that the development should visually reflect a modern interpretation of the cottage style terraces to the north.

The amended plans propose a mixture of semi-detached and terraced properties of a reconstituted facing stone construction. Contrasting stonework is proposed at portions of ground floor level, with further contrasting stone inserts proposed at first floor level contained within reconstituted stone surrounds. It is proposed that the windows will be of a dark/grey framing material that will add visual depth and will work in concert with stone surrounds on feature elevations to provide further visual interest and articulation.

Gabled elements have also been introduced to provide interest in the streetscene and are employed on corner/feature properties to reinforce the overall visual legibility of the development. I consider that the variance contained within the elevational language of the

proposed house-types is sufficient to alleviate initial concerns that the development could be potentially read as visually mono-cultural and typically suburban in nature.

Internally individual plot boundary frontages will be demarked by 900mm high galvanised painted railings with 1800mm brick walling providing privacy where rear gardens front the highway/footway. The main frontage to Clitheroe Road will be demarked by a 900mm brick/stone walling to match that of the housing facades. The southern site boundary, which delineates a number of the properties rear garden boundary, will be extensively 1800mm timber panel fencing.

I am therefore mindful of the design and appearance of the proposed dwellings in relation to the wider and immediate context and given the proposed housing-types and boundary treatments as detailed on the submitted plans, consider the proposal acceptable.

### Landscape

Due to the presence of trees/hedgerow on site the Local planning Authorities Countryside Officer has been extensively involved during the course of the application to ensure the retention and protection of trees/groupings of habitat/visual amenity value.

It is proposed that two "Category A" Oak trees will be retained along the southern boundary (T1 & T5) and that "Category B" and "Category C" Ash trees (T2 & T3) be removed, with replacement planting being provided within the development site.

Members will note that full landscaping plans have now been submitted and these have been passed to the Local Authorities Countryside Officer for detailed assessment, it is anticipated that detailed comments will be reported verbally to members.

I am therefore mindful of the relationship between the proposed landscaping details and their relation to the wider and immediate context and given the proposals as detailed on the submitted plans, consider the scheme acceptable subject to the receipt of further detail.

### Financial Contributions Requested by LCC

Members will be aware that the County Council Contributions officer has requested a financial contribution in respect of educational provision as follows:

#### **Primary places:**

$(£12,257 \times 0.9) \times \text{BCIS Indexation } (310.60 \text{ April } 2012 / 288.4 \text{ Q4 } 2008 = 1.076976)$   
= £11,880.45 per place  
£11,880.45 x 3 places = **£35,641**

Members will be reminded that the applicant has submitted a viability assessment claiming that this would make the delivery of a 100% affordable housing scheme unviable.

I summarise the case put forward by the applicants below.

The applicants comment that this is a proposal for a 100% affordable housing development giving a mix of affordable rent and affordable home ownership to respond to local need.

Great Places Housing Association state that the project is meeting local objective by providing new homes to meet need, is delivering tenures to reflect demand and offering additional shared ownership properties to help local people on to the property ladder.

The applicants advise that the scheme has also received funding support from the Homes and Communities Agency (HCA) who are clear in their investment strategy that they do not expect other government bodies to charge for land.

The scheme viability information put forward by the applicants indicates that the scheme would break even in year 40, which is the last permitted year in the appraisal model (this, of course, is without the requested contributions).

The applicants point out that the development will meet various standards and is already responding to a number of challenging abnormal issues as follows:

- Code for Sustainable Homes Level 3
- Secure by Design
- Extensive storm-water retention and the need to connect to adopted sewers some way off-site
- Piling in specific areas of the site
- Achieving level access to front and rear of properties to satisfy DDA requirements
- Remediation to remove contamination from former uses

Additionally the applicants state that Great Places are non-profit business but need to ensure a business case is achieved on every project. Any additional spending on this scheme will render it unviable and so, in reality, the scheme will not proceed if these requested contributions are pursued.

As members will be aware the application was previously deferred to allow for further discussions in respect of these matters and the LCC Contributions team have provided the following additional comments in respect of the viability statement which are summarised as follows:

The education contribution would be required regardless of the fact that the scheme is for 100% affordable dwellings. As the education authority LCC must ensure that appropriate contributions are secured in order to deliver sufficient school places. If the development is either unable or unwilling to meet this education contribution, it should be considered unsustainable and we believe the application should not receive approval.

The applicant should be made aware of the fact the average cost of providing additional places is £17,363 per primary school place. The cost per place requested by LCC is £11,880.45 per primary school place. The cost per place requested by LCC is therefore only a contribution towards the cost of providing additional school places. LCC do not have sufficient funds available to fund 100% of the cost of providing additional school places arising from housing development.

It should be noted that LCC is only being provided with funding by the DfE to provide additional places required arising from births. DfE have clearly stated that they expect local authorities to obtain contributions from developers to mitigate the impact of any additional places required resulting from additional housing. Should LCC not secure the appropriate funds from developers, we cannot guarantee that places will be available for this children living on this development.

## Other Matters

There are a number of points raised by objectors that do not sit easily within the headings given to consider the main issues associated with this scheme. I shall attempt to address these issues below:

A number of objections/representations have been received in relation to the proposal pre-empting the Core Strategy, the cumulative effect of the amount of development proposed in Barrow and that the proposal lies out-with the defined settlement boundary. Members will note that the Head of Regeneration and Housing has provided comments in relation to these aspects, detailed earlier in this report, and does not consider that in principle there are sufficient grounds on which to base a refusal in relation to the potential concerns raised.

Issues of highway safety have also been raised via representations, members will note that the County Surveyor has indicated that he has no objection to the nature and location of the junction off Clitheroe Road, however detailed comments are now awaited in relation to the internal site layout/arrangement and the level of parking provision proposed.

Members will be aware that a number of the objections/representation received related to the principle of apartments on site and the proximity of the housing proposed to the existing industrial units. Given the site layout has been drastically altered and that the apartments have now been removed from the proposed development I consider that these objections/concerns have been adequately addressed through amendments made during the course of the application.

The National Planning Policy Framework (NPPF) puts a clear emphasis on the need for Local Planning Authorities to consider the planning balance in assessing proposals and clearly states that in relation to sustainable development, applications should only be refused if impacts would significantly and demonstrably outweigh the benefits.

The proposal as presented clearly has a number of benefits in terms of economic development, with construction jobs likely to be created by the development and it is widely accepted that the Housing industry has a critical role to play in terms of the national economic recovery. This has been extensively reported through ministerial statements and the Government's Growth Agenda; Plan for Growth (3/11); Housing Strategy for England (11/11); Housing and Growth (9/12); and Growth and Infrastructure Act (4/13).

£242,614 in New Homes Bonus would be generated over a six-year period by the development. As members will be aware, the bonus is not ring fenced and it is for the Local Authority to decide how to spend this money, it should also be noted that the payment of the New Homes Bonus is currently subject to Government consultation with the payment to be made to Local Authorities is likely to be reduced.

Members will also note that there is a considerable benefit associated with the proposal given it will provide 28 new affordable dwellings in the Barrow Area, 14 of which are for affordable rent and the remainder being offered for affordable home ownership.

Whilst it is recognized that there will be some level of measurable visual impact as a result of the development I consider, given the Brownfield nature of an element of the site and considering the immediate context and surrounding uses that the harm/impact associated with the development would be minimal.

Therefore, having carefully considered all of the above matters, and taking account of the planning balance, consider that in this case the benefits associated with the development clearly outweigh any harm associated with the development.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity nor would it have an adverse visual impact upon the immediate or wider context.

RECOMMENDATION: That the application be deferred to allow for further negotiation and subject to a satisfactory agreement being reached in relation to the educational contribution subject to the following condition(s):

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

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

2. This permission shall be implemented in accordance with the proposals as detailed on drawings:

- 01: 0718/A/001 Rev H Proposed Site Plan - Amended 23rd August 2013.
- 02: 0718/A/020 Rev A Block 1 - Amended 23rd August 2013.
- 03: 0718/A/021 Rev A Block 2 - Amended 23rd August 2013.
- 04: 0718/A/022 Rev A Blocks 3 & 12 - Amended 23rd August 2013.
- 05: 0718/A/023 Rev A Blocks 4 & 10 - Amended 23rd August 2013
- 06: 0718/A/024 Rev A Block 5 - Amended 23rd August 2013
- 07: 0718/A/025 Rev A Block 6 - Amended 23rd August 2013
- 08: 0718/A/026 Rev A Block 7 - Amended 23rd August 2013
- 09: 0718/A/028 Rev A Block 9 - Amended 23rd August 2013
- 10: 0718/A/029 Rev A Block 11 - Amended 23rd August 2013

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

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

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2028 to 2018 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

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

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

5. No development shall take place until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites for that phase have been submitted to, and approved in writing by the Local Planning Authority. The details shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated. The artificial bird/bat boxes shall be incorporated into those individual dwellings/buildings during the actual construction of those individual dwellings/buildings identified on the submitted plan before each such dwelling/building is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development in accordance with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and EN4 of the Core Strategy 2008 – 2028 Regulation 22 Submission Draft.

6. The dwellings hereby permitted shall be constructed to the Code for Sustainable Homes Level 3 and the development shall follow the government's preferred hierarchy (first set out in the 2008 Zero Carbon Homes Definition) following an energy efficiency 'fabric first' approach.

REASON: In order to encourage renewable energy and to comply with Policies G1 of the Ribble Valley Districtwide Local Plan and Policies EN3, DME5 and DMG1 of the Core Strategy 2008 to 2012 Regulation 22 Submission Draft.

7. The residential units hereby permitted shall only be used for the purposes of providing affordable housing accommodation as defined in the Housing and Regeneration act 2008 to be occupied by households or individual in housing need. This condition shall not be binding upon any of the following:
  - a. A charge or mortgagee of the Registered Provider or any receiver appointed by them in the event of default of the Registered Provider under the terms of the charge or mortgage;
  - b. A tenant of a residential unit who exercise any statutory right to buy or right to acquire such residential unit or any person deriving title through that tenant or any mortgagee or charge;
  - c. A lessee of a residential unity held under a shared ownership lease who acquire 100% of the interest under that lease or any successor or any successor mortgagee or charge of that lessee.

REASON: For the avoidance of doubt as the application is for a development of 100% affordable housing units and to comply with Policy H2 of the Ribble Valley Districtwide Local Plan and Policy DMH3 of the Core Strategy 2008 to 2012 Regulation 22 Submission Draft.

8. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and

hydrogeological context of the development, has been submitted to and approved in writing by the Local planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to an including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall even. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increase in flooding, both on and off site.

9. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to an approved, in writing, by the Local Planning Authority:
  1. A preliminary risk assessment which has identified:
    - All previous uses
    - Potential contaminants associated with those uses
    - A conceptual model of the site indicating sources, pathways and receptors
    - Potentially unacceptable risks arising from the contamination of the site.
  2. A site investigation scheme, based on (1) to provide the information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning Authority. The scheme shall be implemented as approved.

REASON: To prevent the risk of pollution to controlled waters.

10. No occupation shall take place until a verification report demonstrating completion of the works set out in the remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (A "long term monitoring and maintenance plan") for longer term monitoring of all pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local planning Authority. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To Prevent the risk of pollution to controlled waters.

11. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt, surface water must drain separate from the foul and all the surface water must drain in line with the Flood Risk Assessment submitted as part of this application. No surface water will be permitted to discharge directly or indirectly into existing foul, combined or surface water sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

12. The new estate road shall be constructed in accordance with the Lancashire county Council specification for Construction of Estate Roads to at least a base course level before any development takes place within the site.

REASON: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device.

The visibility splays to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed new estate road from the continuation of the nearer edge of the carriageway of Clitheroe Road to a point measured 90m along the nearer edge of the carriageway of Clitheroe Road from the centre line of the estate road, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

REASON: To ensure adequate visibility at the street junction or site access.

14. Before the construction work commences facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

REASON: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

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

REASON: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

16. The existing accesses on to Clitheroe Road shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads (prior to occupation of the proposed dwellings)

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

## NOTES

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Ribble Valley District Highways Office, Lancashire County Council, Riddings Lane, Whalley BB7 9RW (tel. 0845 0530011) and quote the planning application number.
2. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this suspected contamination can be dealt with and obtained written approval from the Local planning Authority. The remediation strategy shall be implemented as approved.

APPLICATION NO: 3/2013/0711/P (GRID REF: SD 373187 440761)  
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 140 UNITS WITH  
PRIMARY ACCESS OFF HENTHORN ROAD WITH ALL OTHER MATTERS RESERVED (RE-  
SUBMISSION OF 3/2012/1092/P). LAND OFF HENTHORN ROAD, CLITHEROE,  
LANCASHIRE

### CLITHEROE TOWN COUNCIL:

The Town Council objects to the application on the same grounds that they did for the previous application (3/2012/1092/P):

1. Development runs contrary to the emerging RVBC Core Strategy, which envisages one strategic development site in Clitheroe. By approving this, the cumulative effect of this and 2010/0719 would be to have a second strategic site.
2. Notwithstanding that an educational contribution would be paid by the developer, we do not believe it possible to provide additional spaces in existing schools due to physical constraints.
3. Likewise we have concern that secondary schools would be unable to have capacity for extra places.
4. We believe the applicant's traffic assessment is flawed in assuming that the site is sustainable. The following errors have been noted.
5. Para 1.1.2 claims the site is approximately 1km from the town centre, however it is 1.5km from the site entrance to junction of Parson Lane/Station Rd.
6. The cumulative effect of this development and other housing built on Primrose Bridge has not included approvals at Low Moor or Littlemoor.

7. Traffic assessment admits at Para 6.10.12 that in the peak pm hour that Henthorn Rd/Thorn St/Eshton Terrace will operate in excess of its capacity.
8. Level crossing barrier will be down at least twice, if not more due to freight or charter trains, not once.
9. Site has only one entrance so contrary to paragraph 35 of the NPPF.
10. It is hard to describe one bus service as 'a range of public transport opportunities' to facilitate non-car travel.
11. The low accessibility score particularly for essential facilities such as schools/shops is noted as low.

LCC ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

No objection in principle to this application. However, the Engineer has requested that the developer change or reconsider some aspects of the development proposals at reserved matters stage (for example designing the residential layout with a road through the development linking two accesses onto Henthorn Road). He has noted that if these requests are not acted upon, or are not dealt with by conditions attached to any planning permission that may be granted, he would have an objection.

Should the LPA be minded to approve this application, a number of conditions have been suggested along with a request for S106 funding for:

- Those improvements detailed in the 2010 application that are appropriate for this development of 140 dwellings;
- Improvement of FP17 between Henthorn Road and Edisford Road for use by bicycles (£55,000);
- Creation of a footpath link from the proposed development to FP17 near to the railway line (£8,000 plus compensation);
- Provision of a bus service into the development, the funding for which is to be the subject of a separate condition;
- Improvement of FP17 from Henthorn Road to Primrose Road for pedestrian use (£50000).
- Travel Plan preparation £6,000.

This is a total of about £115000, which equates to approximately £820 per dwelling. This is easily within the amount of transport related S106 monies that could be requested.

A section 278 agreement is also recommended to be entered into to, to cover the following works:

- Improvements to the Henthorn Road / Eshton Street junction. The works required are related to the changes to the stop line shown on the Croft drawing 0248-04A, and will include footway build-outs. The detail of the improvements are not yet agreed and it is considered that the detail of these improvements can be finalised when the S278 agreement is prepared.
- The improvements to the highway required under application number 3/10/0719 that are necessary to accommodate the traffic generated by this 2013 proposed development. This will need to be discussed and agreed upon.
- Pay for all the necessary TROs.

LCC ENVIRONMENT  
DIRECTORATE  
(ECOLOGY):

The main ecological issues arising from the original proposal included potential impacts on:

1. Protected species (bats and breeding birds);
2. Semi-natural habitat (including stream, trees and hedgerows, a Habitat of Principal Importance).

Following the submission of an updated Tree Survey Schedule for Arboricultural Constraints Appraisal (September 2013) and a Hedgerow Survey Report for Henthorn Road (September 2013), the LCC Ecology Officer considers that the updated and additional information contained within these reports now addresses the matters previously raised in relation to the original application. The LCC Ecologist therefore recommends that matters relating to the following are dealt with at reserved matters stage:

1. The Illustrative Master plan shows loss of trees and hedgerows (a Habitat of Principal Importance), and does not appear to have addressed the avoidance of impacts. This should therefore be addressed at the reserved matters stage with the layout of any proposal designed around existing habitats. If impacts can be shown to be unavoidable then it will need to be demonstrated that there will be adequate compensation for any losses.
2. The design of any scheme should demonstrate that retained habitats will be adequately protected and buffered

from the development during the operational phase and that the biodiversity value of the site will be maintained and enhanced.

If the above matters can be adequately addressed and RVBC is minded to approve the above application, planning conditions are recommended.

LCC ENVIRONMENT  
DIRECTORATE  
(ARCHAEOLOGY):

The County Archaeologist refers to his comments made in relation to the previous application. He notes that the proposed site has been identified by the ASLF 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, a medium potential for the Roman period and a medium/high potential for the medieval period.

Although well-preserved archaeological deposits of either a prehistoric or Roman date might be likely to be considered of regional importance, as the site has not been identified by the Lower Ribble Valley Final Report as a site of the highest potential LCAS is of the opinion that any surviving archaeological deposits could be adequately dealt with by means of an appropriate post-permission programme of archaeological mitigation.

The walkover survey undertaken as part of the Archaeological Desktop Assessment (Wardell Armstrong November 2012) has tentatively identified an area of earthworks of possible archaeological origin. Any programme of work is therefore likely to comprise of a combination of topographical or geophysical survey and/or trial trenching. Consequently, should the LPA be minded to approve the application, a suitable condition shall be added to secure further archaeological investigation work.

LCC (PLANNING  
CONTRIBUTIONS):

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.

The contribution described is directly linked to the development described above 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 2013 annual pupil census and resulting projections.

Based upon the latest assessment, LCC would be seeking a contribution for 53 primary school places but would not be seeking a contribution for secondary school places.

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

Primary places:

$(£12,257 \times 0.9) \times \text{BCIS Indexation (310.60 April 2012 / 288.4 Q4 2008 = 1.076976)}$

= £11,880.45 per place

£11,880.45 x 53 places = **£629,664**

However, if any of the pending applications listed in the accompanying document are approved prior to a decision being made on this development the claim for secondary school provision could increase up to maximum of 21 places. Calculated at the current rates, this would result in a maximum claim of:

Secondary places:

$(£18,469 \times 0.9) \times \text{BCIS Indexation (310.60 April 2012 / 288.4 Q4 2008 = 1.076976)}$

= £17,901.60 per place

£17,901.60 x 21 places = **£375,934**

Please note, as this is a claim with a range a recalculation would be required at the point at which the reserved matters application goes to committee. The claim will be reassessed once accurate bedroom information becomes available.

NATURAL ENGLAND:

From the information provided, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on. The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species.

ENVIRONMENT AGENCY:

No objection in principle to the proposed development subject to the inclusion of conditions that meet the following requirements:

1. The application site exceeds 1 hectare and as such is accompanied by a Flood Risk Assessment (FRA) in accordance with the NPPF. This has been reviewed and a condition relating to details for the prior approval of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be added.
2. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). The variety of SUDS techniques available means that virtually

any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs. We also recommend that the developer considers the following as part of the scheme:

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

3. We support the recommendations in the updated Ecological Survey Report for Henthorn Road, Clitheroe (RSK September 2013). We recommend that to ensure the development is carried out in accordance with those details, a condition be attached to the approval requiring the development to be carried out in accordance with the submitted details.

**UNITED UTILITIES:**

There has been no formal response from United Utilities at the time of this reports submission; however United Utilities raised no objection in principle to the previous proposal on this site subject to the imposition of specific planning conditions relating to foul and surface water drainage.

**ADDITIONAL REPRESENTATIONS:**

Twenty-one letters of objection from eighteen households have been received in response to this application. The points of objection have been summarised as follows:

1. Unsuitable and unsustainable site.
2. Proposal for one access point is unacceptable.
3. Increase in traffic congestion.
4. Impact on highway safety.
5. Impact on railway crossing.
6. Impact on infrastructure in the locality.
7. Lack of space at schools.
8. Proximity to Henthorn WWTW.
9. Impact on commercial access to Fishes and Peggy Farm/Tip at the bottom of Henthorn Road.
10. Loss of light.
11. Survey data in Transport Assessment is flawed as it is taken on a day when Clitheroe is on half day closing.
12. Survey data in Transport Assessment needs updating to include other planned developments.
13. Proposed junction improvements are flawed.
14. Scheme will have a major impact on junctions heading into Clitheroe Town Centre.
15. Scheme relies heavily on highway/footpath/bus service improvements, but will they actually happen?
16. Style and type of houses proposed (three storey) is entirely

- inappropriate.
17. Noise impacts during construction.
  18. Damage to habitats.
  19. Damage to hedgerows and trees.
  20. Should we not be waiting for the Core Strategy to come forward?
  21. Previous scheme refused on the basis that many other projects are yet to be seen.
  22. Light pollution.
  23. Construction works on the site next door are ongoing and are already causing disruption and congestion.
  24. Loss of visual amenity.
  25. Loss of green fields.
  26. Economic benefits to Clitheroe will not be as claimed, and
  27. Scheme remains 'premature'.

## **Proposal**

The application seeks outline permission for a development of up to 140 dwellings with associated landscaping and public open space. All matters except access are reserved for consideration at reserved matters application stage. A basic master plan has been submitted which shows the general siting of the dwellings in relation to existing landscape features on the site, along the proposed point of access.

The site access will integrate with the newly consented scheme for 270 dwellings on the opposite side of Henthorn Road. It is a priority-controlled junction that is designed with the highways standards and in connection with the estimated capacity of vehicular movements.

Features of the illustrative internal site layout include the proposed potential footpath link to the footpath network and Ribble Way, a footpath link to the proposed Community Park on the opposite sites scheme, an area of central Public Open Space (although no details are submitted) and the creation of a balancing facility on the site to aid with both ecological off-setting and the likely Sustainable Urban Drainage System (SUDS) to be created on site. The illustrative layout retains many of the existing boundary and on-site landscape features, with enhanced landscape buffer and infrastructure planting proposed on the edge of two sections of the site (that facing south and that bordering Kenilworth Drive/Stirling Close).

The proposed 140 units on a site with an area of 4.97 hectares represents a density of 28 units per hectare, a decrease in the number of units approved on the site opposite (37.6 units per hectare). There is no indication as to how the density of the development would vary across the site, however given the indicative layout foresees a central area of open space, it is likely that the housing will bound the periphery of the site. The housing will comprise a mix of family homes and types that could include 1, 2, 3, 4, and 5 bedroom detached, semi-detached, terrace, bungalows and apartment homes, with 30% of these homes provided as 'Affordable' units.

It is stated in the Design and Access Statement that the properties would offer a range of building heights that could include 1, 2 and 3 storey buildings. The mean building parameters for the proposed site are suggested as,

- 2 Bed – 5m (w) x 8m (d) x 7.8m (to the ridge),
- 3 Bed – 5m (w) x 8.5m (d) x 8m (to the ridge),
- 4 Bed – 8m (w) x 8m (d) x 8m (to the ridge), and
- 5 Bed – 10m (w) x 7m (d) x 9.5m (to the ridge).

## **Site Location**

The application site is located to the south west of Clitheroe Town Centre, and is agricultural land that adjoins the western settlement boundary of Clitheroe. To the northeast, the site is immediately adjoined by dwellings in Kenilworth Drive/Kemple View/Stirling Close, by an open agricultural field to the south, and by the recently approved development to the north of Henthorn Road, to the north of this site. It is approximately one mile from the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

## **Relevant History**

3/2012/1092/P - Outline application for residential development of up to 140 units with primary access off Henthorn Road with all other matters reserved – Refused.

3/1979/1101/P – Outline Planning Permission for Residential Development – Refused.

## **Relevant Policies**

*Ribble Valley Districtwide Local Plan Adopted June 1998*

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy G11 - Crime Prevention.

Policy ENV3 - Development in Open Countryside.

Policy ENV6 - Development Involving Agricultural Land.

Policy ENV7 - Species Protection.

Policy ENV10 - Development Affecting Nature Conservation.

Policy ENV13 - Landscape Protection.

Policy H20 - Affordable Housing – Villages and Countryside.

Policy H21 - Affordable Housing - Information Needed.

Policy RT8 - Open Space Provision.

Policy T1 - Development Proposals - Transport Implications.

Policy T7 - Parking Provision.

Addressing Housing Needs.

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

DS1 – Development Strategy.

EN3 – Sustainable Development and Climate Change.

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.

DME5 – Renewable Energy.

DME6 – Water Management.

DMH1 – Affordable Housing Criteria.

DMB4 – Open Space Provision.

The Conservation of Habitats and Species Regulations 2010 (as amended).

The Wildlife and Countryside Act 1981 (as amended).

The Natural Environment and Rural Communities Act 2006.  
The Hedgerow Regulations 1997.

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

The matters for consideration in the determination of this application relate to the principle of development, highway safety, infrastructure provision, ecological/tree considerations, effects upon visual amenity, effects upon residential amenity, affordable housing, public open space provision, public footpath and archeology. For ease of reference these are broken down into the following subheadings for discussion.

#### **Changes since last Application**

Since the submission, and subsequent refusal of, the previous planning application on this site in April earlier this year, the following changes have happened that have impacted upon the planning policy position in relation to this proposed site.

1. The Regional Spatial Strategy (RSS) for the NW has been formally revoked (May 2013).
2. Several elements of the evidence base for the Core Strategy have been updated, including an update of Housing Requirements. As a result of this, the update shows among other things:
  - A continued need for affordable housing;
  - An increase in overall housing requirements. Based on the Update, the Council has proposed a change to the submitted Core Strategy to increase the overall requirement to 5000 over the plan period, an annual equivalent of 250. This will be discussed in more detail shortly. Whilst this remains to be tested through the Core Strategy examination process the latest evidence represents the most up to date assessment of needs.
3. The housing land position was last updated at 31 July 2013, and as indicated above, if the figure of 250 and the Sedgefield approach are adopted (this too will be referred to later in this report), the Council could not now demonstrate a 5 year supply of land.
4. Following legal advice, and experience gained from recent Appeals and Public Inquiries, the Council choose not to defend an appeal in relation to proposed residential development at Wadow View/Waddington Road where prematurity/pre-determination was one of the issues.

Bearing mind the above changes that have occurred since the earlier scheme was presented to Committee, it is considered that a reason for refusal based on prematurity would now be difficult to sustain for the following reasons:

1. Clitheroe is the main settlement in the Borough with the most extensive range of services and facilities to meet the needs of the population; directing development to it would accord with the spatial strategy of the emerging Core Strategy.
2. It has been accepted at appeal that the settlement boundaries in the DWLP are out of date. This is due to them being based on the development strategy in the former Structure Plan, which was replaced by the now revoked RSS.

3. Due to point 2, it has therefore been accepted that Greenfield sites beyond the settlement boundaries would be needed to meet the future development needs of the borough.
4. The Prematurity/pre-determination reason for refusal was not a matter which was defended in relation to the recent Waddow View/Waddington Road appeal.
5. A development of 140 houses adjacent to the settlement boundary is, in my opinion, a scale which would not pre-determine decisions about the scale and quantum of development in the emerging Core Strategy. Whilst the preparation of the Site Allocations DPD is the means by which sites for future development would normally be identified, this in itself is not considered a supportable reason to refuse appropriate development in the meantime.
6. The site could be regarded as contributing to the housing need in Clitheroe over the plan period (In relation to the increased housing requirement of 5000 over the plan period as per the Proposed Main Change (Aug 2013) 2065 dwellings would be directed to Clitheroe).

On this basis, given that the relevant policies of the saved local plan are considered out of date the application must now be considered in the light of the policies in the NPPF and the relevant policies of the Core Strategy.

#### Principle of Development

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

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

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

The NPPF that advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits and that relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable guidance.

The housing land position was last updated on the 31st July 2013. The current approach is to use the Residual method of calculating the housing supply, and using this Ribble Valley can demonstrate a 6.83 year supply of housing including a 10% allowance for slippage, but no detailed site adjustments for deliverability. Using the Sedgefield method, which adds any shortfall of housing into the first five years of the twenty year period, Ribble Valley can demonstrate a 5.69 year supply of housing including a 10% allowance for slippage, with again no detailed site adjustments for deliverability.

Based on the most recent update, the Council has proposed a change to the submitted Core Strategy to increase the overall requirement to 5000 over the plan period (annual equivalent of 250). Whilst this remains to be tested through the Core Strategy examination process (there are a number of outstanding substantive objections to the housing requirement as submitted and as proposed to be changed) the latest evidence represents the most up to date assessment of needs.

On this basis, if the figure of 250 and the Sedgefield approach are adopted, Ribble Valley can now only demonstrate a 4.25 year supply of housing including a 10% allowance for slippage, with again no detailed site adjustments for deliverability. This scheme must then be considered in line with paragraph 49 of NPPF which states that “Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing”. As members will be aware, there are no provisions within the NPPF to advocate resisting development ‘in principle’ once a five year supply of deliverable sites is achieved, and also bear in mind that a number of the policies of the Local Plan are now considered to be out of date (in particular the settlement strategy) and thus the statement in NPPF cited above which advocates a presumption in favour of sustainable development unless any adverse impacts of doing so would *significantly* and *demonstrably* outweigh the benefits is at this time the over riding consideration. In assessing this application therefore it is important to look at the component parts in turn having regard to the above considerations as follows.

The NPPF outlines that there are three dimensions to sustainable development – economic, social and environmental and these give rise to the need for the planning system to perform a number of roles. In terms of an economic role NPPF comments that LPA's should ensure that sufficient land of the right type is available in the right places and at the right time and also identify and co-ordinate development requirements including the provision of infrastructure. A social role is ensured by providing the supply of housing required to meet the needs of present and future generations and an environmental role by contributing to protecting and enhancing the natural, built and historic environment. Having carefully assessed the proposal against these it is considered that the development would accord with the requirements of the NPPF.

Paragraph 6 of the NPPF advises with regards to ‘achieving sustainable development’ noting that, “The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.” It is therefore considered safe to assume that if a scheme were considered contrary to any of these paragraphs within the NPPF, then it could not be viewed as sustainable development. Adjacent to the larger Henthorn Development site (3/2010/0719/P), and immediately adjacent to the built up area of Clitheroe, it is accepted that the location of this site would in principle be ‘sustainable’ because it is located adjacent to the principal urban area of the Borough, where the predominance of services and facilities are to be found; and the proposal would contribute to the supply of housing including affordable provision and market choice.

However, whilst being consistent with the policies of NPPF to proactively drive and support economic growth, the impact upon overall housing supply, the Council's Emerging Core Strategy, the visual impact, impacts upon biodiversity, amenity impacts, the accessibility of the site from a highway safety point of view and other material considerations, must all be carefully considered.

### Highway Safety/Traffic Issues

This issue remains one of the key objections to this scheme within the majority of letters of representation received from local residents. A Transport Assessment and a Framework Travel Plan have been submitted with the application, and these have been considered by the County

Council Traffic Engineer and a brief summary of his observations on the proposal have been reported earlier in this report. The transport issues relating to the development of this site were discussed and resolved with the developer's transport consultant during consideration of the earlier development application 3/2012/1092, and this resulted in a 'no highways objection' to this development. This section will highlight in more detail the main areas of consideration.

### **Relationship with the 270 Dwelling Development, Henthorn Road**

This development is closely linked to the residential development west of Henthorn Road for 270 dwellings (application number 3/2010/0719). The same transport infrastructure is to be used for both developments and both developments will have an impact on the same parts of the highway. The off-site infrastructure improvements previously proposed for the 2010 development will benefit and are necessary for this development of 140 dwellings. The development under 3/2010/0719 is now being carried out, however the requirements of conditions 10, 11 and 27 of the planning permission (granted on appeal and dated 26 March 2012) have not yet been complied with. In addition there are requirements for: bus service improvements, works in Woone Lane and a contribution for a cycle rack, all in terms of the unilateral undertaking provided by the developer.

The eventuality that these off-site highway works and transport improvements may not be completed in reasonable time by the developer of the 270 dwelling development must be taken into consideration. This may occur because the development may stall for some reason, such as lack of sales. He therefore asks for conditions to be attached to this 140 dwelling development to the effect that the off-site highway works and transport improvements required for the 13/2010/0719 development should be carried out in terms of any planning permission (that may be granted) for this 140 dwelling development.

### **Transport Assessment**

The accessibility of this site is unacceptably low at present and the developer has made suggestions to improve accessibility to a score of 20. The developer should make proposals for improving the accessibility of the site without reference to the 2010 development of 270 dwellings, because as discussed above, there is no guarantee that the 2010 development will be implemented. Consequently, the developer should show what measures will be used to satisfy the public transport requirements and accessibility to play areas for this development, and the way in which these will be implemented. One of the junctions analysed (Henthorn Road/Eshton Terrace/Thorn Street) is shown to have insufficient capacity for the predicted traffic flows. The predicted ratio of flow to junction capacity (RFC) is in excess of 1.0 for the year 2021. The RFC value in excess of 1.0 is an indication that the junction will operate above capacity and for periods during the peak hours the junction will attract queues.

In order to improve the traffic flow through this junction some changes are proposed as shown on drawing 0284-04A (refer to Appendix 14 of the TA). Although the TA does not analyse the effects of the at grade railway crossing on the operation of the Henthorn Road/Eshton Terrace/Thorn Street junction, it is apparent from the Gladman development (270 dwellings) TA that the traffic generated from this 270 dwelling development is anticipated to add two additional vehicles to the queue that forms when the railway crossing barriers are down. The Engineer considers that the impact of the 2013 development (140 dwellings) will be less than this.

The queue in Eshton Terrace when the railway crossing barriers are down affects the Henthorn Road junction. However the queue is transitory and dissipates within about a minute or two of the barriers re-opening. Consequently it is concluded that the impact of the 2013 proposed

development on the operation of the railway crossing and the consequential effects on the Henthorn Road junction, will be slight.

### **Off-site Works Required**

The developer will be required to carry out off-site highway works and transport improvements not completed by the developer of the 270 dwelling development off Henthorn Road. These works may not be completed if, for example, the developer postpones development indefinitely due to poor sales. This development of 140 dwellings could not be first occupied without completing these off-site highway works. The same is the case for the improvements to the Whalley Road/Primrose Road development, although a different developer is tasked with the off-site highway works here.

The other off-site highway works affecting this development is at the junction of Henthorn Road and Thorn Street (extension of Eshton Terrace). The indicative works required here are shown on drawing number 0248-04A. The dimension from the existing stop line to the give way line is not dimensioned, but will be less than 1m. The intention here is to provide improved visibility to the left passed the corner of 15 Henthorn Road. The geometry of the consequential realigned kerbing will be designed to facilitate vehicle movements through the junction. These works will not be carried out unless a satisfactory safety audit has been completed.

### **Site Layout**

It is requested that a footway be provided along the Henthorn Road frontage of the site and within the site. This will link up with the existing footway outside of 155 Henthorn Road, and will form part of the site development proposals and will be paid for by the developer. The footway should be 2m wide and will be incorporated into the adopted highway through a S38 agreement or other appropriate agreement.

Another smaller estate road is proposed to serve the south western corner of the site (comprising about 13 dwellings). The Highways Engineer considers that this junction of this road with Henthorn Road appears to be substandard and will need to be improved. In addition, this smaller estate road will not be linked to the rest of the development, however it is requested that the developer consider linking these two sections of estate road together, creating two points of access on to Henthorn Road for the whole development. This would have the benefit of avoiding a long cul de sac into the site, providing more flexibility for access to and egress from the site, and allowing the introduction of a bus service, should this be necessary, that can be routed through the development, rather than using one way in and out.

For the future reserved matters application, the developer should note the following:

- Estate roads not to be adopted should be laid out and constructed to adoptable standards.
- The developer should demonstrate that refuse vehicles are able to turn around at the end of the cul de sac without the need for reversing more than a recommended 12m. Fire engines and emergency vehicles should not have to reverse more than 20m.
- Provision should be made for the storage of bicycles at each dwelling.
- On-site parking spaces should be a minimum of 2.4m by 5m, and garages should be 3m by 6m to be considered as a single parking space. Where the parking space abuts a garage, the minimum size required is 2.4m by 5.5m. If under cover storage is provided for bicycles elsewhere on the property, the size of the garage may be reduced.

- The layout should be permeable for pedestrian movements and trips.
- Footways should be a minimum of 2m wide. Where footways are not provided, 2m wide service strips will be required.

## **Cycling**

The TA does not propose any improvements to provide for links to the local cycle routes, and the highways Engineer does not agree with the conclusion of the TA that the site is accessible by cycle. It is therefore requested by the Highways Engineer that the developer improve the Ribble Way PRow from Langdales, Henthorn Road to Edisford Road for use by bicycles to provide for access to Cycle Route 91. The developer should also provide proposals for the improvement of this PRow for use by bicycles.

An improvement to FP17 from Henthorn Road to Edisford Road (including the caravan park access track (if this has not been improved under the development of the 270 dwelling development in terms of 3/2010/0719) to enable its use by cyclists is also requested. This could be carried out under a S106 agreement, the estimated cost of which would be £55000 using a surfacing of unbound stone, however the developer would have to negotiate with the owners of land through which FP17 passes.

## **Pedestrians**

It is requested that a link should be provided from the residential development to FP17 near to the railway line. This will necessitate a link approximately 80m long across the green field running down to Pendleton Brook, which would also need to be negotiated with the relevant land owner. The provision of a formal footpath would help to limit the ad hoc walking over the field, that would take place if there were no footpath, the cost of which is estimated at £8000 plus an amount for compensation to the landowner. In order to improve the pedestrian link to the east, a sum of £50000 is requested for stoning up FP17 from Henthorn Road to Primrose Road, passing under the railway line. This would then complement the new pedestrian link to FP17 (as discussed above).

## **Bus Services**

The Highways Engineer notes that the provision of bus services for this development should be coordinated with the bus service provision for the 270 dwelling development. Although the TA states that bus services are available 400m away on Garnett Road, this is not a satisfactory public transport provision. All housing should be within 400m of a bus service. The developer should show how bus services are to be improved to an acceptable level.

The 270 dwelling development is to be serviced by buses by making provision for an extension of the C1 bus service. This is included in the Unilateral Undertaking dated 16 March 2012 pursuant to S106 of the Town and Country Planning Act 1990. The Highways Engineer considers that provisions of Schedule 3 of the undertaking should be adopted by the developer of this 140 dwelling development, so that in the event that the 270 development construction stalls and does not reach the trigger points specified in the undertaking, the improved bus service will be funded by the developers of this 140 dwelling development. This will require funds to be made available under a S106 agreement, as set out in Schedule 3 of the undertaking. Funding will be required to fully fund for 5 years of operation a bus service based on the current C1 service, extended to serve the development, i.e. penetrating into the site to be developed, with access via Henthorn Road.

## **Construction Traffic**

The developer will be required to repair any damage to the highway network by construction traffic, at the developer's expense. The condition of the highway before construction starts should be noted and photographed and compared with the condition when construction is completed. Repairs to the highway may be required during the course of the construction work, should the highway become unserviceable, and these repairs will also be at the developer's expense.

## **Travel Plan**

The Residential Travel Plan Framework submitted as Appendix 12 in the Transport Assessment document does not meet Lancashire County Council's submission criteria, and is requested that a revised Framework Travel Plan be submitted via condition with the following included:

- a commitment to appoint a Travel Plan Co-ordinator and LCC's Travel Plan team informed of contact details 3 months prior to initial occupation;
- a commitment to complete a residents' travel survey within 3 months of 40% occupation;
- a commitment to submit a Full Travel Plan to the Planning Authority within 3 months of the residents' travel survey (within 6 months of 40% occupation);
- Clarification of how each property will provide cycle storage; and
- a commitment to review the Full Travel Plan annually for at least 5 years (including surveys).

Once the above points have been addressed, a Full Travel Plan will be requested via a condition of planning approval (along the timescales above).

The Full Travel Plan needs to include the following as a minimum:

- Appointment of a named Travel Plan Co-ordinator.
- Travel survey of residents.
- Details of cycling/pedestrian/public transport links to and through the site.
- Provision of secure, covered cycle parking for those properties where suitable storage space is not available.
- SMART Targets for non-car modes of travel.
- Action plan of measures to be introduced, and appropriate funding.
- Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years.

A contribution of £6,000 is required to enable Lancashire County Council Travel Planning team to provide a range of services as described in 2.1.5.16 of the Planning Obligations in Lancashire paper dated September 2008. This could include:

- provision of leaflets and maps for the Welcome packs;
- design travel survey and analyse results;
- advice and Guidance on Travel Plan development;
- support meetings;

- access to Lancashire's Car sharing website; and
- monitoring the development of the Plan.

### **Section 106 funding**

S106 funding is requested for the following items:

- Those improvements detailed in the 2010 application that are appropriate for this development of 140 dwellings.
- Improvement of FP17 between Henthorn Road and Edisford Road for use by bicycles (£55000).
- Creation of a footpath link from the proposed development to FP17 near to the railway line (£8000 plus compensation).
- Improvement of FP17 from Henthorn Road to Primrose Road for pedestrian use (£50000).
- Provision of a bus service into the development (as discussed under 'Bus services' above), the funding for which is to be the subject of a separate condition.
- Travel Plan preparation £6 000.

This is a total of about £115000 (not including the funding for the bus service), which equates to approximately £820 per dwelling. This is easily within the amount of transport related S106 monies that could be requested.

### **Section 278 Works**

A section 278 agreement should be entered into to cover the following works:

- Improvements to the Henthorn Road / Eshton Street junction. The works required are related to the changes to the stop line shown on the Croft drawing 0248-04A, and will include footway build-outs. The detail of the improvements are not yet agreed and it is considered that the detail of these improvements can be finalised when the S278 agreement is prepared.
- The improvements to the highway required under application number 3/10/0719 that are necessary to accommodate the traffic generated by this 2013 proposed development. This will need to be discussed and agreed upon.
- Pay for all the necessary TROs.

### **LCC Highways Approach to Objecting to Development**

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (refer to NPPF section 32). The NPPF provides new guidance for the evaluation of development proposals, and the intention of NPPF is to allow development unless there is a severe impact of the development that cannot be mitigated. The developer has shown that the impact of the proposed development of 140 dwellings will increase delays, at the Henthorn Road/Eshton Terrace junction for example, in excess of the level that would have been appropriate before the introduction of the NPPF. However in the

opinion of the LCC Highways Officer, the level of delay is not so bad as to be considered severe, and consequently he is unable to maintain an objection to this development on the basis of the operation of this junction.

The Highways Engineer has no objection in principle to this application, however he would ask the developer to change or reconsider some aspects of the development proposals (for example designing the residential layout with a road through the development linking two accesses onto Henthorn Road). If these requests are not acted upon, or are not dealt with by conditions attached to any planning permission that may be granted, it is likely he would raise an objection. It is also worthy of note that, in the submitted draft Section 106 Agreement, the applicants have agreed to the provision of highway financial contributions as suggested and highlighted below,

#### Infrastructure Provision

Concerns have been raised by persons objecting to the application about the ability of the schools in Clitheroe to cope with the additional demands generated by this proposed development. The County Council has requested the financial contribution to assess the shortfall in both primary and secondary school places. This is in accordance with the normal practice. The applicants have submitted a draft Section 106 Agreement with the application, with one of the sections including 'Education Contributions', to be paid over three phases of the development. The applicants have agreed to meet all requested S106 contributions.

Subject to conditions, the Environment Agency does not express any objections to this application.

United Utilities advised the Council in relation to the previous proposal that there were a number of applications under consideration in the catchment, which are served by the Clitheroe Wastewater Treatment Works (WWTW), so if any permissions would be granted in advance of this application, their position may change. They raised no objection to the proposal providing that a number of conditions are attached to any approval, and at the time of this reports submission, no further response has been received.

On this basis, I am unaware of any issues relating to infrastructure provision that would represent reasons to refuse this application.

#### Impact on Air Quality/Noise

The Air Quality Assessment submitted is the same one submitted with the previous application, and the Council's Head of Environmental Health Services has the same reservations with regards to the data supplied within. He raises no objection in principle to the scheme but notes that it will be necessary to balance the need for housing against Air Quality Impacts, and at the moment, any developments of any size in Clitheroe are likely to have a 'small but cumulative' affect on air quality which, when combined together, may result in increased problems and issues which will result in measurements that far exceed the current Air Quality Objectives. The AQA clearly sets out that the magnitude of the impact of the proposed development will be small/imperceptible, and on this basis I do not consider that the development will lead to a material adverse impact upon local air quality.

The EHO advises that the construction of the site should to be undertaken in accordance with an appropriate dust management plan, the details of which can be dealt with a suitably worded condition. With specific regards to the noise impact of the development, it is also recommended by the Council's Environmental Health Department that this development also requires a Noise Assessment Report to identify potential noise sources i.e. railway, busy roads etc. to confirm

that all residential properties will achieve NEC Cat A external noise criteria and WHO internal standards. This site will also be a large and long-term construction site; therefore the report should include appropriate construction noise mitigation measures. This is a matter that could be dealt with during the reserved matters phase via a suitably worded planning condition.

### Ecology/Tree Considerations

An updated Ecological Survey Report by RSK (September 2013), an updated Tree Survey Schedule for Arboricultural Constraints Appraisal by Bowland Tree Consultancy (September 2013) and a Hedgerow Survey (September 2013) have been submitted with the application. The Ecological Appraisal (that includes a Phase 1 Habitat Survey) included the following conclusions:

1. The proposal would result in the loss of semi-improved grassland that is not considered to be 'not particularly species rich', and is of site-level ecological value. The loss of this habitat is not considered to be significant.
2. The watercourse is heavily shaded, shallow and has no aquatic vegetation. It has ecological value at site level only, and no further surveys are required.
3. Survey was sufficient to conclude that badgers were not present on site, however if work was not to commence within six months, a further survey should be carried out.
4. Trees on site have some suitability for roosting bats, and it is recommended that if any trees are proposed for removal, a ground level tree inspection be conducted.
5. Habitats on site are suitable for foraging and commuting Great Crested Newts. Although not possible to access ponds to the north of the site, due to lack of reports and distance of the ponds (in excess of 250m), it is not anticipated that Great Crested Newts are present on site.
6. The watercourse is heavily shaded, cattle-poached, and shallow and has no aquatic vegetation. No signs of water vole were recorded.
7. To ensure compliance with legislation protecting nesting birds, removal of vegetation that might be used by nesting birds should only be carried out outside the nesting season (March to August inclusive).
8. Although the habitats on the site are suitable foraging and basking habitat for reptiles, as no records were returned for the local area, no further survey works are required.

The Council's Countryside Officer has studied the updated Ecological Assessment and does not dispute its findings/conclusions. The County Ecologist also does not dispute its findings/conclusions.

The Hedgerow Survey was carried out on the single stretch of hedgerow that borders Henthorn Road itself. The purpose of this report was to identify whether or not the hedgerow could be classed as an 'Important' hedgerow within the meaning of The Hedgerow Regulations 1997. The assessment results identify that it is not important in respect of the wildlife and landscape criteria within the meaning of The Hedgerow Regulations 1997, and on this basis there is no requirement to submit a 'hedgerow removal notice' in order to gain consent to breach the hedgerow. The arboricultural survey originally submitted was not considered accurate as it omitted a reasonable number of medium-large sized trees entirely; however the Council's

Countryside Officer is entirely happy with the accuracy of the updated tree constraints plan, as well as the hedgerow assessment. We now have all of the relevant information regarding trees & hedges in order to make a balanced view on the scheme. The Council's Countryside Officer has studied the Arboricultural Constraints Appraisal and generally concurs with its findings. He comments, however, that whilst the survey complies with BS5837 Trees in Relation to Design, Demolition & Construction, the final tree constraints plan must inform the final detailed layout. The Applicant has not specifically stated this however they do indicate on the illustrative master plan that 'better quality trees and hedgerows will be retained'. The Countryside Officer requests a condition to be placed on the permission for tree and hedgerow retention as per the updated arboricultural report, and that as part of any full planning permission he would be looking for a significant landscaping scheme including details for future enhancement and long-term maintenance of the retained hedgerows. In addition, the layout of any future scheme would have to be carefully considered in order to avoid conflict with retained trees and hedges - both during construction, and long-term with future residents.

### Effects Upon Visual Amenity

An updated Landscape and Visual Impact Assessment (LVIA) by TPM Landscape Ltd has been submitted with the application, and is considered by the Council's Countryside Officer to comply with the guidelines for landscape & visual impact assessment. The summary of the report accepts that the proposal would affect the visual amenity of those that are generally at close quarters to the site, mainly:

1. walkers using footpaths that pass close to the site and the footpath that runs along its western boundary;
2. the occupiers of existing residential properties; and
3. users of the section of Henthorn Road where the new access is to be formed.

It is, however, stated in the LVIA that comprehensive landscape proposals will be an integral part of a more detailed housing layout and subsequent planning application, and in order to provide mitigation for identified landscape and visual impacts, a Landscape Framework Plan has been prepared. Therefore through the:

- sympathetic design of development facing Henthorn Road;
- enhancement of the landscape to the north of the site;
- retention of existing vegetation and hedgerows around the perimeter of the site;
- enhancement of existing planting to south of the proposal site;
- landscaping within the site;
- enhancement of existing stream;
- dwellings to be built to match the local vernacular; and
- links between the proposal site, POS, wider community open space, the proposed adjacent development and healthy walks initiative;

the overall conclusion of the assessment is that, with mitigation, the landscape and visual impact will be within the range 'moderate-substantial' adverse effect to the adjoining properties, 'slight-moderate' adverse effects for pedestrian receptors at near distance or directly adjoining the proposal site, 'negligible-neutral' for vehicle receptors and 'negligible' for long distance views.

This is a relatively substantial development outside the settlement boundary of Clitheroe and extending beyond the existing edge of the developed area as formed by Kenilworth Drive and Stirling Close. The proposed development extends into a clearly defined, triangular piece of land, and would represent a restricted extension to the development edge of the town. The effects of the proposal on the appearance and character of the locality as perceived from close up by users of the footpath network and local residents is an important consideration. It is accepted in the LVIA that the proposal would have a moderate-substantial adverse effect upon the visual amenity of the closest adjacent residents, however with mitigation (i.e. an enhanced landscape buffer and infrastructure planting, this would reduce over the longer term. It is also accepted in the LVIA that the effects upon users of the footpaths would be slight-moderate adverse but again in the long term this would lessen over time (in relation to the footpaths outside the site) as planting matured. The view of the site from Clitheroe Castle is also examined in the LVIA, with the conclusion being that the change to this view would be negligible due to the distance from the proposal site and the existing vegetative screening.

Overall, therefore, the Council agrees with the LVIA that whilst the proposal would have adverse effects upon the visual amenity of the immediate locality, these effects will be mitigated in the longer term by appropriate landscaping/screening along the boundary of the site. The site sits adjacent to existing built development, and opposite a recently approved, and currently being constructed, housing site, and due to the topography of the site, the existing and proposed vegetation on site, the Landscape's medium sensitivity and the site's low Landscape value, the visual impact of the development upon the local landscape/townscape is considered to be acceptable, and that the detrimental effects of this proposal upon visual amenity would not represent a sustainable reason for refusal of the application.

#### Effects Upon Residential Amenity

The only existing residential properties immediately adjoined by the application site are on Stirling Close and Kenilworth Drive. The submitted illustrative layout appears to show appropriate privacy separation distances between all of those existing dwellings and the proposed dwellings within the site, however the protection of the privacy and general residential amenities of those nearest existing properties is a matter that will be addressed at reserved matters application stage by ensuring appropriate separation distances, and by appropriate window positions in the new dwellings etc. I can therefore see no sustainable reason for refusal of this outline application relating to the amenities of nearby residents.

The proposed development would result in more traffic using local roads, and in particular there would be an increase in effects on the operation of the Henthorn Road / Eshton Terrace / Thorn Street junction, and subsequent knock on impacts upon the railway crossing. It is noted that the queuing on Eshton Terrace during the peak am period extended as far as Henthorn Road. This would have some impact upon the residential amenities of the occupiers of dwellings on those roads, and may also have an impact upon the General Air Quality in these locations. Having considered these two elements, I conclude that neither of them are considered to be so significant as to represent a sustainable 'impact on amenity' reason for refusal of the application.

### Affordable Housing

The Council's Housing Officer has discussed the proposed development with the developers and as previously agreed, there is a preference for the affordable housing units on the site to be 50% shared ownership and 50% rental. This is due to there being no support for increasing the number of shared ownership units on the scheme, as in the current lending climate there is a risk potential owners could not secure mortgages on the units. She also notes that the fall back mechanism, should no Registered provider be secured within the agreed time frame, should be to secure a 40% discount from open market value for the units for sale, in place of the shared ownership units and rental at 80% from open market rental values within the Local Housing Allowance rates in place of the affordable rent. This would be in line with the Council's requirements as comprised in the document Addressing Housing Needs in Ribble Valley. It is also requested that a phasing agreement is included in any subsequent S106 to ensure that the registered provider is secured before 25% of all Market Units are occupied and that 100% of the Affordable Units are complete before 50% of the Market Units are occupied. A mortgagee in possession clause is also required and it is requested that the bungalows are built to lifetime homes standard.

As this application is at an Outline stage, it is possible to condition that an appropriate Section 106 Agreement be signed prior to the commencement of any built development on site. This then enables the Housing Officer and the applicant/developer to agree to a suitable housing tenure mix for this location. The important consideration at this stage is that the Applicant is willing to provide 30% of the site and the Council have agreed in principle with them the mix.

### Public Open Space

The submitted illustrative layout shows a number of areas of public open spaces of various sizes and functions. This could represent sufficient open space of this development (which would have to be managed/maintained by the applicants and not by the Council). The applicant has highlighted within the Planning Statement that the scheme will provide 'New public open space and green infrastructure' and it is considered that if outline permission was to be granted, it would appear that on site POS provision and (if necessary) planning conditions and/or a Section 106 Agreement could satisfy a contribution to off site provision/on-site maintenance.

### 10% Energy Demand Reduction/Renewable Energy

The applicants state that they will deliver the target 10% energy demand reduction in accordance with the Borough Council's aspirations. This reduction on site will be delivered primarily through a 'building fabric-led' approach, with an additional number of appropriate dwellings fitted with either PV or solar thermal water heating systems to further reduce energy demand. This matter could be suitably dealt with at reserved matters stage.

### Archaeology

Following an appropriate archaeological evaluation of the site, the County Archaeologist has confirmed that the proposed development has no archaeological implications.

### Section 106 Agreement Content

Based upon the latest assessment, LCC would be seeking a contribution for 53 primary school places but would not be seeking a contribution for secondary school places. Calculated at the current rates, this would result in a claim of £629,664 in relation to Primary places. However, if any of the pending applications listed in the accompanying document are approved prior to a

decision being made on this development; the claim for secondary school provision could increase up to maximum of 21 places. Calculated at the current rates, this would result in a maximum claim of £375,934 for Secondary places. As this is a claim with a range, a recalculation would be required at the point at which the reserved matters application goes to committee.

With regards to highways contributions, the following have been suggested:

- towards highway Improvement of FP17 between Henthorn Road and Edisford Road for use by bicycles (£55,000);
- Creation of a footpath link from the proposed development to FP17 near to the railway line (£8,000 plus compensation);
- Provision of a bus service into the development, the funding for which is to be the subject of a separate condition;
- Improvement of FP17 from Henthorn Road to Primrose Road for pedestrian use (£50000); and
- Travel Plan preparation £6,000.

The other aspects of the Section 106 Agreement shall relate to securing the provision and permanent retention of the Affordable Housing agreed between the developer and the Council's Housing Officer, as well as any contribution towards on-site open space provision (if required).

#### Planning Balance and Conclusion

The National Planning Policy Framework is clear that the economic benefits of a development proposal should be given significant weight during the decision making process. On the basis of the above assessment, when considering the planning balance of the scheme submitted I have the following view.

When determining whether the site represented sustainable development, it was important to consider the findings of the Inspector in relation to the approved scheme opposite the subject site. Although that decision was issued in advance of the Framework being adopted, the draft Framework (which was substantially unaltered prior to adoption) was available and considered at length in the decision as a material consideration. The Inspector observed at paragraph 28 that; '[sustainability] includes such matters as meeting housing needs in general and affordable housing in particular; ensuring community cohesion; economic development; ensuring adequate provision of local health facilities and providing access for recreation in the countryside. Many of these aspects are consistent with the concept of sustainability.' It was clear that this proposed scheme is wholly in accordance with this view.

The only area of sustainability that was contested related to the accessibility of the site. In this regard the Inspector commented at paragraph 27 that; 'accessibility is but one element of a sustainable development; it is not synonymous with it. Thus, a proposal can be a sustainable one even if it suffers from limitations in terms of its accessibility by walking, cycling or public transport. The appeal site would be an extension to the existing settlement of Clitheroe, which is the main settlement in the Borough and in a location where growth would be expected to be directed. The Council accepts that in land use terms the site could be appropriately developed for housing purposes but the present proposal is not sufficiently accessible although it could be made sufficiently accessible. In my view, the development of site immediately adjacent to the built up area of Clitheroe would in principle be 'sustainable' because that is where the predominance of services and facilities are to be found.'

Given that the site can be considered as sustainable in NPPF terms and, whilst being in the Open Countryside, is not isolated, the benefits include:

- A deliverable site;
- medium term economic benefits through the creation of jobs during the construction phase of the development;
- long term economic benefits of an increase in annual spend in the Borough by future residents in the new houses;
- long terms economic benefits of supporting local tradesmen in the Borough;
- the New Homes Bonus payment of approximately £1m to be shared between the Local Authority and Lancashire County Council;
- the boosting of the supply of market housing;
- the provision of Affordable Housing that meets identified housing requirements for older people;
- improvements to footpaths, cycle paths and bus services to the area; and
- the delivery of a high quality sustainable development on an accessible and well-located site.

The main detractors in this instance are the likely highways impacts. The Highways Engineer considers that the proposed development would result in more traffic using local roads, and in particular there would be an increase in effects on the operation of the Henthorn Road / Eshton Terrace / Thorn Street junction, and subsequent knock on impacts upon the railway crossing. This would inevitably have some impact upon the residential amenities of the occupiers of dwellings on those roads, and may also have an impact upon the General Air Quality in these locations.

In considering the issues raised within this report, I therefore consider that whilst the proposal will have an impact upon the flow of traffic in some locations at certain times of the day, and that the proposal may have an impact on the GAQ at specific junctions, I consider that neither of them are considered to be so significant as to represent a sustainable 'impact on amenity' reason for refusal of the application, and I consider the benefits to this proposal significantly outweigh these minor adverse impacts, and the proposal is therefore recommended accordingly.

**RECOMMENDATION:** That planning permission be DEFERRED and DELEGATED to the Director of Community Services for approval following the satisfactory completion of a legal agreement within a period of six months from the date of this decision in the terms outlined in the Section 106 Agreement sub-heading within this report and subject to the following conditions:

1. Application for approval of reserved matters must be made not later than the expiration of 3 years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates:
  - a. the expiration of 3 years from the date of this permission; or

- b. the expiration of 2 years from final approval of the reserved matters, or
- c. in the case of approval of different dates, the final approval of the last such matter to be approved.

REASON: In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

- 2. No development shall begin until detailed plans indicating the appearance, landscaping, layout and scale, including a contoured site plan showing existing features, the proposed slab floor levels and road level (hereinafter called the 'reserved matters') has been submitted to and approved in writing by the Local Planning Authority.

In relation to landscaping, the details shall include: the types and numbers of trees to be retained, the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or land form and the types and details of all fencing and screening.

The development shall not be carried out otherwise than in accordance with the approved details.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft. In order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline permission.

- 3. The submission of reserved matters in respect of layout, scale, appearance and landscaping shall be carried out in substantial accordance with the details contained within Sections 3 and 4 of the Design and Access Statement submitted by NJL Consulting in support of the application; and notwithstanding the wish to retain existing trees and hedgerows on site as part of the scheme, in substantial accordance with the submitted illustrative drawing 'Henthorn Road Landscape Framework'.

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

- 4. Prior to the submission of any reserved matters application, a phasing scheme for the site (including parcels of land which may/may not be the subject of separate reserved matters applications) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.

REASON: To ensure the satisfactory phasing of the development and to ensure that the development, including affordable housing, is delivered in a co-ordinated, planned way.

- 5. The development of the site hereby permitted shall not exceed 140 dwellings (use class C3) in accordance with the submitted application form, design and access statement and planning statement.

REASON: For the avoidance of doubt to ensure there is no ambiguity in the decision notice over what amount of development has been approved.

### *Landscaping and Levels*

6. All landscaping schemes approved (pursuant to Condition 2 of this permission) for each parcel of development (as approved under Condition 4 of this permission) shall be fully implemented in the first complete planting and seeding season following the occupation of the dwellings within that parcel or the completion of the parcel to which they relate, whichever is the sooner. Any trees or plants which, within a period of five years from completion of the relevant development parcel die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

7. Applications for the approval of reserved matters (as required by Condition 2 of this permission) shall include details of existing and proposed site levels and the levels of the proposed roads. The development shall thereafter be carried out in accordance with the approved details.

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

### *Design*

8. Prior to the submission of any reserved matters, including those within a phase or parcel (as approved under Condition 4), a master plan and design code for that phase shall be submitted to and approved in writing by the Local Planning Authority. The master plan and design code shall substantially accord with the Design and Access Statement submitted with the application. The design code shall address the following matters:

- Architectural and sustainable construction principles.
- Character areas.
- Lifetime homes standards.
- Street types and street materials.
- Development block types and principles.
- Pedestrian and cycle links.
- Boundary treatments.
- Building types and uses.
- Building heights.
- Building materials.
- Sustainable drainage system.
- Public open spaces/Green Infrastructure.
- Parking and manoeuvring arrangements for vehicles.

Applications for approval of reserved matters within a phase shall thereafter be in accordance with the approved master plan and design code for that phase.

REASON: In order that a high standard of design is secured for the details to be submitted as part of the reserved matters as the application was made for outline permission and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

*Highways/Transport/Construction*

9. No development approved by this permission shall commence within a phase until a detailed scheme (including a timetable for implementation and completion) for the construction of the relevant site access(es) and any temporary construction arrangements including pedestrian facilities to serve that phase and the associated off-site highway improvements to directly serve that phase have been submitted to and approved in writing by the Local Planning Authority. The scheme for the off-site highway improvements shall be in accordance with the details submitted within the Transport Assessment submitted by the Strategic Land Group unless otherwise agreed in writing.

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

10. Before the construction work commences facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

REASON: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

11. The proposed phasing of the construction and implementation of the development applied for shall be submitted to RVBC for approval before any construction work takes place. The details of the phasing shall include: numbers of dwellings to be included in each phase; a plan demarcating the phases; and a programme of delivery of the phases with the associated infrastructure.

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

12. The new estate roads shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

REASON: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative. To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulations 22 Submission Draft.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2010 (or any order replacing this) there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device.

The visibility splays to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed access roads from the continuation of the nearer edge of the carriageway of Henthorn Road to points measured 43m in each direction along the nearer edge of the carriageway of Henthorn Road from the centre line of the accesses, and shall be constructed and maintained at

footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

REASON: To ensure adequate visibility at the street junction or site access. To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulations 22 Submission Draft.

14. Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide details of:
- i) sustainable travel options for journeys to and from work for the site operatives, including pedestrian routes, travel by bicycles, journeys by train, car sharing schemes and other opportunities to reduce journeys by motor car;
  - ii) the parking of vehicles of site operatives and visitors;
  - iii) loading and unloading of plant and materials;
  - iv) storage of plant and materials used in the construction of the development;
  - v) the erection and maintenance of security fencing; including decorative displays and facilities for public viewing, where appropriate;
  - vi) wheel washing facilities;
  - vii) measures to control the emission of dust and dirt during construction;
  - viii) a scheme for recycling/disposing of waste resulting from construction works;
  - ix) Periods when plant and materials trips should not be made to and from the site (mainly peak hours, but the developer to suggest times when trips of this nature should not be made);
  - x) routes to be used by vehicles carrying plant and materials to and from the site which shall have been constructed to base course level;
  - xi) measures to ensure that construction vehicles do not impede adjoining accesses;
  - xii) plans identifying the existing surface water and foul drainage systems both within the site and outside the site; measures for the protection of those systems; and a remediation strategy in respect of any damage that might be caused to any parts of the existing drainage system whether within or outside the application site;
  - xiii) details of how existing habitat features, hedgerows/streams shall be retained and protected during the lifetime of the development from the adverse effects of development works by maintaining construction;
  - xiv) exclusion zones the details of which shall have first been submitted to and approved in writing by the Local Planning Authority prior to commencement of each phase of development;
  - xv) the routeing of heavy (HGV) construction;

- xvi) a scheme for recycling/disposing of waste resulting from construction works (there shall be no burning on site);
- xvii) a scheme to control noise during the construction phase;
- xviii) details of lighting to be used during the construction period which should be directional and screened wherever possible; and
- xix) A dust management plan.

The approved construction method statement shall be adhered to throughout the entire period of construction works.

REASON: In order to ensure safe working practices on or near the highway in the interests of safety and in the interests of the amenities of nearby residents in accordance with the requirements of Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

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

REASON: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

16. No phase or part of the development hereby approved shall be occupied or opened for trading until all the off-site highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

REASON: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

17. Prior to the first occupation of any part or phase of the development hereby permitted, a Framework Travel Plan shall be prepared for the whole development and submitted to the Planning Authority for consideration and approval. The Framework Travel Plan shall include targets and commitments and details of the preparation of the Full Travel Plan related to the phasing of the development. Thereafter the Full Travel Plan shall be prepared, implemented, audited and updated within the timescale set out in the approved Framework Travel Plan.

REASON: To ensure a multimodal transport provision for the development and reduce the traffic impact on the local road network, in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

18. Notwithstanding the submitted plans, all garage doors shall be located at least 5.5m back from the highway boundary at all times and the garages and driveways thereafter kept clear for the parking of a private motor vehicle and cycle.

REASON: To ensure satisfactory off street parking arrangements are preserved at all times.

*Biodiversity/Tree Protection*

19. Prior to the commencement of any on site works there shall be a repeat survey for the presence of badgers. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to Ribble Valley Borough Council for approval in consultation with specialist advisors. Any necessary and approved measures for the protection of badgers will be implemented in full.

REASON: To ensure the development will not unduly harm the habitat of species protected by the Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended) and The Natural Environment and Rural Communities Act 2006.

20. Tree felling, vegetation clearance works, development works or other works that may affect nesting birds shall not take place between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.

REASON: To ensure the development will not unduly harm the habitat of species protected by the Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended) and The Natural Environment and Rural Communities Act 2006.

21. If any plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) occur on the site, such as Japanese Knotweed or Himalayan Balsam, then they shall be eradicated from the site and working methods shall be adopted to prevent their spread. A detailed method statement for the removal or long-term management /eradication of Japanese knotweed (*fallopian japonica*) on the site shall be submitted to and approved in writing by the local planning authority. Development shall proceed in accordance with the approved method statement.

REASON: To ensure that Japanese knotweed is eradicated from the site and prevent further spread.

22. The detailed layout shall be informed by the updated Arboricultural Constraints Plan and tree survey dated 11th September 2013. The details submitted shall include the location of all hedgerows, individual trees, groups of trees and woodlands, their crown and root protection areas, location of services, lighting columns, roads, all surfacing and building plots. The protection/exclusion zones identified shall comply as a minimum specification with the most recent British Standard 5837.

REASON: In order to ensure that all existing trees have been given due consideration within the context of the proposed development

23. The findings and recommendations of the update Ecology Report (dated September 2013) shall inform the detailed proposals and include protection and mitigation measures as well as habitat improvement for protected species and species of conservation concern identified. The detail shall also include particulars and dates of any updated species and habitat specific surveys that may be required. The detail shall include particulars of the optimum period for such surveys as well as the methodology.

The results of any updated surveys shall be submitted to the Local Planning Authority if a use by a protected species of any part of the site included within the outline planning permission granted is established. A mitigation scheme including appropriate protected species licence details shall be submitted to and agreed in writing by Natural England and the Local Planning Authority.

REASON: To ensure that the detail of the proposal has been informed by the Ecology Report and that biodiversity has been given due consideration within the context of the proposed development. To allow adequate compensation for any losses and measures for the maintenance and enhancement of the biodiversity value of retained habitats, in accordance with guidance contained within the Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended) and The Natural Environment and Rural Communities Act 2006.

24. The findings of the Hedgerow Report (dated September 2013) shall inform the detailed proposals. A hedgerow management and improvement plan for all retained hedgerows shall be drawn up and submitted to and approved in writing by the Local Planning Authority. This shall include details for short, medium and long-term management of hedgerows within the application site, and details of improvements to the aforementioned hedgerows for the benefit of local biodiversity and wildlife habitat.

REASON: To ensure the long-term retention of significant hedgerows on site, and to enable biodiversity improvements as an integral part of the proposed development.

25. No individual trees, groups of trees, woodlands, or hedgerows shall be topped, lopped, pruned, or felled without the express written consent of the Local Planning Authority except those outlined for removal within the updated Arboricultural Report (dated September 2013).

REASON: To ensure no unnecessary loss of natural features of the site prior to the acceptance of full planning permission.

26. No development shall begin until details of a lighting scheme has been submitted to and approved in writing by the LPA. External lighting associated with the development should be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site, the roof or eaves of the nearby buildings, or trees, streams or hedgerows in the area. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance *Bats and Lighting in the UK, 2008*).

REASON: In order to prevent undue impacts of habitats of protected species, in accordance with guidance contained within the Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended) and The Natural Environment and Rural Communities Act 2006.

27. Any proposed boundary treatments should not be flush to the ground, or suitably sized gaps should be left at strategic points.

REASON: In order to retain habitat connectivity for Species of Principle Importance, such as amphibians and hedgehogs,

### *Archaeological*

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

REASON: To ensure and safeguard the recording of any archaeological deposits

### *On-site Contamination*

29. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:
1. A Desk Study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases.
  2. If the Desk Study identifies potential contamination and ground gases, a detailed Site Investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part IIA, focusing primarily on risks to human health and controlled waters.  
The investigation shall also address the implications of the health and safety of site workers, of nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property.  
The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.
  3. A Remediation Statement, detailing the recommendations and remedial measures to be implemented within the site.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a Verification Report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

REASON: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site.

30. Prior to the commencement of development, an intrusive ground investigation shall be carried out, as recommended and described in Section 6 (Conclusions and Recommendations) of the Preliminary Risk Assessment (Project 321124 – December 2012) Report by RSK submitted with the outline application; and a report of the findings of the investigation shall be submitted for the written approval of the Local Planning Authority. Any mitigation measures that are found to be necessary shall be carried out to the satisfaction of the Local Planning Authority prior to the commencement of development.

REASON: In the interests of providing an appropriate environment for the end users of the development and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

31. Prior to the commencement of development, samples of topsoil from a shallow depth shall be analysed to determine if contaminants are present, as recommended and described in Section 6 (Conclusions and Recommendations) of the Preliminary Risk Assessment (Project 321124 – December 2012) Report by RSK submitted with the outline application. A report of the findings of the investigation shall be submitted for the written approval of the Local Planning Authority, and any mitigation measures that are found to be necessary shall be carried out to the satisfaction of the Local Planning Authority prior to the commencement of development.

REASON: In the interests of providing an appropriate environment for the end users of the development and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

#### *Amenity*

32. Prior to the commencement of the development hereby permitted in outline, a scheme of noise mitigation measures shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details.

REASON: To ensure a satisfactory level of amenity for the future occupiers of the proposed dwelling in order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulations 22 Submission Draft.

#### *Renewables*

33. Before development begins within a phase, a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development hereby permitted within that phase from renewable or low carbon energy sources, or by a 'building fabric-led' approach, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained as operational thereafter.

REASON: In order to encourage renewable energy and reduce on-site energy demand, and to comply with Key Statement EN3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulations 22 Submission Draft.

#### *Drainage*

34. Prior to the commencement of the development, a strategy outlining the general system of drainage for foul and surface water flows arising from the site shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall include a programme of works showing build rates, the provision of any necessary surface water regulation systems which restrict surface water run off to existing rates, preferred discharge points, the proposed rates of flow for each discharge point and details of any necessary infrastructure. Thereafter the detailed scheme for foul and surface water drainage for any phase of the development shall be submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted in outline shall be occupied until after the drainage system has been provided in accordance with the approved details.

REASON: In order to ensure the satisfactory drainage of the development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulations 22 Submission Draft.

35. Prior to the commencement of any development, details for surface water drainage and means of disposal, based on the hierarchy outlined in Building Regulation H3 and sustainable drainage principles with evidence of an assessment of site conditions and for the provision and implementation of any necessary surface water regulation systems, which restrict surface water runoff to a maximum pass forward flow of 5 l/s or Greenfield runoff equivalent to Qbar, inclusive of how the scheme shall be maintained and managed after completion shall be submitted to and approved in writing by the LPA. For the avoidance of doubt, no surface water shall discharge directly or indirectly into the public, foul or combined sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To secure proper drainage and to reduce the risk of flooding.

36. Prior to the commencement of any phase of development, details of the foul drainage scheme for that phase including any necessary infrastructure shall be submitted to and approved in writing by the LPA. No housing shall be occupied for that phase until the approved foul drainage scheme for that phase has been completed in accordance with the approved details. Unless otherwise agreed in writing, the approved foul drainage scheme shall only connect to the 1100 x 675mm combined sewer within the boundary of the site.

REASON: To secure proper drainage and to reduce the risk of flooding and pollution.

#### INFORMATIVES

Ribble Valley BC imposes a charge to the developer to cover the administration, and delivery costs in providing wheeled bins to each household within a new build property or conversion. Details of current charges are available from the RVBC Contact Centre on 01200 425111.

No building shall be erected within 6.5 metres of any public sewer.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

If approved, the applicant should contact UU Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

United Utilities water mains will need extending to serve any development on this site. The applicant/developer, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 and 43 of the Water Industry Act 1991.

The provision of a mains water supply could be expensive.

The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Whalley Office, LCC Highways Area East, Riddings Lane, Whalley BB7 9RW (Tel: 08450 530011) in the first instance to ascertain the details of such an agreement and the information to be provided.

Before construction work commences, the developer should contact Eddie Mills, Ribble Valley District Highways Office, Lancashire County Council, Riddings Lane, Whalley BB7 9RW (tel. 0845 0530011) and quote the planning application number in order to discuss and agree the access for construction traffic and times of working.

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

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

APPLICATIONS APPROVED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0110/P (LBC) & 3/2013/0111/P (PA)	Proposed conversion of outbuildings to provide residential accommodation (stables conversion to 3 units and motor house conversion to 2 units) with associated provision of car parking and hardness of landscaping to courtyard areas	Eaves Hall Moor Lane West Bradford
3/2013/0618/P	Proposed replacement holiday home	Forest Becks Brow Forest Becks Bolton-by-Bowland
3/2013/0620/P	Application for discharge of condition no. 3 (manure storage details) of planning consent 3/2013/0249/P at	Moor House Farm Clitheroe Road Knowle Green
3/2013/0676/P	Proposed single storey rear extension and two-storey side extension following the partial demolition of the conservatory. Re-submission of 3/2013/0213P.	5 Abbot Walk Clitheroe
3/2013/0681/P	Proposed relocation of existing garage within residential curtilage (in replacement of previously approved garage PP 3/2012/0521P) and erection of single storey sunroom/ shower room extension on site of existing garage at rear	Middle Studelhurst Barn Osbaldeston Lane Osbaldeston
3/2013/0682 (LBC) & 3/2013/0683 (PP).	Proposed reinstatement of the of the property as a family home by way of extending the house into the ground floor adjoining ancillary farm building, and providing new sanitary facilities on the first floor. The property is also in need of urgent repairs in order to maintain this heritage asset	Higher Lickhurst Farmhouse Leagram Chipping
3/2013/0690/P	Single storey extension as per submitted plans	35 St Mary's Drive Langho
3/2013/0696/P	Erection of a new gated fence across walkway fitted to the existing hinge pins. Resubmission of 3/2013/0041/P	St Michael & St John's Social Centre & Parish Hall Lowergate, Clitheroe]
3/2013/0697/P	Application to discharge Conditions No.3 (Materials), No.4 (Obscure Glazing) and No.7 (Desk study – Land Contamination) of planning permission 3/2013/0410	31 Abbots Croft Whalley

3/2013/0700/P	Proposed front porch to replace existing smaller porch	4 Knowsley Road Wilpshire
3/2013/0701/P	Proposed new machinery/storage and calf building	Middle Breaks Farm Settle Road, Newsholme
3/2013/0705/P	Erection of sectional timber stables for private use	Sudden Stud Whalley Old Road York Village
3/2013/0707/P	Outline application for proposed erection of a single dwelling on land adjacent	Bolton Fold Farm Alston Lane, Alston
3/2013/0712/P	Minor amendment to planning approval 3/2011/0533/P for internal alterations, enlargement of dormer to stairwell and window to bedroom 4 of recently approved dwelling on land adjacent	5 Hazeldene West Bradford
3/2013/0748/P	Proposed extension to create a collecting arena and store to East and North of the Existing building	Northcote Stud Northcote Road Langho
3/2013/0759/P	Discharge of Condition No.7 of Planning permission 3/2010/0424 (Tree Protection Measures)	Clayton Manor Ribchester Road, Wilpshire

#### APPLICATIONS REFUSED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
3/2013/0703/P	Two storey rear extension and dormer. Skylights to front elevation	Goose Chase Preston Road Ribchester	G1, ENV3, H10, SPG (DWLP)/ EN2, DMG1, DME2, DMH5 (CS-Sub.Dr) - Incongruous, dominant, prominent, un-harmonious additions harmful to property itself and visual amenity.  Policies G1, H10 and SPG (DWLP) and Policies DMG1, DMH5 (CS-Sub.Dr) – overbearing and oppressive harmful to amenities of adjoining neighbour.

#### OBSERVATIONS TO ANOTHER LOCAL AUTHORITY

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0797/P	Installation of 1no. Endurance E3120 36.6m nacelle height, 9.6m blade radius (50kw) wind turbine located at, the land south of	Tops Farm at Tops Farm Cross Edge Accrington

CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR ACTIVITY IN BREACH OF PLANNING CONDITION

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0677/P	Application for a Lawful Development Certificate for the existing use of a dwelling house without compliance with an agricultural occupancy condition	Cobden Farm Bungalow Watt Street Sabden

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0065	Land off Dale View Billington	24/5/12	12	With Agent
3/2012/0014	Land adj Greenfield Avenue Low Moor Clitheroe	19/7/12 18/7/13	30	With applicants solicitor awaiting signature
3/2012/0379	Primrose Mill Woone Lane Clitheroe	16/8/12	14	Deed of Variation Applicants solicitor
3/2012/0497	Strawberry Fields Main Street Gisburn	11/10/12	21	With Agent
3/2012/0738	Dale View Billington	6/12/12	10	With Agent
3/2012/0785	Clitheroe Hospital Chatburn Road Clitheroe	6/12/12	57	With Lancashire County Council
3/2012/0964	Land to the north of Whalley Road Hurst Green	14/3/13	30	With applicants Solicitors
3/2013/0137	Lawsonsteads Whalley	18/7/13	260	With Agent & Lancashire County Council
<b><u>Non Housing</u></b>				
3/2011/0649P	Calder Vale Park Simonstone	15/3/12		Subject to departure procedures, draft 106 received from Lancashire County Council

LEGEND

- D – Delegated decision
- C – Committee decision
- O – Overturn

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 10 OCTOBER 2013  
title: PLANNING APPLICATIONS WITH NON-COMPLETED LEGAL AGREEMENTS  
AND TIME EXPIRED APPLICATIONS  
submitted by: JOHN HEAP – DIRECTOR OF COMMUNITY SERVICES  
principal author: JOHN MACHOLC – HEAD OF PLANNING SERVICES

## 1 PURPOSE

- 1.1 To request Committee's authorisation to delegate decisions in relation to time related applications and particularly ones where there have been non-completed legal agreements to the Director of Community Services and Head of Planning Services to either refuse the application, with a report going to Committee or to "finally dispose of" applications in accordance with Article 36 of the Town and Country Planning (Development Management Procedure) Order 2010.
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives – Economic growth and delivery of employment.
  - Corporate Priorities – To be a well-run and efficient Council.
  - Other Considerations – None.

## 2 BACKGROUND

- 2.1 Members will be aware that in recent agendas the recommendation to grant planning permission subject to completion of a Section 106 or other Legal Agreement have also included a further recommendation that within a specified period of time, normally 6 months from the date of the decision.
- 2.2 The purpose of the 6 month timeframe was that it was seen as a reasonable time in which to expect the satisfactory completion of a Section 106 Agreement and subsequently issue a formal decision.
- 2.3 Members will be aware that there have been recent changes to planning legislation that has put significant pressure for Councils to determine applications promptly and in particular that if an application has not been determined within a 6 month period, there will be an opportunity for the applicant to request the planning fee back as well as to obtain a decision. There are also targets in relation to determination rates and one such target would involve the failure to determine applications within such a period which could ultimately face Councils under what is called a "Special Measures" which would give the opportunity for developers to no longer submit major applications to the Council and submit straight to the Secretary of State.
- 2.4 Members will also be aware that as part of the improvement to the service to the public and Members themselves, there is a regular update at Committee entitled "Section 106

Applications” which gives an indication of the date the application went to Committee as well as the progress.

- 2.5 I am of the opinion that this needs to be reviewed and in some case more details should be included on specific applications within this category.
- 2.6 It is possible to treat applications as “finally disposed of” under Article 36 of the General Development Procedure Order and this is often the approach where the application is relatively old and the applicant has no longer the right of appeal due to the passage of time. This passage of time is 6 months.
- 2.7 Article 36 of the Town and Country Planning (Development Management Procedure) Order 2010 is the statutory residue of all planning applications divided into two parts: Part 1 being the current application and Part 2 being historic applications. Part 1 is defined as those applications that are not finally disposed of ie awaiting determination and Article 36 sets out the criteria of determining whether an application is “finally disposed of”. One of the criteria states:
  - (a) that it has been decided by the Authority (or the appropriate period specified or referred to in Article 29(2) or (2a) has expired without any appeal having made to the Secretary of State.
- 2.8 At the end of such period when a decision or an appeal has been made an application is then transferred from part 1 to part 2 register and is “finally disposed of”. Therefore with all applications where the period of decision-making has expired and no appeal has been made to the Secretary of State, the Council has an option to determine an application as “finally disposed of”. In accordance with the relevant Article and the Council takes no further action on it and the application is in effect deemed withdrawn by virtue of the Statutory Provisions in the Order.

### 3 ISSUES

- 3.1 It is important to progress applications in an efficient manner and it is sometimes the case that little progress it made within a 6 month period in relation to the completion of a satisfactory Legal Agreement. It is clear that planning departments are under significant pressure from Central Government to determine applications in a timely manner and as such it is important to review regularly the outstanding planning applications, many of which have been subject to a Section 106 Agreement.
- 3.2 There may be some tendency for developers to view the decision of Committee as sufficient for their purposes and for that reason they do not prioritise the need to progress on a Section 106 Agreement. It is important to emphasise that until a decision has been issued no legal consent has been granted. It was hoped that the practice of additional recommendation or additional phrase in the report setting a time limit would eradicate this element but it is clear that this has not always been the case. It may be that it is necessary to review progress on specific applications as well as consider a revised timeframe of 3 months instead of 6 months.
- 3.3 It is also important to emphasise that in many cases when an application has not been determined yet could have been presented to Committee in excess of 6 months, there could be material changes in the circumstances and it could warrant a new consideration

which could impact on the original recommendation. This makes it more important to ensure that agreements are carried out efficiently and I consider that it would be appropriate to “finally dispose of” such applications if in the opinion of the Head of Planning Services and Director of Community Services insufficient progress has been made and that it is unlikely for a decision to be issued within an immediate time period.

- 3.4 In order to progress on specific applications, Appendix 1 of this report relates to three applications which I consider to have inadequate progress in relation to Section 106 and that issues in which a developer in some instance may have asked for further amendments to an original submission which would warrant either amended plans or new consideration. I consider that these applications should be “finely disposed of” and these relate to applications 3/2012/0065/P – 12 dwellings on land off Dale View, Billington; 3/2012/0497/P – land off Strawberry Fields, Main Street, Gisburn; 3/2012/0738/P – 10 dwellings on land off Dale View, Billington. Since writing this report I understand that the Section 106 in relation to 3/2012/0497/P has now been signed and that a decision can now be issued.
- 3.5 in order to put more emphasis on the need for speedy determination on applications subject to a Section 106 Agreement and to ensure that there is unlikely to be any significant change in circumstances since the original resolution, I consider it appropriate to now require that only a period of 3 months be given to secure a Section 106 Agreement and this should now form part of any recommendation to Committee in relation to planning applications which the Council are minded to approve that require a Section 106 Agreement.
- 3.6 To formally establish the procedure to determine applications that are time expired and that have not been the subject of a recent recommendation to Committee, I consider that there should be delegation to the Director of Community Services and Head of Planning Services to “finally dispose of” applications as appropriate. As such I would ask that the delegation scheme be clarified to give authority to these people to deem withdrawal applications.

## 4 RISK ASSESSMENT

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

- Resources – This will put more pressure to determine decision applications for efficiently and could have some implications regarding management of resources but not necessitate the need for additional resources.
- Technical, Environmental and Legal - No implications identified.
- Political – No implications identified.
- Reputation – Speedier determinations is an important feature and although initially this approach may be seen as less negotiable, I consider it in time improve the Council's reputation for speedier decision.
- Equality & Diversity – No implications identified.

**5 RECOMMENDED THAT COMMITTEE**

- 5.1 Authorise the applications in Appendix 1 of the report and referred to in the main body to be “finally disposed of” ie deemed withdrawn.
- 5.2 To amend the delegation scheme in relation to planning applications to include ‘finally disposed applications’ to be authorised to the Director of Community Services and the Head of Planning Services.

JOHN MACHOLC  
HEAD OF PLANNING SERVICES

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

**BACKGROUND PAPERS**

None.

For further information please ask for John Macholc, extension 4502.

REF: JM/CMS/P&D/10 OCT 13

## APPENDIX 1

### SECTION 106 APPLICATIONS TO BE 'FINALLY DISPOSED OF'

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>
3/2012/0065	Land off Dale View Billington	24/5/12	12
3/2012/0497	Strawberry Fields Main Street Gisburn	11/10/12	21
3/2012/0738	Dale View Billington	6/12/12	10

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: 10 OCTOBER 2013  
title: DEVELOPMENT MANAGEMENT – HOUSING FIGURES  
submitted by: DIRECTOR OF COMMUNITY SERVICES  
principal author: SARAH WESTWOOD – SENIOR PLANNING OFFICER

## 1 PURPOSE

- 1.1 To request the formal adoption of a figure of 250 dwellings per annum (as an assessment of housing need) for Development Management purposes.
- 1.2 To request the formal adoption of the Sedgfield method of calculating housing land supply.
- 1.3 Relevance to the Council's ambitions and priorities
  - Community Objectives – To match the supply of homes in our area with identified housing needs.
  - Corporate Priorities – To be a well run and efficient Council.
  - Other Considerations – None identified.

## 2 BACKGROUND

- 2.1 The provision of housing is a key element of the Council's land use planning and its role in determining planning applications. As an issue it generates high levels of interest and concern amongst the local community (as demonstrated in responses to the Core Strategy consultations) and brings great pressure from landowners and developers (as evidenced by the number of planning applications for major residential schemes and subsequent appeals within the past 18 months to 2 years). It should also be recognised however that notwithstanding these concerns and pressures, it also plays a key economic role, has a role in delivering sustainable mixed communities, regeneration benefits and opportunities to deliver a choice of both affordable and market homes to meet people's needs and aspirations.
- 2.2 As Members will be aware, previously strategic planning for housing requirements had been delivered through a top down approach formerly through the County Structure Plans and more recently by way of regional tier requirements in the Regional Spatial Strategy (RSS). The removal of the regional tier has placed the responsibility of establishing housing requirements with District Planning Authorities and this has been undertaken through the Core Strategy process.
- 2.3 The housing requirement that informed the preparation of the Core Strategy was the subject of a study undertaken by Nathaniel Litchfield & Partners (NLP) in 2011. It was consulted upon in late 2011 and in February 2012 a figure of 200 dpa was fixed upon for the Core Strategy. Only subsequent to that was the figure formally adopted by the

Council for Development Management purposes (May 2013 minute 39 refers). Prior to that the figure of 200 dpa had been used informally as a requirement in relation to housing need as it had been debated at planning appeals and accepted by some planning Inspectors. The RSS was revoked on 20 May 2013 and thus formal adoption of the 200 figure was requested for the avoidance of doubt but with a recognition that the housing numbers would form a considerable part of the forthcoming Examination in Public of the Core Strategy which may lead to a review of the figure.

2.4 The Council submitted its Core Strategy for Examination in September 2012 and as Members are aware, the Inspector raised concerns regarding the date of the housing evidence submitted with the Core Strategy. This resulted in the Council undertaking an extensive refresh and update of a number of the housing evidence base documents and Members considered reports of such matters at a special meeting of Planning and Development Committee held on 25 June 2013 (minute 143 refers) and 6 August 2013 (minute 191 refers). At the latter, Committee agreed that in respect of the housing requirement review:

- i) the Core Strategy be amended to reflect a housing requirement of 5000 dwellings over the plan period 2008 to 2028 with a figure of 250 per annum as the target for new housing in the borough and the proposed amendments to the Core Strategy as set out in Appendix 5 be published for consultation and submitted for the Inspector; and
- ii) confirm for the purposes of determining planning applications pending the outcome of public consultation, that the current figure of 200 dwellings per annum continues to be used for decision making.

2.5 There has been a six week period of public consultation of the aforementioned documentation which closed on 20 September 2013 with the responses received submitted to the Inspector for consideration as part of the Examination process.

### 3 ISSUES

3.1 In establishing the housing requirement for the area, it is a fundamental principle that the Council has an up to date evidence base and applies that evidence to make decisions and plan for the needs of an area in an appropriate manner.

3.2 Paragraph 47 of the National Planning Policy Framework (NPPF) seeks to boost significantly the supply of housing land and one of the core principles of the Framework is that Local Planning Authorities should *proactively drive and support sustainable economic development to deliver the homes ... that the country needs. Every effort should be made objectively to identify and then meet the housing ... needs of an area and respond positively to wider opportunities for growth.* There are also a number of other Government policy statements that emphasise the importance of boosting the supply of housing.

3.3 In considering housing land supply there are a number of issues that generate debate/disagreement between Local Planning Authorities and developers. Committee are being asked here to establish the housing need requirement and which methodology to choose for Development Management purposes in order to bring clarity and credibility to the process.

### 3.4 Housing Need

3.4.1 The NLP figure of 200 dpa was, prior to the suspension of the Core Strategy process to enable an update of the housing evidence documents, an expression of the Council's full objectively assessed needs. It had been used for decision making purposes as the minimum requirement for housing land supply as it is through the Development Management process that the supply of housing can be boosted significantly through the granting of planning consents. This ensures that as far as possible the housing needs of an area are met. The ability to demonstrate a five year land supply is an important consideration in the determination of planning applications and paragraph 47 of the NPPF requires Local Planning Authorities to identify and update annually a supply of deliverable sites sufficient to provide five years' worth of housing against their requirements. Members will be aware that in recognition of the fact that the borough's housing supply position is constantly changing, and the need to ensure up to date monitoring is available to inform the decision making process, this Council produces a housing land availability schedule on a quarterly basis.

3.4.2 At the recent re-opened Inquiry into the Barrow Lands 1 scheme for 504 dwellings, which considered the refreshed evidence base, and impact on determination of that appeal the issue of 200 dpa or 250 dpa was considered at length.

3.4.3 Notwithstanding evidence from the appellants to the effect that the 200 figure should be ruled out and a higher figure chosen for establishing housing need in line with the 2013 NLP report, be it 250, 280 or 300 dpa, evidence on behalf of the Council stated the 200 figure was still at that time the relevant one for decision making purposes. When the re-opened Inquiry was held, the NLP document and recommendation that 250 dpa be used was out for consultation. In closing submissions on behalf of the authority, Counsel stated:

*The figure of 200 dpa remains the resolved position of the Council. Following the consultation exercise and consideration by Members of the results of the consultation and future analysis and advice from their consultants, the appropriate figure to be put forward in evidence before the Examination in Public of the Core Strategy will be determined.*

*Until that process is complete, it is wholly inappropriate for an alternative figure to be relied upon. There is certainly no justification for placing the figure of 250 dpa as a requirement at this juncture. Indeed, it would be inappropriate to do so because it would render irrelevant the consultation exercise.*

3.4.4 Whilst the above was the resolved position of the Council at that time, ie the use of 200 dpa, the Council had to acknowledge in the re-opened Inquiry that there was in fact no up to date evidence base to support the need figure of 200 dpa. That figure was supported by the 2011 NLP report but with the evidence base refresh to inform the Core Strategy that document had been superseded.

3.4.5 The consultation period on the revised housing need figure has now ended. Representations have been received which in the main indicate that the figure should be greater than 250 dpa if the borough is to meet its full objectively

assessed needs as outlined within the NLP report. A number of the responses go further to assess the impact of a higher five year supply requirement plus previous undersupply and the 20% buffer NPPF requires to account for previous under-delivery. Whilst there are variations as to what the figure would mean in terms of a five year annual requirement, there is a common concern expressed that it represents a significant level of development and that it is unclear how the Core Strategy will be able to deliver this development in the short term.

- 3.4.6 There has been concern expressed by Blackburn with Darwen Council that with the revised housing target, and in particular the assumption underpinning it over time, more people will move from other areas into the Ribble Valley and this would represent a move away from the previously accepted strategic position. Previously they supported the 200 dpa figure on the basis that it was compatible with their own Core Strategy and was likely to support the delivery of established planning objectives in Pennine Lancashire. They would therefore continue to be supportive of a target at the same or a similar level to that. It is important to remind Members that the NLP report identified that a housing target of 280 dpa is required in order to ensure that both demographic and economic needs identified in the evidence base are met. However, that figure does not take account of other balances the Council needs to apply. It is in recognition in part of our duty to co-operate with neighbouring authorities and the need to be aware of their demographic and economic trends that a figure of 250 dpa has been advanced. This is with the recognition that such a figure would not address the full economic needs of the borough. For Committee's information there are a small number of other representations that consider the figure should be less than 250 dpa.
- 3.4.7 However, the above matters are the consideration of the Inspector at the Examination in Public to the Core Strategy. That is the forum for discussing the precise requirement moving forward. For Development Management purposes it is important to have an up to date assessment on which to base decisions. The 2011 NLP report has been superseded by the 2013 report and I do not consider there to be anything in the consultation responses to cast substantive doubt over the use of the mid-range figure of 250 dpa for Development Management purposes.

### 3.5 Methodology

- 3.5.1 There are two recognised methods of determining the extent of housing land supply – Sedgefield and Liverpool, also known as the Residual Method. To summarise, the Sedgefield method of calculating land supply involves adding any shortfall of housing from previous years within the first five years of a Local Plan, whereas the Liverpool/Residual method spreads the shortfall over the whole plan period.
- 3.5.2 The Council has to date used the Residual method (albeit we have argued that it does not take the whole plan period to make up any shortfall) and this has been debated at length in two public Inquiries this year in relation to Mitton Road and Barrow Lands 1.
- 3.5.3 As Members will be aware, the decision on Mitton Road has been received with the following comments made by the Inspector on this particular matter.

*The framework requires a 20% buffer (in cases where there has been a persistent undersupply) to be brought forward from later in the plan period. To my mind, it must follow that the historic undersupply should be given the same priority. In doing this, it is envisaged that a greater supply would increase the prospect of delivery and ensure choice and competition in the market for land. This is critical if the supply of housing is to be significantly boosted.*

The Inspector went on to use the Sedgefield method to establish whether a five year supply of housing could be demonstrated.

- 3.5.4 There has been strong support for the Sedgefield approach in other recent Inspector and Secretary of State appeal decisions across the country as this approach, as stated, ensures any existing shortfall is made up quickly and not simply averaged out over a much longer timeframe.
- 3.5.5 Given the Council's acknowledged record of persistent under-delivery, the immediate effect of adopting the Sedgefield method would be to reduce the five year supply position. Figures presented to the Barrow Lands 1 Inquiry demonstrated that using the 250 dpa figure the housing supply position was 5.26 years under the Residual method and 4.25 years using Sedgefield. There is also a concern that if the requirement is front loaded, as Sedgefield requires, the supply could overtake realistic rates of delivery that the local market could sustain. However, it is important that the method chosen for calculating land supply is robust enough to withstand the rigours of scrutiny and is in line with Government policy. Whilst the NPPF is silent on which methodology to use, it has been outlined by Planning Inspectorate decisions that the Residual approach is inconsistent with both the NPPF paragraph 47 ie the need to boost housing, and the government policy statement Planning for Growth (March 2011). It is also important to bring to Committee's attention draft National Planning Practice Guidance on the assessment of land availability (see website at [www.planningguidance.planningportal.gov.uk/blog/guidance/assessment-of-land-availability](http://www.planningguidance.planningportal.gov.uk/blog/guidance/assessment-of-land-availability)). This states that in relation to how Local Planning Authorities should deal with past undersupply they should '*aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met Local Planning Authorities will need to work with neighbouring authorities under the duty to co-operate*'. This is again a clear indication from Government that the Sedgefield method is preferred.

## 4 CONCLUSIONS

- 4.1 Having regard to the need for, and importance of an up to date housing evidence base (in accordance with requirements of NPPF), and fact that the consultation period on the 250 dpa figure has now concluded with little substantive evidence to support a figure lower than 250, it is considered an appropriate time to formally revise the housing need figure for Development Management purposes. This approach accords with the resolution of the 6 August meeting (minute 191 refers) to continue using 200 dpa pending the outcome of public consultation.
- 4.2 It is acknowledged that the appropriate forum for establishing the housing need requirement for the borough over the plan period is the Examination in Public into the Core Strategy. The Inspector may seek to raise the figure put forward in light of further

evidence analysis and consideration of objections through that forum but it is unlikely that the figure will be reduced from the 250 dpa. That was the mid-range of the 2013 NLP report and enables the Council to support the delivery of affordable housing and some economic growth.

- 4.3 It has become evident in recent months that the approach adopted in respect of calculating supply is out of step with the national trend. Whilst the Council has continued to use 200 dpa for Development Management purposes, it became apparent at the recent Barrow Lands 1 Inquiry that there is no longer an evidence base to underpin that as it has been superseded by the NLP 2013 report. The consultation period on the 250 dpa figure has now concluded and whilst there have been various representations made to that in terms of both uplifting or decreasing the figure, that matter will be formally resolved through the Examination in Public into the Core Strategy. On the basis of the comments received, it is not considered that at this stage there will be any further work undertaken to clarify points made and thus in accordance with the resolution of Planning and Development Committee on 6 August, I consider it now appropriate and logical to formally adopt the figure of 250 dpa for Development Management purposes.
- 4.4 In respect of the method of calculating housing land supply, the Council has maintained its stance of using the Residual method in two major public Inquiries this year but has recognised in those proceedings that there are extensive Inspectorate and Secretary of State decisions that support the use of Sedgfield and this includes the recent decision for a major development site within our borough at Mitton Road, Whalley.
- 4.5 It is important for the credibility of the decision making process that the Council reflects on its position in respect of housing need and method of calculating supply in order that it can fulfil the key role of boosting significantly the supply of housing that NPPF requires it to do. This is not growth at any cost but only insofar as it is consistent with the policies set out in the Framework. The Development Management process balances many considerations and housing supply is just one of these albeit an important one as the Framework requires Local Planning Authorities to maintain a five year forward supply.

## 5 RISK ASSESSMENT

5.1 The approval of this report may have the following implications

- Resources – No implications identified.
- Technical, Environmental and Legal – Members need to ensure a justified and evidence based approach is taken in line with existing planning policy guidance.
- Political – There is significant interest in housing and related Core Strategy issues.
- Reputation – The decision taken will influence future planning decisions. It is important that the Council adopt an approach that withstand scrutiny if public confidence and credibility in the process is to be assured.
- Equality & Diversity – No implications identified.

**6 RECOMMENDED THAT COMMITTEE**

- 6.1 Confirm that for the purposes of determining planning applications, pending the outcome of the Examination in Public into the Core Strategy which will evaluate the evidence base having due regard to the Council's duty to co-operate with neighbouring authorities, the figure of 250 dpa be used for decision making purposes. This figure to be reviewed following the outcome of the Examination in Public having regard to any relevant appeal decisions.
- 6.2 Confirm that in terms of the calculation of housing land supply, the Council adopt the Sedgefield approach.

SARAH WESTWOOD  
SENIOR PLANNING OFFICER

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

**BACKGROUND PAPERS**

National Planning Policy Framework  
Ribble Valley Housing Requirement Update NLP 2013

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

REF: SW/EL/101013/P&D

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

Agenda Item No.

meeting date: THURSDAY, 10 OCTOBER 2013  
 title: GROWTH AND INFRASTRUCTURE ACT 2013  
 PLANNING FEES AMENDMENT 2013  
 submitted by: DIRECTOR OF COMMUNITY SERVICES  
 principal author: DANIELA RIPA, SENIOR PLANNING OFFICER

### 1 PURPOSE

- 1.1 To inform members of two recent changes to planning legislation, which will have implications for the development management service from 1 October 2013. These legislative changes form part of the Government's wider planning reform agenda, the aim of which is to simplify and speed-up planning procedures.
- 1.2 Members are requested to refer to the Growth and Infrastructure Act 2013 and the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (Amendment) Regulations 2013.
- 1.2 Relevance to the Council's ambitions and priorities
- Community Objectives - } Matters identified raise issues associated with
  - Corporate Priorities - } community involvement as well as being a well-
  - Other Considerations - } managed Council providing an effective and
- efficient planning service.

### 2 BACKGROUND

- 2.1 Members will recall a report to the Planning and Development Committee on 18 July 2013 regarding changes to permitted development rights that came into force on 30 May 2013. Certain changes of use are now permitted development, subject to a prior approval process. The 2013 fees amendment introduces an £80 fee for applications for prior approval under this process.
- 2.2 The remainder of the legislative changes introduce significant reform to planning procedures. In March 2011, the Government announced its intention to introduce a 'Planning Guarantee' - that applications should take no more than a year to decide, including any planning appeal. Planning applications should therefore spend no more than 26 weeks with either the local planning authority or, in the case of appeals, the Planning Inspectorate. The legislative changes form two of the Government's mechanisms to deliver the Planning Guarantee and improve planning performance.
- 2.3 Firstly, the 2013 fees amendment will enable applicants of applications for planning permission and reserved matters applications to request a refund of the application fee if it remains undetermined after 26 weeks.

- 2.4 Secondly, the government will assess planning performance in relation to major applications - both the speed of decisions and the quality of these decisions. The Government intends to 'designate' poorly performing local planning authorities if they fail to meet either of the following targets:
- Speed - 30% or fewer major applications determined within the statutory period or within an agreed extended period
  - Quality – 20% or more of major decisions overturned on appeal.
- 2.5 Performance against these two criteria will be assessed over a two year period and the Government intends to make the first designations at the end of October 2013. In terms of speed, the assessment period would be the two years up to the end of the most recent quarter, in this case 30 June 2013. In terms of quality, the assessment period includes an additional nine months following the end of the assessment period to enable the majority of decisions on planning applications made during the assessment period to be followed through to subsequent appeals that may be lodged, and for the outcome of those appeals to be known. The assessment period is therefore the two years up to 31 December 2012.
- 2.6 Where a local planning authority is designated, applicants can chose to submit major planning applications directly to the Secretary of State, facilitated by the Growth and Infrastructure Act 2013. These applications would be determined by the Planning Inspectorate. The 2013 fees amendment also makes provision for the Planning Inspectorate to provide pre-application advice in these instances, charged on an hourly rate basis.
- 2.7 The Secretary of State will decide once each year whether any designations are to be lifted and whether any new designations are to be made. The performance targets may also be reviewed each year.
- 2.8 A designation will be revoked if the Secretary of State is satisfied that the designated local planning authority has provided adequate evidence of sufficient improvement against areas of weakness identified in an initial assessment of its performance (conducted shortly after the authority is designated) and provided that the designated local planning authority:
- Would not, at the time that decisions about de-designation are made, remain eligible for designation on the basis of the criteria used for that purpose;
  - Has completed any administrative tasks required of them – associated with applications made directly to the Secretary of State – on time in at least 80% of cases during the designation period;
  - Has not, in the view of the Secretary of State, caused unreasonable delays in signing any section 106 agreements associated with applications submitted directly to him during the designation period.

### 3 IMPLICATIONS

#### Prior approval applications

- 3.1 The £80 fee for prior approval applications in respect of permitted changes of use would not apply if a planning application is submitted at the same time for related development. For example, if prior approval is sought in respect of a proposed change of use from offices to apartments, with a planning application for external alterations to the building submitted at the same time, the £80 fee would not apply.
- 3.2 The £80 fee is unlikely to cover the cost of processing the prior approval application and in many cases, the Council will be processing these applications without a fee at a cost to the service. This places additional burden on officer time and resources. Although the fee refund does not apply to prior approval applications, it is imperative to note that these applications differ from planning applications. A decision on a prior approval application must be received by the applicant by day 56 or the development may proceed in accordance with the details submitted. Decisions on these applications cannot be extended beyond 56 days.

#### Designations

- 3.3 An applicant proposing major development within a designated authority's area would be able to bypass the local planning authority and submit both the pre-application advice request and the planning application directly to the Planning Inspectorate. There would be a loss of planning fee income for the designated authority, which would become a statutory consultee in the planning application process.
- 3.4 The designated authority would remain responsible for processing the major planning application, including recording the application on the planning register, notifying neighbours, putting up site notices, providing the planning history for the site, providing information on anticipated cumulative impacts and negotiating the s106 agreement. The designated authority would not receive a portion of the planning fee for undertaking these tasks. Anticipated cumulative impact may require the authority to commission consultant reports, for example in relation to retail impact assessment.
- 3.5 The Government considers this 'should be seen as part of the disincentive to poor performance which the wider policy represents'<sup>1</sup>. This would place additional burden on time and resources as the designated authority would not be able to recoup the costs associated with processing these major applications and commissioning specialist cumulative impact assessments.
- 3.6 The Government's intention to designate annually places a renewed emphasis on improving performance against the current stated targets. The government can review the targets annually and could theoretically increase the performance targets next year, which would then be applied retrospectively over the previous two year period.
- 3.7 At present, planning performance will be assessed in relation to major applications only and decisions within an extended determination period can also be included in the targets. Penalties apply for failure to provide quarterly performance figures to DCLG and

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1 Planning performance and the planning guarantee – government response to consultation (DCLG June 2013).

the quarterly returns include performance in respect of other applications. The government could in future widen the targets to include other applications.

#### Refund of application fees

- 3.8 There are financial implications associated with the requirement to refund the planning application fee where the application remains undetermined after 26 weeks. This would apply to all planning applications and reserved matters applications. As major applications attract larger fees, there would be considerable financial implications in respect of these applications.
- 3.9 Refunds would not apply in circumstances where an extended period of determination has been agreed in writing, providing the decision is made within the extended period. However, an applicant intending to appeal against non-determination is likely to be unwilling to extend the period of determination. Refusing major applications approaching the 26 week date would be a risk unless there are sound planning reasons for doing so, as performance in respect of designation is also measured on quality (20% or more of major decisions overturned on appeal).

#### 4 ISSUES

- 4.1 Many major applications require a Section 106 Agreement, which often means that despite an application being resolved to approve within the time period, it subsequently goes over the deadline. In order to improve the situation, Section 106 agreements may need to be frontloaded in the planning application process. Post planning agreements to allow for an extension of time should also be used in relation to all applications approaching the target date. Members will be aware that when necessary, applications can be made invalid if they do not include a draft s106 agreement.
- 4.2 In relation to major planning appeals allowed – the failure to meet the target has in the past often been the result of appeals in which it has been decided to go against the officer recommendation and these have subsequently been allowed on appeal. For the assessment period the government intends to use in respect of quality, four major appeals were determined and all four were overturned on appeal. The Government however accepts that the overall appeal success rate would be too crude a measure and is thus proposing to look at all decisions on applications for major development and to relate this to the number of these decisions that are both refused and then lost at appeal. This allows the overall pattern of decisions on major applications to be taken into account, giving a measure which is proportionate.
- 4.3 In light of these legislative changes, it is important to review the planning application process and minimise potential delays. It is noted that:
- The pre-application process helps to resolve potential issues prior to the submission of an application and streamlines the application process, hence it is important to ensure that this service delivers what is expected.
  - In terms of the registration of applications, there is a need to ensure the application is with the case officer shortly after its receipt. A target of 3-5 days from validation to case officer needs to be met.

- Service level agreements potentially need to be reviewed to prevent delay in consultation responses being received.
- The application needs to be presented to and determined by committee as early as possible in the application process.
- Applications need to be closely monitored, particularly those awaiting s106 agreements.

## 5 RISK ASSESSMENT

### 5.1 This report may have the following implications:

- Resources – The reform will place additional pressure on resources. It is important to ensure that the service delivers what is expected as there could be significant financial implications.
- Technical, Environmental and Legal – Implications for s106 legal agreements and the timescales applicant's are given to complete these.
- Political – The potential for major applications to be determined by the Planning Inspectorate could have political implications.
- Reputation – To be designated as poorly performing would harm the Council's reputation.
- Equality & Diversity – No implications identified.

## 6 RECOMMENDED THAT COMMITTEE

### 6.1 Note the changes in legislation and the importance of delivering an effective and efficient planning service.

DANIELA RIPA  
SENIOR PLANNING OFFICER

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

For further information please ask for Daniela Ripa, extension 4502.

# RIBBLE VALLEY BOROUGH COUNCIL

## REPORT TO PLANNING & DEVELOPMENT COMMITTEE

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Agenda Item No.

meeting date: THURSDAY, 10 OCTOBER 2013  
title: SAMLESBURY ENTERPRISE ZONE PROPOSED MASTERPLAN AND LOCAL DEVELOPMENT ORDERS  
submitted by: DIRECTOR OF COMMUNITY SERVICES  
principal author: JOHN MACHOLC – HEAD OF PLANNING SERVICES

### 1 PURPOSE

- 1.1 To update members of the progress in relation to the consultation process of the proposed Masterplan and Local Development Order at Samlesbury.
- 1.2 Relevance to the Council's ambitions and priorities:
- Council Ambitions – To support economic growth and delivery of employment land throughout the borough.
  - Community Objectives – To support a vibrant economy.
  - Corporate Priorities – To be a well run and efficient Council.
  - Other Considerations – None.

### 2 BACKGROUND

- 2.1 Members will be aware that a report was taken to the last Planning and Development Committee in which it was resolved to endorse the consultation procedure in relation to the proposed Masterplan and accept the strategic principles of the document.
- 2.2 At the time of the report the formal consultation document was not available but I provided a written report which highlighted the main issues and principles.
- 2.3 It was agreed to circulate the document and update as appropriate. The consultation document forms Appendix 1 of this report.

### 3 ISSUES

- 3.1 The submitted draft Masterplan is a consultation document and it is the intention to carry out a joint consultation process with South Ribble Borough Council.
- 3.2 In order to meet a strict timetable and secure the eventual LDO it is anticipated that formal consultation will take place in mid October 2013. It is anticipated that the formal consultation period will be between 17 October – 28 November.
- 3.3 It is the intention to a meeting in which the local Parish councils are invited.

### 4 RISK ASSESSMENT

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

- Resources – The Department is working jointly with South Ribble on the consultation exercise and although there will be a need to attend some public meetings I consider that the work can be adequately resourced from within the department. Although there is no financial implications as the result of the Masterplan it should be noted that any subsequent LDO's would result in a loss of planning fees.
- Technical, Environmental and Legal – No implications identified
- Political – The Enterprise Zone is an important designation which has already been supported by the Council and the economic growth of the borough is a key issue.
- Reputation – It is important to meet the timetable in relation to the Government deadline and failure to meet such a timetable could be seen as a poor service.
- Equality and Diversity – No implications identified.

## **5 RECOMMENDED THAT COMMITTEE**

5.1 Note the report.

JOHN MACHOLC  
HEAD OF PLANNING SERVICES

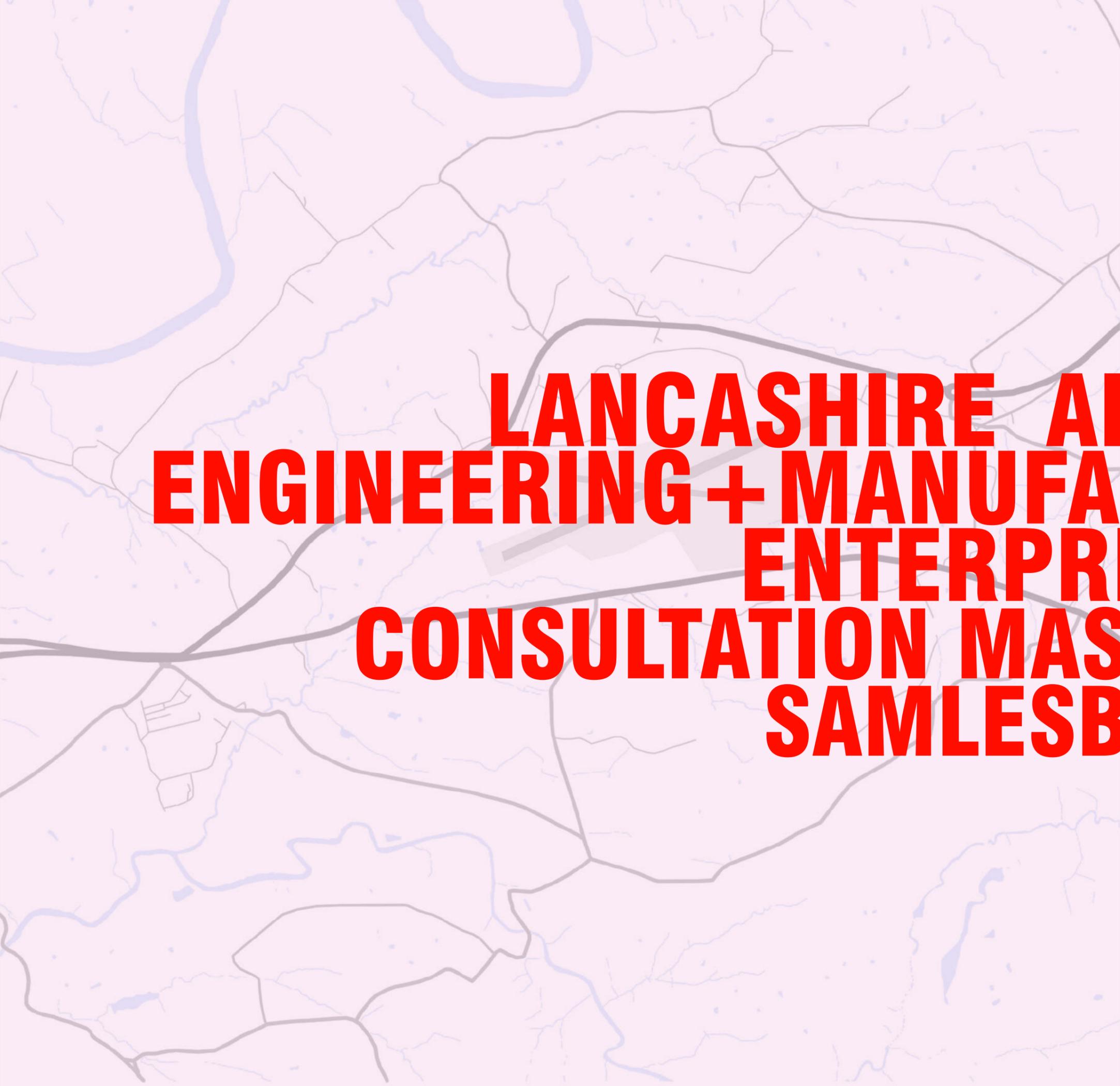
JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

### BACKGROUND PAPER

LDO No.1 (2012) Samlesbury.  
Planning and Development Committee report – Agenda item 5 – 26 September 2013.

For further information please ask for John Macholc, extension 4502.

JM/101013/P&D



**LANCASHIRE ADVANCED  
ENGINEERING + MANUFACTURING  
ENTERPRISE ZONE  
CONSULTATION MASTERPLAN  
SAMLESBURY SITE**



# CONTENTS

- 1.0 Introduction
- 2.0 Vision for the Site
- 3.0 Land Use: Site Zoning, Phasing and Infrastructure
- 4.0 Broad Framework for Design
- 5.0 Access and Movement
- 6.0 Travel Planning
- 7.0 Overview of Utilities and Broadband Infrastructure Provision
- 8.0 An Integrated Approach to Landscape, Green Belt, Ecology and Habitat

# 1.0 INTRODUCTION

**LANCASHIRE ENTERPRISE ZONE. IN AUTUMN 2011, AN ENTERPRISE ZONE FOR LANCASHIRE BASED AT WARTON AND SAMLESBURY WAS APPROVED.**

1.1.1 The Lancashire Enterprise Zone is solely focused on the advanced engineering and manufacturing sector (AEM) and is designed to exploit the critical mass of existing industrial activity at Warton and Samlesbury. Building on the resurgence of advanced manufacturing and Government recommitment to positioning the UK as a leading force in the global advanced engineering and manufacturing arena, the Lancashire Enterprise Zone will form a centre of excellence for high technology manufacturing and will act as a nucleus to attract organisations which are directly involved in the industry or provide support services.

1.1.2 The Lancashire Enterprise Partnership (LEP) will manage and coordinate activities related to the Enterprise Zone through an Enterprise Zone Governance Committee in association with the landowner BAE Systems. The committee will assess each proposed development to ensure that the displacement of existing Lancashire based companies does not occur and that any development is genuine growth in and support to the Advanced Engineering and Manufacturing sector. Any Lancashire based companies considering the Enterprise Zone would have to demonstrate that their growth is currently constrained and that locating on the Enterprise Zone would achieve significant growth for their business.

1.1.3 This will further strengthen the UK's advanced engineering and

manufacturing capabilities, building upon BAE Systems significant operations in Lancashire as well as the existing Advanced Engineering and Manufacturing capability and skills base.

1.1.4 The strategic significance of the Enterprise Zone and its two component sites is pivotal to generating sustainable economic growth and benefits which can be accessed by all across Lancashire. It forms a key element within a wider package of strategic initiatives to secure the long term prosperity of current and future generations.

1.1.5 It's role and importance is recognised in key strategic priorities for the area and in key delivery mechanisms including the Preston and Lancashire City Deal.

## 1.2 THE SAMLESBURY SITE

1.2.1 Samlesbury is the eastern of the two sites located in close proximity to the M6 motorway and to the east of both the Warton site and the key sustainable growth areas of Preston and Central Lancashire.

1.2.2 The existing BAE Systems engineering and manufacturing operations have generated major employment opportunities and brought important investment into the area for many years. The EZ site has the potential to build on these strengths and to attract new investment delivering strategic economic benefits within the next few years

1.2.3 The delivery of the Enterprise Zone at the Samlesbury site is

recognised and supported in the adopted Central Lancashire Core Strategy, the draft South Ribble Site Allocations and Development Management Plan Document and the draft Ribble Valley Core Strategy.

1.2.4 At the same time it is recognised that the site has an open setting and is located close to the village of Mellor Brook. The delivery of the Enterprise Zone will be undertaken in the context of the quality of its setting, and ensuring that local amenity including connectivity and traffic flow relating to the site are protected and enhanced as appropriate.

## 1.3 PURPOSE OF THE MASTERPLAN

1.3.1 A Local Development Order (LDO) was adopted for part of the Samlesbury Enterprise Zone site (known as parcel A) in March 2012. Work is underway to prepare and adopt a further LDO which will cover the whole of the Enterprise Zone site.

1.3.2 The purpose of the LDO is to provide confidence in planning terms by setting out a comprehensive outline of all development that is permitted on the Enterprise Zone site subject to certain conditions and the clarification of identified matters.

1.3.3 These conditions and matters relate to issues around access, transport, travel, utilities, design and landscaping and ecology. The role of the Master Plan is to supplement the existing LDO and guide the emerging LDO by addressing these conditions and matters and by establishing a framework for the long term strategic objectives for the Enterprise Zone.

- Provision and coordination of transport infrastructure within and beyond the Enterprise Zone boundary;
- Preparation and provision of a Travel Plan;
- Access to the Enterprise Zone and its integration to the existing public highway network and proposals for on site/off site works required as a result of the development;
- On site parking;
- Protection of BAE Systems' core operations;
- Provision of utilities supply and integration of new supplies with the existing;
- Provision of superfast broadband outside the BAE Systems secure area;
- Implementation of a Design Code, building materials etc;
- Provision of on-site structural landscaping;
- Avoidance of ecological impacts, measures to offset unavoidable ecological impacts, the delivery of biodiversity enhancements, the maintenance and enhancement of habitat connectivity and buffer zones around habitats of ecological importance;
- Provision of drainage.





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## 2.0 VISION FOR THE SITE

**VISION: THE SAMLESBURY ENTERPRISE ZONE SITE WILL DELIVER WORLD CLASS FACILITIES EARLY IN THE LIFETIME OF THE ENTERPRISE ZONE ENSURING THAT THE ENTERPRISE ZONE AS A WHOLE IS REALISED AS A NATIONALLY AND INTERNATIONALLY CRITICAL HUB FOR ADVANCED ENGINEERING AND MANUFACTURING.**

2.1 The Samlesbury site and the Enterprise Zone as a whole will act as a driver for strengthening the wider supply chain, increasing the overall value of the economy and raising the skills base across Lancashire. It will form a key element in the overall sustainable growth plans for the sub region  
The development will be undertaken sustainably and to a high quality respecting its surroundings and befitting its high profile and status.

### 2.2 IMPLEMENTING THE VISION

A number of key principles will guide the development and delivery of the Enterprise Zone:

- Encouraging investment, creating jobs and building a sustainable economy by providing a centre of excellence for high technology manufacturing and support services;
- Attracting investments and high value end users by meeting facility and service needs within a high quality well designed development located in a high quality setting;
- Ensuring sustainable access, travel and connectivity;
- Ensuring a phased but integrated development;

- Providing a healthy working environment and sustainable development which will both integrate with and enhance existing activities and communities;
- Taking an integrated approach to green infrastructure including Green Belt, landscaping and ecology;
- Meeting ecological management needs.

# 3.0 LAND USE: SITE ZONING, PHASING, INFRASTRUCTURE

**SITE ZONING: THE EXISTING BAE SYSTEMS SITE AND THE ENTERPRISE ZONE ARE ADJACENT AND WILL COMPLEMENT EACH OTHER IN TERMS OF ACTIVITIES. HOWEVER THE TWO SITES WILL REMAIN SEPARATE IN ORDER TO MAINTAIN THE REQUIRED SECURITY OF EXISTING BAE SYSTEMS OPERATIONS.**

3.1 In order to achieve this, a new security fence will be constructed around the perimeter of the BAE systems site where it borders the Enterprise Zone. This will enable public access to the Enterprise Zone without compromising security for BAE Systems.

3.1.2 Secure access points will be provided along the security boundary to maintain interaction between the two sites. In order to avoid potential conflict between the main traffic flows serving BAE systems and the Enterprise Zone it is proposed to create a new Enterprise Zone entrance to the east of the site from the A59.

3.1.3 It is intended that the BAE Systems access and access to the Enterprise Zone will be kept separate to enable each to respond to their own specific needs. Prior to Phase 1 of the development commencing, amendments will be made to some security fencing arrangements in order to enable construction traffic to enter the Enterprise Zone site. This will be subject to an agreed routing plan.

## 3.2 THE ENTERPRISE ZONE SITE: PROPOSED USES AND DEVELOPMENT PATTERN

3.2.1 The Enterprise Zone lies to the east and south of the existing BAE Systems site. It is intended that the site would be opened up during Phase 1 at its eastern end via a new entrance off the A59. The new entrance arrangement would include restricted access from Myerscough Smithy Road to vehicles. It is then proposed to

construct a new spine road with associated smaller link roads which follows the line of the existing east/west orientated runway. The spine road will be adopted by the Local Highway Authority. The first phase of this would run to the approximate point shown on the Phase 1 drawing on page 11.

3.2.3 The same route would be used to provide new buried utility services from external network providers to the plots which radiate from the new access road. This would allow early access to the area covered by the existing LDO and would form an early growth pattern focused on the eastern and central parts of the site in close proximity to existing development.

3.2.4 This would encourage and maintain interaction between the two sites and ensure that the uses function and form of the development progress in an integrated way. Further phases of development would extend the spine road further along the runway and open up the southern end of the site. A further access to the site from the A677 will be opened up as appropriate as traffic flows associated with the development increase.

3.2.5 The provision of two accesses and the associated internal spine road will allow greater dispersion of traffic onto the strategic and local highway network. It is expected that this proposed road network into and through the Enterprise Zone will also reduce the amount of through traffic within the village of Mellor Brook.

3.2.6 The Enterprise Zone site at Samlesbury is to be developed for the purposes of advanced engineering and manufacturing (AEM) and associated uses. The existing LDO for part of the site authorises development within Class B of the Town and Country Planning (Use

Classes) Order 1987 as amended in so far as it relates to advanced engineering and manufacturing. It also authorises development within Class D1 of the same Order for non residential education and training. The non residential education and training centre will be used for the purposes of a skills facility.

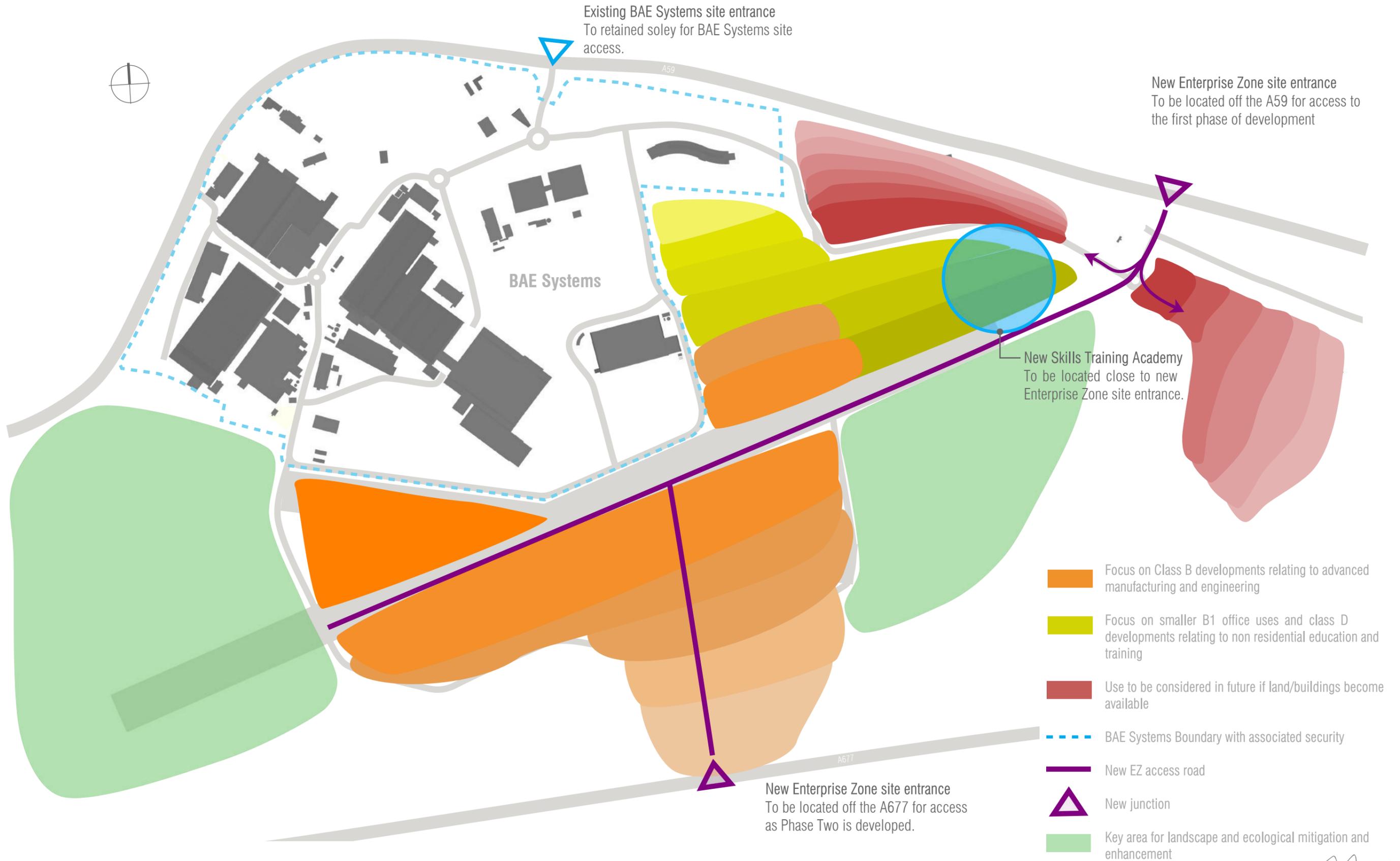
3.2.7 The grouping of activities within the Enterprise Zone will be arranged to complement existing functions, avoid conflict, promote interaction and minimise development impact on the Enterprise Zone perimeter. The larger and more intrusive Class B activities and the Class D1 activities will be broadly separated.

3.2.8 The D1 activities which relate to education and training will be located to the east of the existing BAE Systems site and will focus around the proposed Regional Skills Academy. This will be located close to the new Enterprise Zone entrance off the A59 creating a sense of arrival and celebrating the high quality credentials of the site.

3.2.9 Other people facing/education building uses will be located in the same area enabling them to benefit from close grouping, reinforcing a cohesive and interactive character and function. It is intended that Class B developments will occupy the remainder of the Enterprise Zone site and that landscaping will be used to create a green buffer zone between the uses.

3.2.10 A further key layout principle will be to organise the location of larger Class B buildings toward the centre of the Enterprise Zone where they will be less intrusive and will have less impact on openness and other uses. Smaller buildings will be located closer to the site boundary.

# PROPOSED DEVELOPMENT PATTERN



# 3.0 LAND USE: SITE ZONING, PHASING, INFRASTRUCTURE

## 3.3 SUMMARY OF PHASING AND INFRASTRUCTURE

3.3.1 The delivery of the Samlesbury Enterprise Zone site will be undertaken on a phased basis. This will ensure that at each stage development plots and buildings will be accompanied by the strategic and localised infrastructure required of a high quality well functioning sustainable site. All phases will integrate with each other to ensure that the site will operate as a cohesive whole and form an asset within its surroundings and the wider area.

### Enabling Works

3.3.2 Prior to Phase 1 of the development commencing, a revised security boundary between BAE Systems Operations and the Enterprise Zone shall be constructed to safeguard BAE Systems capability and provide a segregated area for construction operation. This will be subject to an agreed routing plan.

### Phase 1

3.3.3 The initial development phase for the Enterprise Zone at Samlesbury will involve the construction of a new access and site entrance to the east of the site off the A59 and would include the restriction of access from Myerscough Smithy Road to allow only pedestrians and cyclists.

3.3.4 This phase will also include the completion of the construction of the new security boundary to enclose the BAE Systems site.

3.3.5 From this new entrance an access road into the site will be

formed followed by the first phase of the central spine road and associated smaller link roads, buried utilities and service feeds. This would follow the line of the existing east/west runway and would run part way along the line to approximately the centre of the site as shown on the proposed phasing diagram on page 11. Development plots along the line of the spine road focused on the east and centre of the site would be formed with the proposed regional Skills Academy being located close to the new entrance.

### Phase 2

3.3.6 During this phase development plots would continue to be delivered off the new spine road. A further extension to the spine road would take place extending it both in a westerly direction and south towards the A677. This phase will include the construction of the new southern access with the A677 as traffic flows associated with the Enterprise Zone development increase. The trigger point for this will be 1,236 additional vehicles per hour two way peak flows.<sup>1</sup>

3.3.7 The junction type for this access is indicative and has not been finalised at this time. Further development plots would be formed radiating out from the extended spine road and having regard to development already put in place.

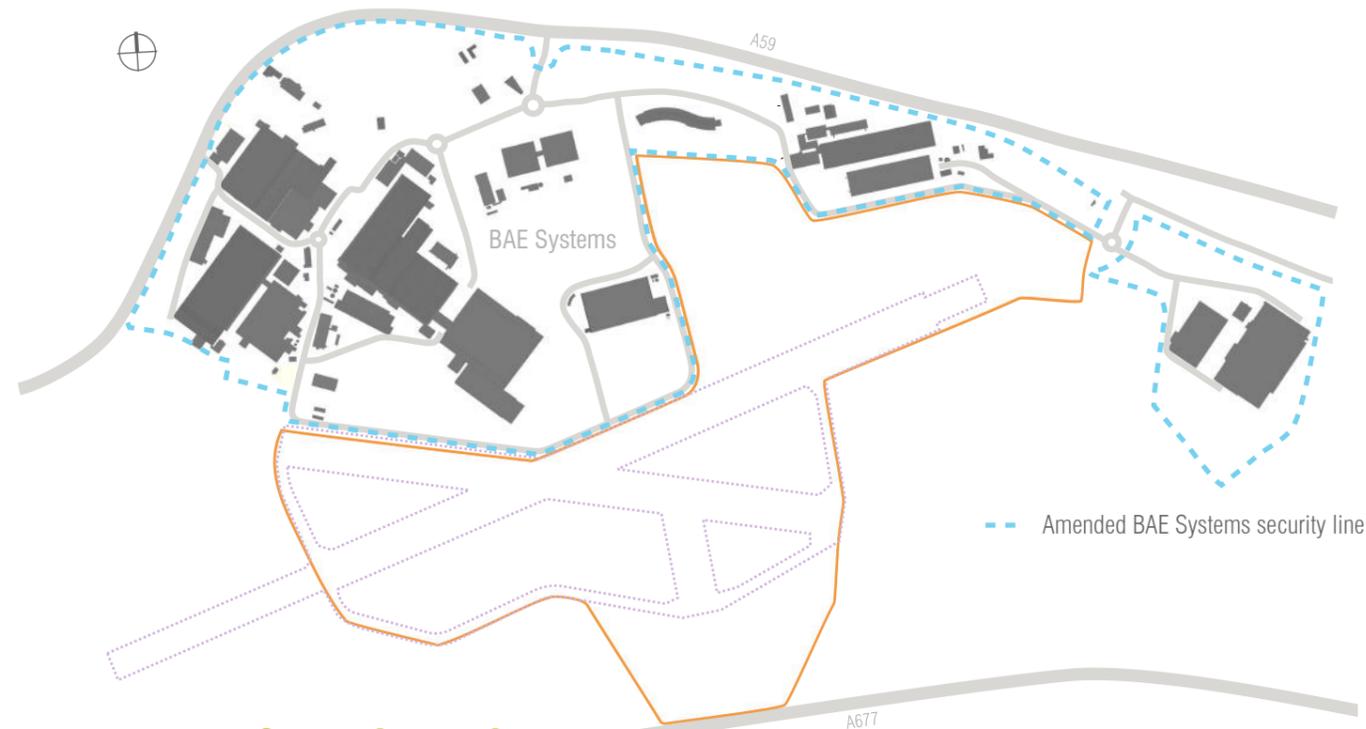
### Phase 3

3.3.8 A further phase of development may become available for EZ usage if the land/buildings are no longer required to support BAE

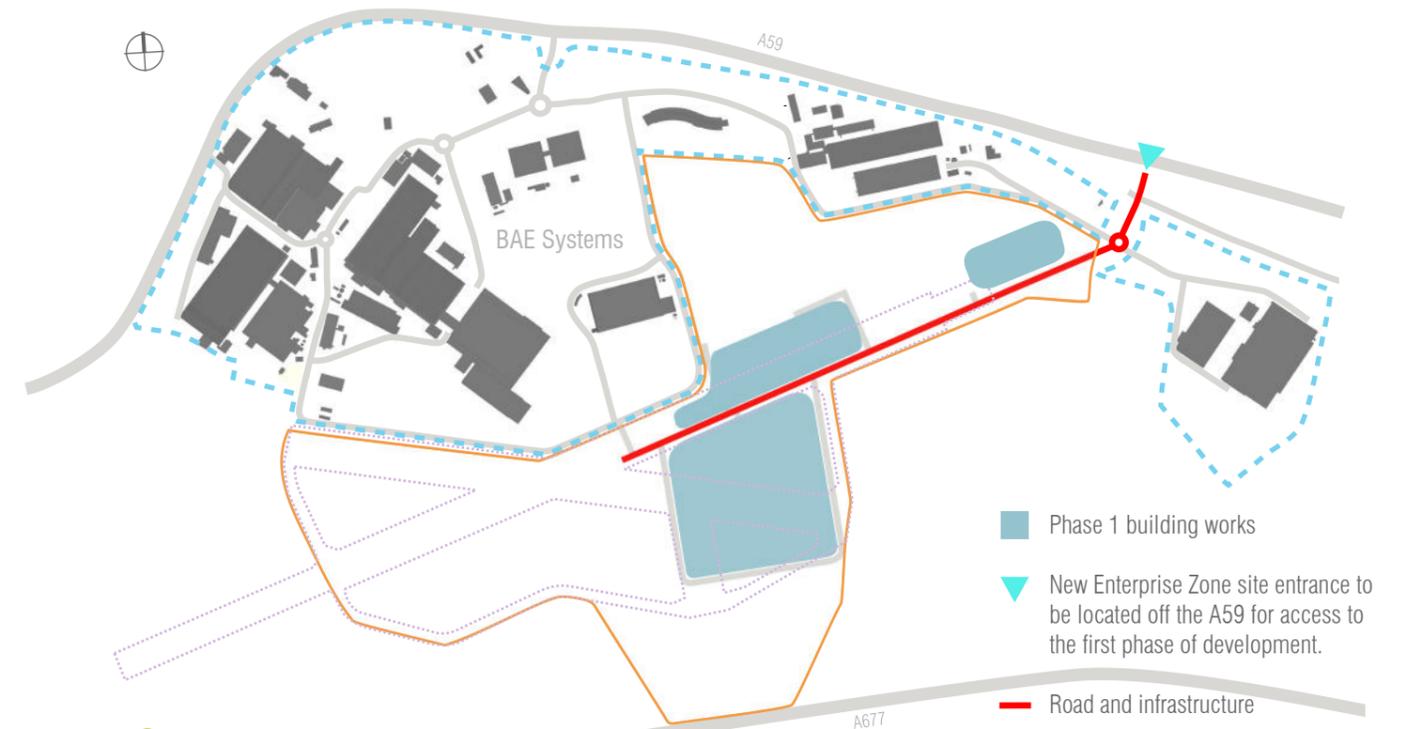
Systems Operations. Should this take place it will be undertaken in line with all of the provisions and conditions guiding phases 1 and 2 and will be done so in a manner which integrates with these phases and the site as whole. This phase would be subject to further master planning as appropriate.

<sup>1</sup> Jacobs: Samlesbury Enterprise Zone Transport Assessment Proposed A59 Access September 2013.

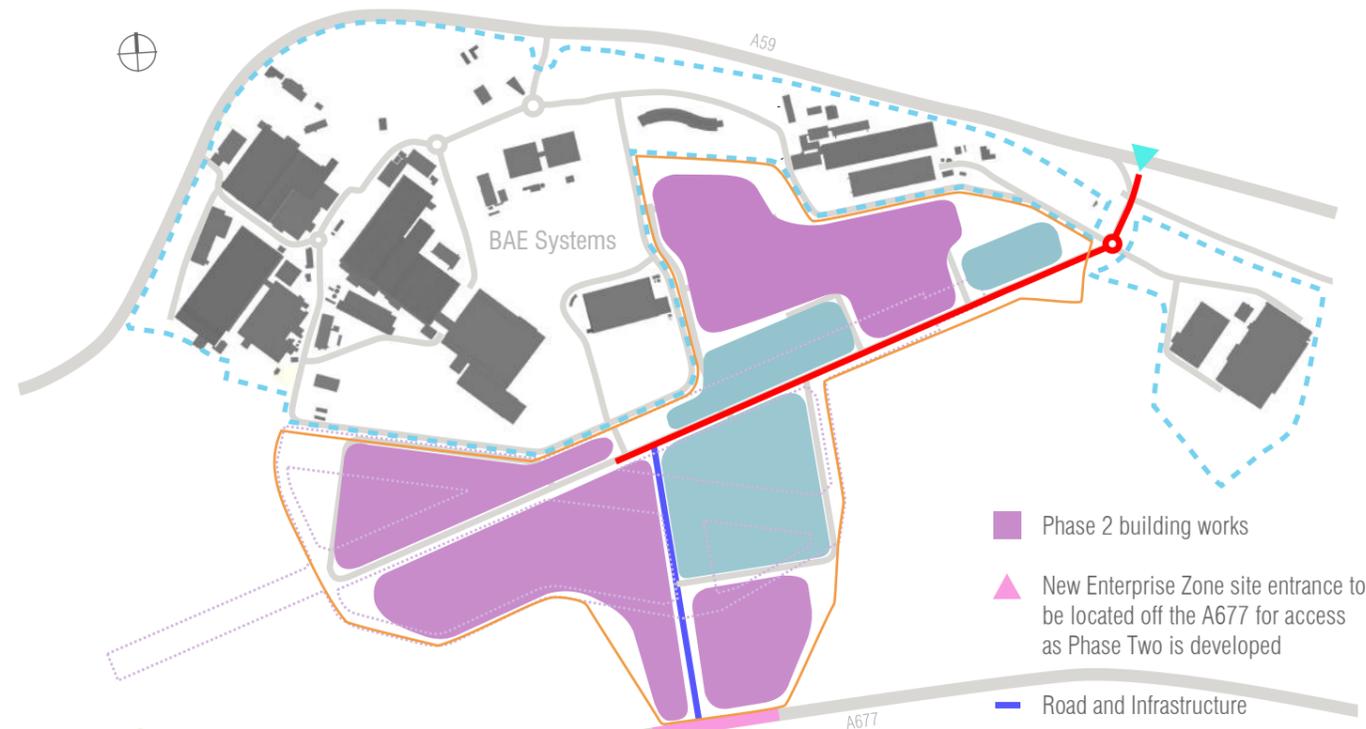
# PROPOSED PHASING



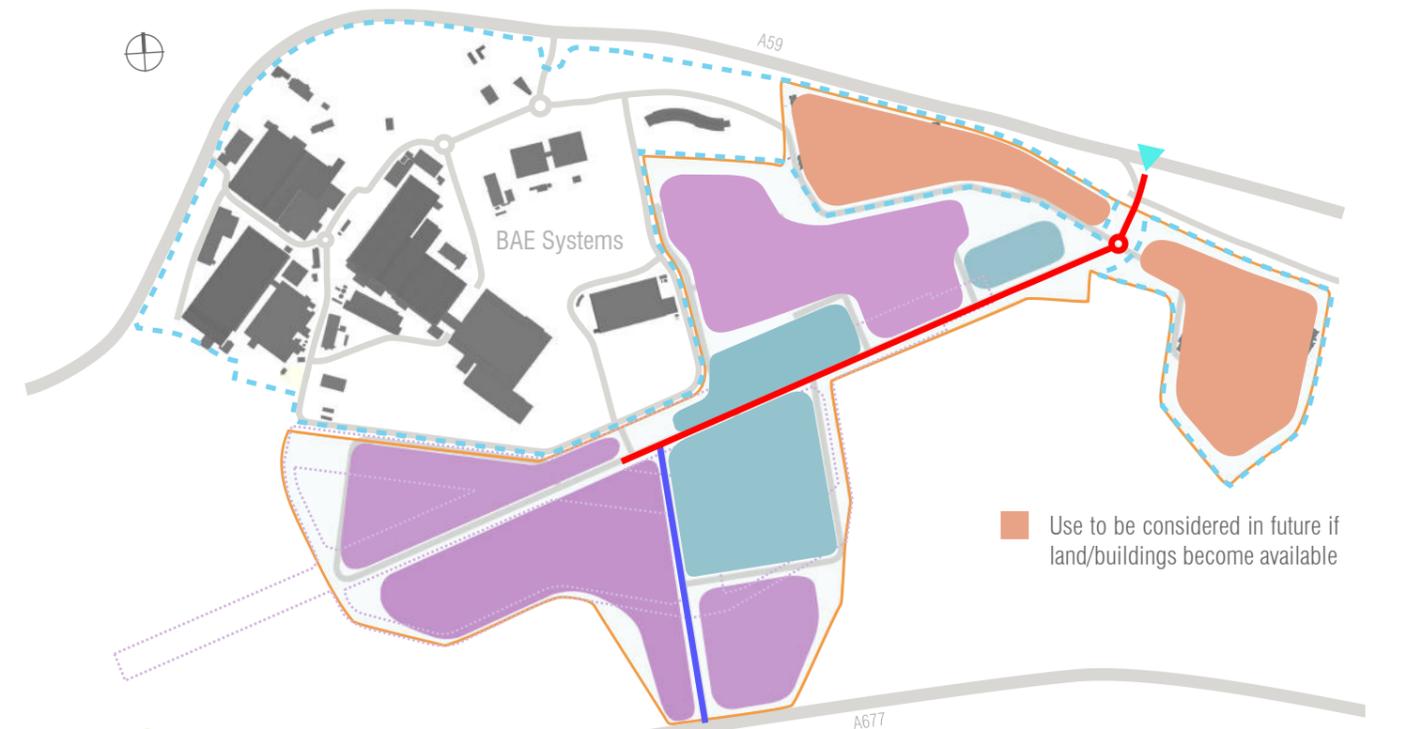
## ENABLING WORKS



## PHASE 1



## PHASE 2



## PHASE 3

# 4.0 BROAD FRAMEWORK FOR DESIGN

**THE OVERALL DESIGN RATIONALE FOR THE SAMLESBURY ENTERPRISE ZONE SITE IS TO PROVIDE A COHESIVE VISUAL APPEARANCE, BALANCING BUILT FORM AND LANDSCAPE TO PROVIDE A HIGH QUALITY ATTRACTIVE SETTING BEFITTING A HIGH PROFILE CENTRE OF EXCELLENCE.**

4.1 The site as a whole will be set within its wider landscape and Green Belt context which will be carried through into the landscaping and ecological rationale both on and offsite.

4.1.2 Visual integration will be sought across the site referencing the design, materials and colours used in existing adjacent uses. Strong simple forms utilising appropriate cladding materials in a silver/grey colour will provide a visual order to the majority of B Class uses. Bespoke facilities will be provided as appropriate to meet the needs of specific high tech users but will be done so in the context of the overall site design rationale. The form and design of buildings will contribute positively to the visual character of the locality.

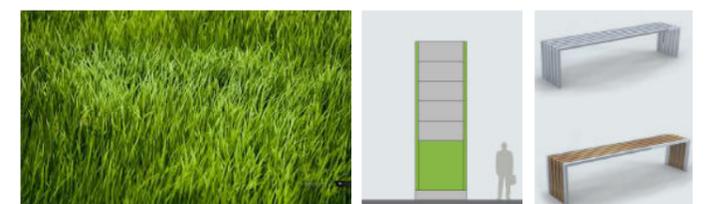
4.1.3 It is proposed that the Class D teaching and training facilities core buildings be designed using a greater mix of high end materials to express the identity of this particular people oriented interactive area, and to celebrate the status of the site at its initial gateway.

4.1.4 Buildings at or facing the perimeter will be designed and positioned to reflect a less industrial feel and to promote the high quality aesthetic of the site.

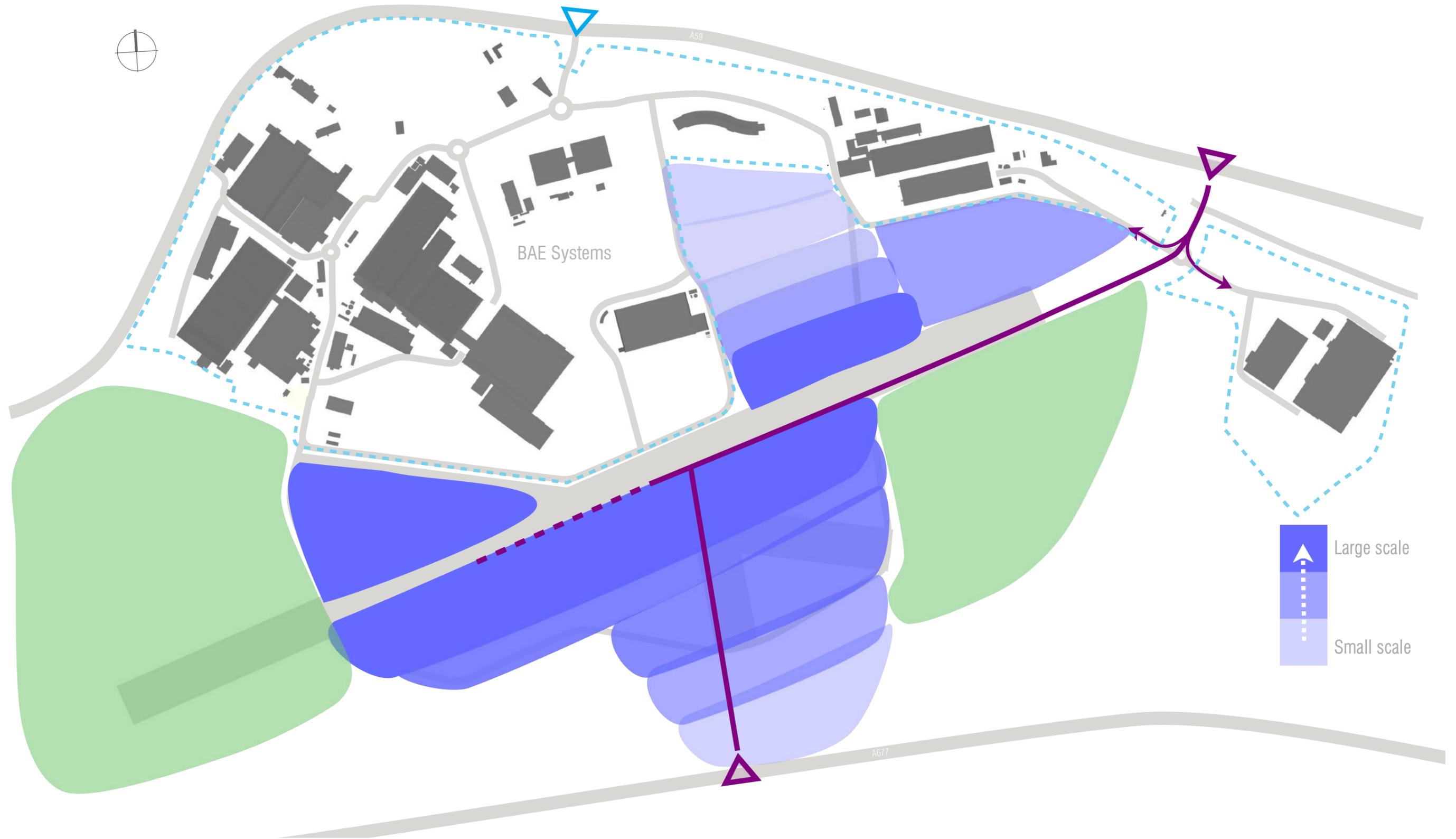
4.1.5 Both hard and soft landscaping will form a key part of the design, function, look and feel of the site incorporating appropriate street furniture, planting water features and signage. Signage and branding will be sensitively applied reflecting the overall aesthetic of the site.

4.1.6 The current LDO specifies that development will not exceed the height of existing BAE Systems buildings. Those existing building heights range from 10m to 18m. The proposed height zoning for the Enterprise Zone will complement this existing massing.

4.1.7 As a general principle large scale developments will be contained in the heart of the site rather than at the periphery in order to reduce impacts on the surrounding landscape and nearby settlements.



# BUILDING HEIGHTS



# 5.0 ACCESS AND MOVEMENT

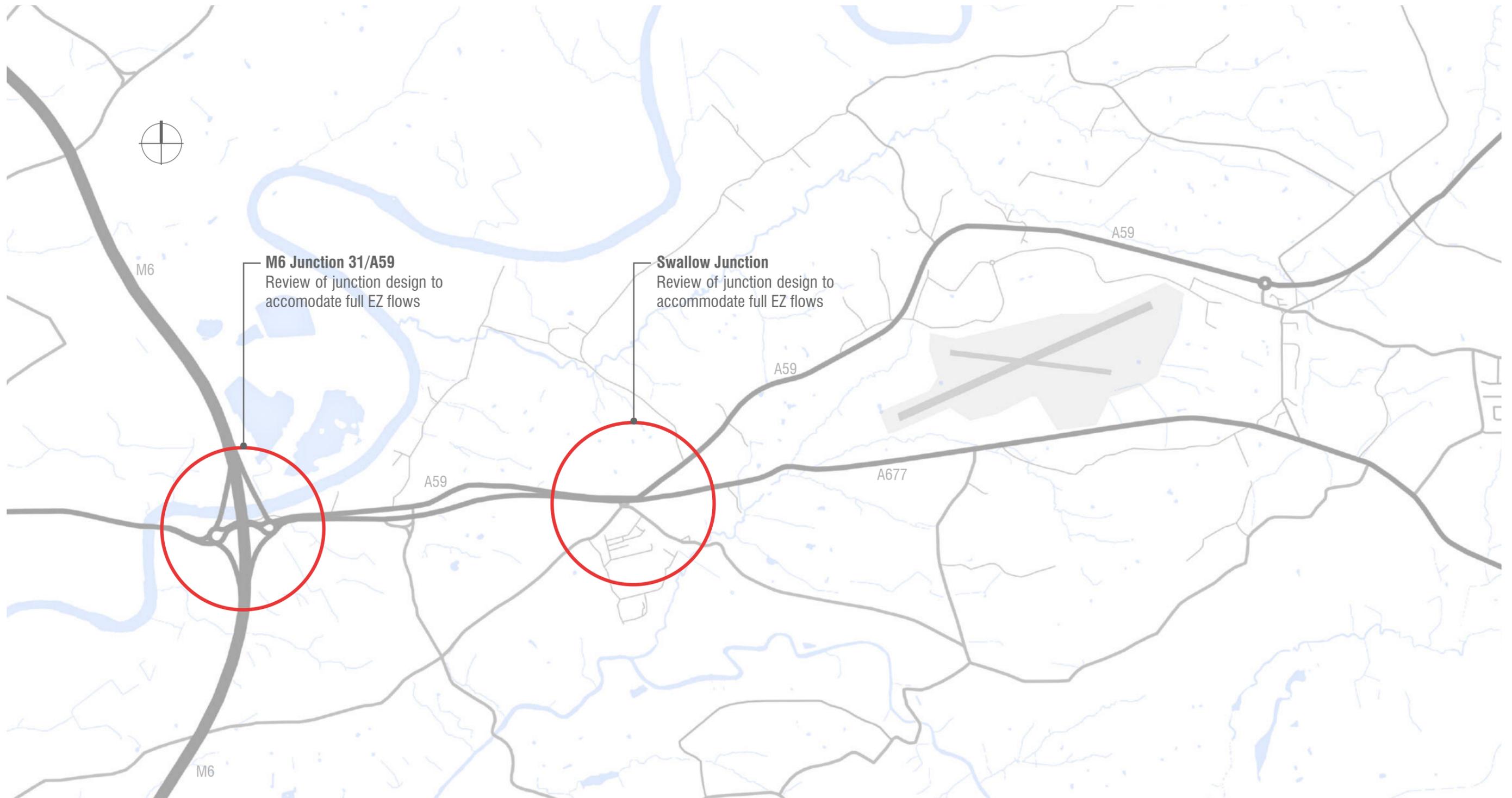
ACCESS AND MOVEMENT FRAMEWORK; A FULL TRANSPORT ASSESSMENT HAS BEEN UNDERTAKEN IN LINE WITH THE DFT GUIDELINES FOR TRANSPORT ASSESSMENT DOCUMENT. THIS INCLUDES AN ASSESSMENT OF THE HIGHWAY INFRASTRUCTURE THAT WILL NEED TO BE IN PLACE TO CATER FOR THE VOLUME AND DISTRIBUTION OF TRAFFIC AS THE EZ PHASES ARE COMPLETED.

- 5.1 Assessments have been undertaken for 2013, 2016 and 2023 for peak hour periods. A review of the layout and operation of the existing local and strategic junctions surrounding the EZ has been undertaken. Junctions will be redesigned where appropriate to accommodate predicted traffic flows.
- 5.1.2 Consideration has been made of the committed developments in the area, in particular the Core Development proposed at BAE Systems.
- 5.1.3 The Transport Assessment has included a review of the sustainable transport measures that are required for the development. These include public transport, cycle and pedestrian networks.
- 5.1.4 A review of the highway network operation through the village of Mellor Brook has also been undertaken. Options to improve the highway conditions for all transport modes within the village may include traffic calming, improvements to public realm and signage.

## 5.2 PROPOSED HIGHWAYS WORKS

- 5.2.1 Lancashire County Council has undertaken a transport assessment of the impacts of the Enterprise Zone. An assessment of the future operation of all the junctions in the vicinity of the Enterprise Zone has been undertaken, considering the permitted development of BAE Systems and the complete build out of the Enterprise Zone.
- 5.2.2 This assessment has included consultation with the Highways Agency regarding the impacts on the A59/M6 Junction 31, and the impacts at the A59/A677 “Swallow” junction. Any required changes will be made to the highway network to ensure its safe and efficient operation for all modes of transport.

# HIGHWAYS REVIEW



# 5.0 ACCESS AND MOVEMENT

## 5.3 ENABLING WORKS

Prior to Phase 1 of the development commencing, a revised security boundary between BAE Systems Operations and the Enterprise Zone shall be constructed to safeguard BAE Systems capability and provide a segregated area for construction operations. This will be subject to an agreed routing plan.

## 5.4 PROPOSED PHASE 1 WORKS

The proposed Phase 1 works will comprise the following:

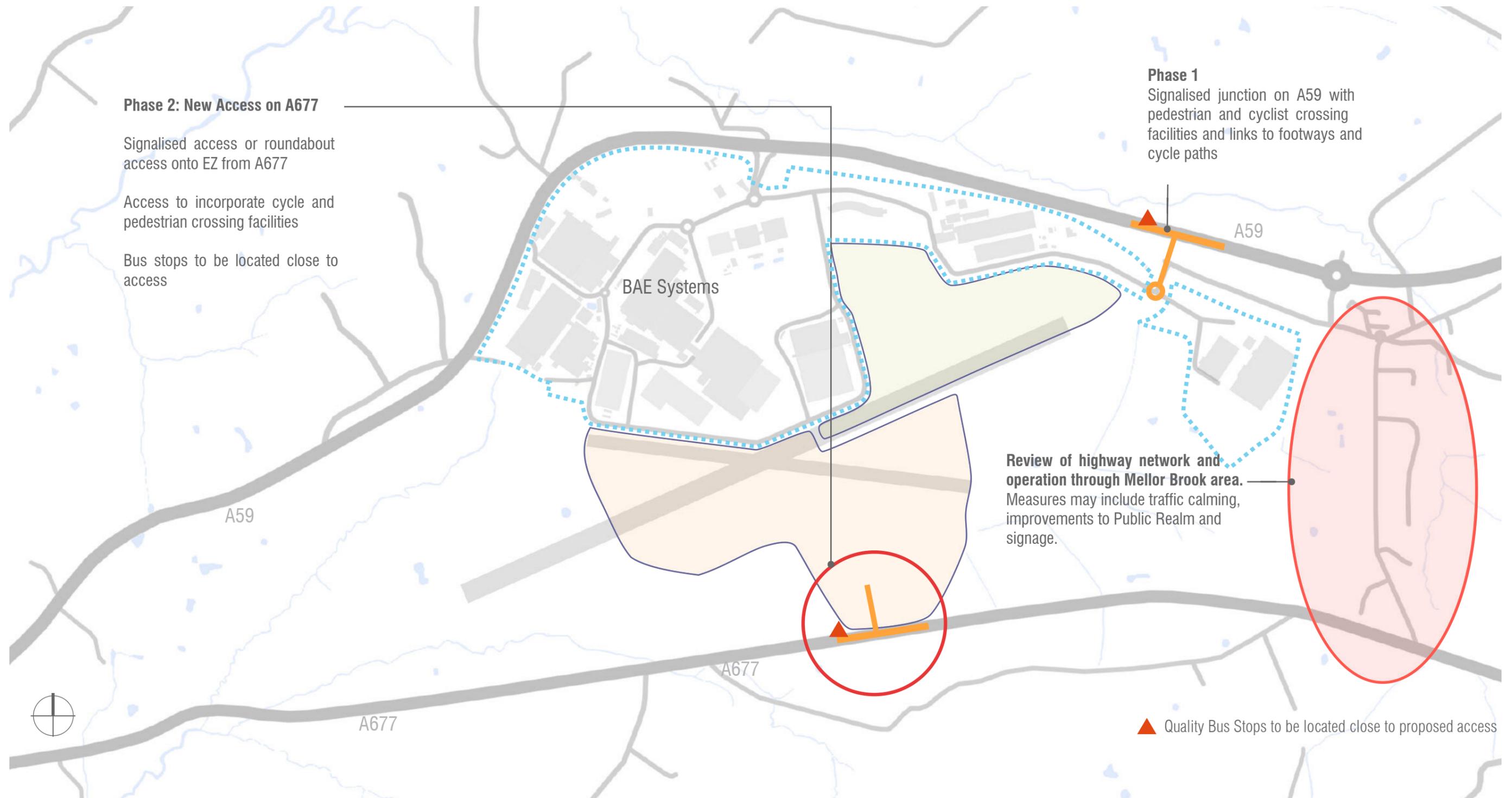
- Signalised access to the Enterprise Zone from the A59 leading to an internal roundabout within the Enterprise Zone and internal road network;
- Access to incorporate cycle and pedestrian crossing facilities;
- The existing access from Myerscough Smithy Road will be restricted to pedestrians and cyclists;
- Formation of the first part of the internal access roads. These will comprise a main spine road following the line of the former main runway and associated access off this to development plots. It is intended that the internal spine road through the site will be adopted by the Local Highway Authority;.

## 5.5 PROPOSED PHASE 2 WORKS

The proposed Phase 2 works will comprise the following:

- The continuation of the main internal spine road and associated access to development plots along the run way and south towards the proposed new A677 access;
- Access to the Enterprise Zone from the A677 leading to the internal road network. The type and precise location of this access has not been finalised at this time;
- The access will incorporate cycle and pedestrian facilities;
- Subject to the confirmation of bus routes within and around the Enterprise Zone, bus stops designed to LCC Quality Bus Standard will be located close to the access.

# PROPOSED HIGHWAY WORKS



# 5.0 ACCESS AND MOVEMENT

## 5.6 SUSTAINABLE TRANSPORT PROPOSALS

### 5.6.1 Public Transport

Bus routes will be extended to penetrate into the site to ensure desirable walking distances for pedestrians.

### 5.6.2 Proposed Public Transport Phase 1 Measures

- Construct bus turn round at end of “Infield Road” or near site of new HGV access gate into south side of BAE.
- New bus services linking Preston, Clitheroe and Blackburn with the site.
- Extension of Bus Service W26 into site and increased frequency
- Possible extension of Bus services 280 and 217 into the site.

### 5.6.3 Proposed Public Transport Phase 2 Measures

- On construction of the proposed new junction to the A677, which it is planned to re-route bus services through the site with new bus stops at BAE southern gate and near the A59 junction.

### 5.6.4 Cycling

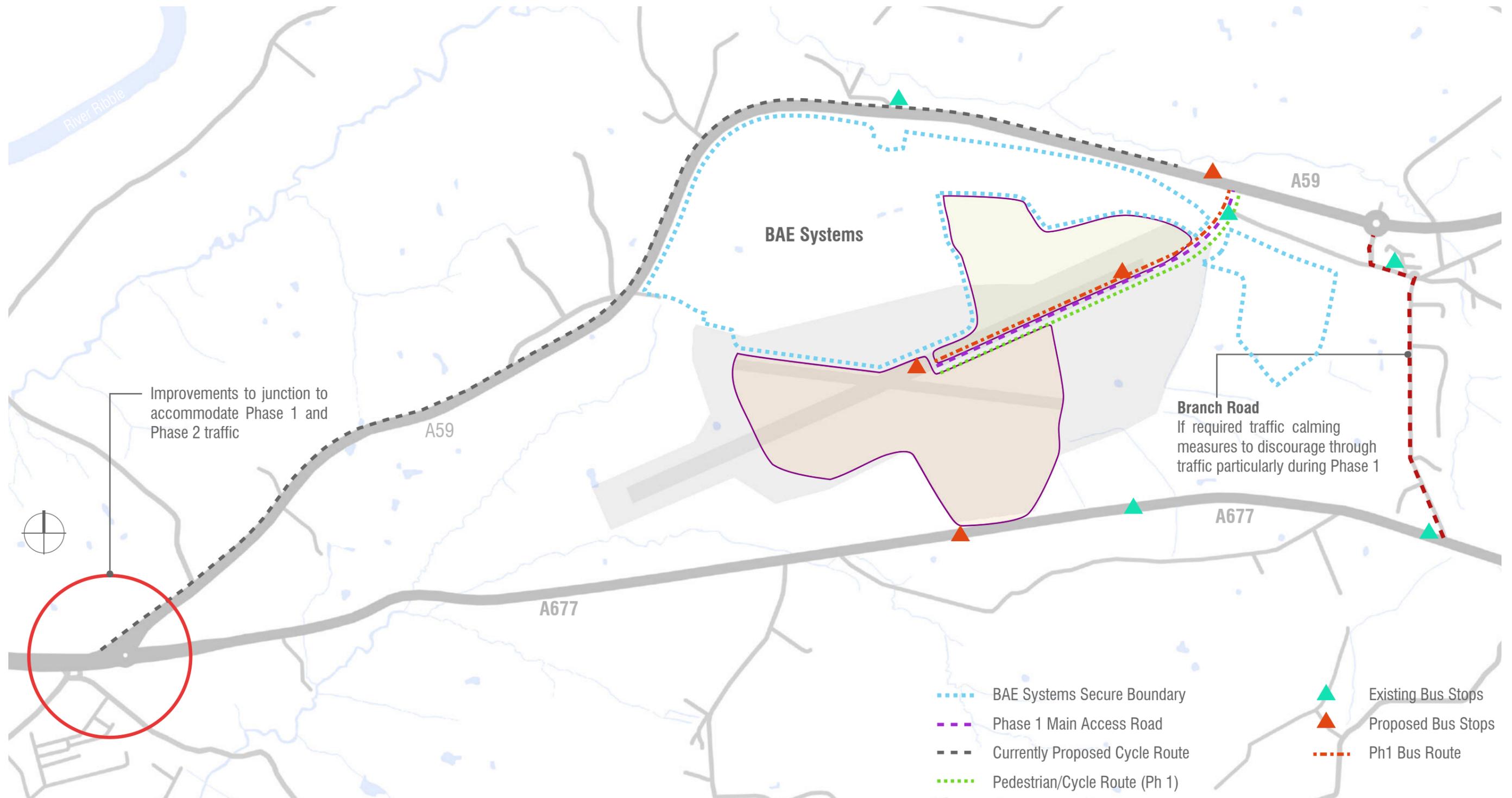
Key proposals for cycling include:

- Signal controlled junctions with the A59 and A677 will include toucan facilities and link to existing cycling routes.

- The existing cycle route at A59/A677 “Swallow” junction will be extended and links to Blackburn will be reviewed and improved where possible.
- All main highway links within the EZ will be constructed with shared cycle/pedestrian paths alongside.
- A cycle/pedestrian link will be constructed to the A59 via Myerscough Smithy Road to the east of the Enterprise Zone with an assisted crossing point at A59
- Secure covered cycle parking will be provided at all premises, with provision of shower, changing and storage facilities.

Car parking spaces will be integrated into the setting of the development and will be provided for each development type in accordance with local planning policy guidelines and standards.

# SUSTAINABLE TRANSPORT PROPOSALS PHASE 1

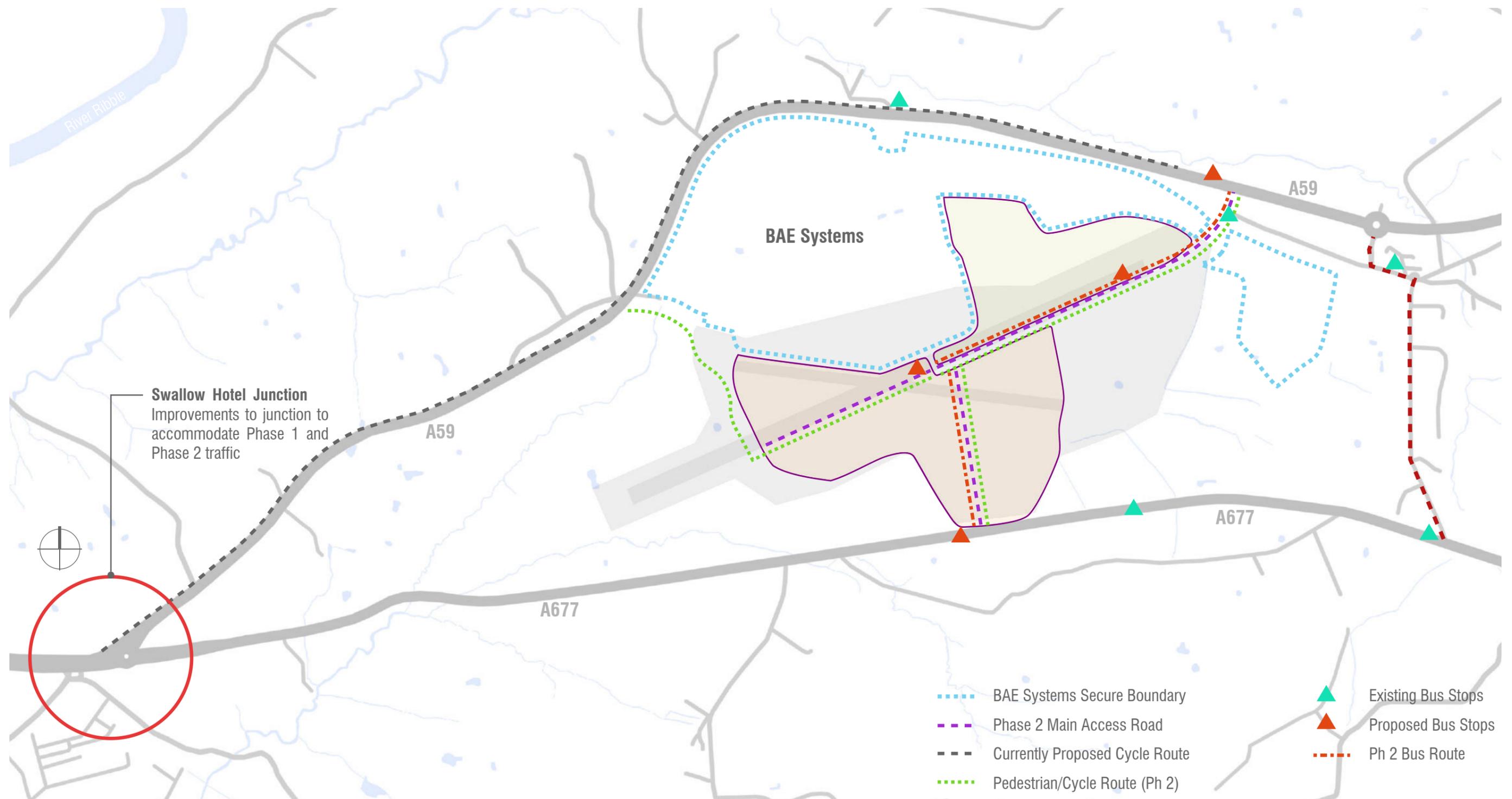


# 6.0 TRAVEL PLANNING

## 6.0 TRAVEL PLANNING

- 6.0.1 A Travel Plan Coordinator will be appointed for the Enterprise Zone as a whole, and each business relating to a development that exceeds National Travel Plan Thresholds will be required to produce a travel plan.
  
- 6.0.2 Realistic targets will be set and monitored to reflect current best practice and encourage the use of sustainable transport. Parking levels for all developments will be in line with Local Planning Authority Standards.

# SUSTAINABLE TRANSPORT PROPOSALS PHASE 2



# 7.0 OVERVIEW OF UTILITIES AND BROADBAND INFRASTRUCTURE PROVISION

ASSESSMENTS HAVE BEEN UNDERTAKEN TO UNDERSTAND THE SCOPE AND NATURE OF UTILITIES REQUIREMENTS INCLUDING GAS, ELECTRICITY, WATER AND DRAINAGE NECESSARY TO DELIVER THE ENTERPRISE ZONE SITE AT SAMLESBURY.

7.2.2 The Enterprise Zone sites have been identified as early priority locations and the infrastructure for it at the Samlesbury site will be installed at the same time as other utilities works during the proposed first phase of development.

7.1 It is anticipated that all providers are satisfied that the necessary provision can be made without compromising delivery to the surrounding area. Separate utility supplies, independent of BAE Systems, will be provided to the Enterprise Zone site as part of the site development to cater for the new businesses which will locate there.

7.1.2 These will be provided primarily from the utility networks on the A59 and will run alongside the new A59 access and then through the development site alongside the proposed new spine road, which will follow the route of the former main runway.

7.1.3 From this central spine the utilities will be distributed to individual plots. As the site develops and the second access is provided from the A677, utility services may also be provided from the A677, dependent on the utility companies capacities and requirements.

## 7.2 SUPER FAST BROADBAND

7.2.1 Super Fast Broadband will be delivered to the Enterprise Zone area providing a transformation in broad band capability for businesses both on site and businesses and residents in the surrounding area. This will be delivered through the £62.5 million Superfast Lancashire project.

# 8.0 AN INTEGRATED APPROACH TO LANDSCAPE, GREEN BELT, ECOLOGY AND HABITAT

## 8.1 Landscape Setting

8.1.1 The Samlesbury Enterprise Zone site is located adjacent to BAE Systems existing operations at Samlesbury.

8.1.2 The A59 runs along the northern edge of the site with the A677 at the southern end. To the east lies the village of Mellor Brook.

8.1.3 The northern end of the site is adjacent to existing industrial activities however the majority of the site extends across former aerodrome lands which are largely characterised by open grassland. The site is surrounded by Green Belt land.

## 8.2 Green Belt

8.2.1 The site is immediately surrounded by Green Belt to the east, west and south. As part of the designation of the Enterprise Zone in planning policy terms a proportion of Green Belt has been rolled back from the site itself. The South Ribble Site Allocation and Development Management Policies Development Plan Document sets out that as part of the Green Belt roll back process the loss of Green Belt and the associated impacts on the landscape and wider environment will need to be mitigated and compensated using land surrounding the site that is in the ownership of BAE Systems.

8.2.2 The Greenbelt, Landscape and Ecology diagram on page 25 shows Green Belt immediately adjacent to the Enterprise Zone site. The remaining Green Belt in BAE Systems ownership will be managed to mitigate the impacts of the loss of Green Belt, and in line with the National Planning Policy Framework will be enhanced as appropriate in terms of landscaping and biodiversity.

8.2.3 These areas of Green Belt in BAE Systems ownership are already subject to an existing BAE Systems ecological management plan and any further mitigation and compensation measures would need to have regard to this and to up to date independent ecological assessments and revisions.

8.2.4 An integrated approach to mitigation will be taken. This will address landscape and Green Belt losses alongside ecological and habitat requirements. This will ensure that all measures are compatible with each other and that mitigation and enhancement measures are as effective as possible.

8.2.5 In addition to these wider mitigation measures, on site measures will seek to reduce the impact of Green Belt loss as appropriate. The general layout principles for the Enterprise Zone intend that larger scale developments will be contained in the heart of the site where their scale will have less impact on the surrounding landscape and settlements. Those areas closest to the site boundary adjacent to the A677 will host lower smaller scale buildings. Particular attention will be given to appropriate screening measures where development impacts on residential properties and openness.

# 8.0 AN INTEGRATED APPROACH TO LANDSCAPE, GREEN BELT, ECOLOGY AND HABITAT

## 8.3 LANDSCAPING

- 8.3.1 Appropriate landscaping measures will form a key part of the mitigation and enhancements required in landscape and Green Belt terms. The retained Green Belt will form part of the landscape setting and green aesthetic for the Enterprise Zone.
- 8.3.2 As part of this and as a general principle, existing key landscape features will be maintained where possible and appropriate. Soft landscaping and bunding will be used as appropriate to reduce visual impacts on residential properties, to enhance and enclose smaller scale less industrial areas of the site and to reinforce the high quality setting and character of the Enterprise Zone. Where possible and appropriate landscaping measures will seek to appear integral to the original landscape. Advanced landscaping will be delivered early in the overall development process, and at an early stage within each phase of development as appropriate to limit any impacts on the surrounding area.
- 8.3.3 Running through the master plan strategy is an underlying green infrastructure for the development areas which aims to build on the green setting around the recently completed Bowland Centre. An ecologically appropriate combination of soft landscaping, trees and SUDS ponds will be used to create linkages between the developments and to provide appropriate wildlife corridors.
- 8.3.4 Hard landscaping including car parking and pedestrian walkways will be interspersed with soft landscaping and trees to soften their impact. Street furniture and signage will be

complementary to the building envelopes and built and soft landscape.

## 8.4 ECOLOGY AND HABITAT

- 8.4.1 The Samlesbury site has known and recognised biological interest particularly for ground nesting birds including Species of Principal Importance (NERC Act 2006) such as skylark and lapwing and to a lesser degree meadow pipit and redshank. These birds are attracted to the site by the presence of the areas of open grassland of the former aerodrome. Great Crested Newts are also present on part of the site. Development of the site will take into account the provisions of draft policy G16 Biodiversity and Nature Conservation in the South Ribble Main Modifications to the Publication Version of the Site Allocations and Development Management Policies DPD.
- 8.4.2 Historically as the existing BAE Systems site has developed there has been a reduction in the area of open grassland, and to mitigate the effects of habitat loss a series of habitat creation projects and a Habitat Management Plan have been implemented. This includes land on which the Enterprise Zone is designated.
- 8.4.3 Assessments of key species and habitats on the BAE Systems site and land on which the Enterprise Zone is designated have taken place at regular intervals since 2008 with some data going back further than this. These have informed the creation and implementation of the existing Habitat Management Plan. All relevant assessments and surveys will continue to be undertaken by independent ecological experts as the Enterprise Zone is delivered. These will inform development and will guide the incorporation of

measures to avoid, mitigate and compensate for any adverse ecological impacts. These measures will be managed through a further habitat management plan approach. This will consider a range of appropriate measures including:

- Long term on and off site habitat management;
- Creating and maintaining habitats within the developed area of the Enterprise Zone where appropriate;
- Incorporating appropriate design and landscape measures within the development scheme such as lower lighting levels near to areas of interest to birds;
- Any other proportionate and appropriate measures including appropriate off-site compensation.

8.4.4 All ecological assessments and works and all development will be undertaken in accordance with the requirements and regulations of the Habitats Directive and will address potential impacts on protected species and their habitats including Species of Principal Importance (NERC Act, 2006) and their habitats, statutory and non statutory designated sites and Habitats of Principal Importance (NERC Act 2006).

8.4.5 The ecological assessment as well as avoidance, mitigation and compensation proposals will require approval by the Local Planning Authority in consultation with Lancashire County Council.

## 8.5 ARCHAEOLOGY

- 8.5.1 Any matters of archaeological/historical importance on the site will be identified and managed appropriately.

# GREEN BELT, LANDSCAPE AND ECOLOGY







**WILSON MASON**  
architecture and interior design

Upland House  
Spring Lane  
Samlesbury PR5 0UX

T: 01772 877455  
F: 01772 877456  
E: [preston@wilsonmason.co.uk](mailto:preston@wilsonmason.co.uk)

[www.wilsonmason.co.uk](http://www.wilsonmason.co.uk)

3 Chandos Street  
Cavendish Square  
London W1N 9JU

T: 0207 637 1501  
F: 0207 631 0325  
E: [london@wilsonmason.co.uk](mailto:london@wilsonmason.co.uk)

