

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 7 NOVEMBER 2013
title: PLANNING APPLICATIONS
submitted by: DIRECTOR OF COMMUNITY SERVICES

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION NO: 3/2013/0189/P (GRID REF: SD 383172 448946)
PROPOSED OUTLINE APPLICATION FOR THE ERECTION OF 2 NO OPEN MARKET DWELLINGS AT THE FORMER GISBURN DINER, STRAWBERRY FIELDS, MAIN STREET, GISBURN

PARISH COUNCIL:

In a letter dated 23 March 2013 the Parish Council expressed objections to this application (as originally submitted for 2 No open market and 3 No 'affordable' dwellings) and also application 3/2013/0161/P for 5 No open market and 6 No 'affordable' dwellings on a separate parcel of land, also at Strawberry Fields. The objections to the combined applications are summarised as follows:

1. Planning permission has been granted for 21 dwellings (3/2012/0497/P) to which the Parish Council did not object. In response to a pre-application enquiry prior to the submission of 3/2012/0497/P, the applicant was advised by the Council that a development of 37 houses was not sustainable and was excessive in relation to the size of Gisburn and the services available. The Parish Council agrees with that advice and considers that these two applications have been submitted by the applicant in contradiction to that advice.
2. Contrary to the claims of the utility company, there is a flooding problem at this end of the village that could be exacerbated by the construction of more properties.
3. The access proposed for the dwellings (originally 5 No) in 3/2013/0189/P is a single lane with no turning area. This could cause problems for emergency vehicles and anyone visiting these properties. There do not appear to be any pavements along the access lane which is again a safety issue. Also there is a drop of approximately 2m from the access lane into the car park/oil tank area of the properties in front of these dwellings and, with an increase in vehicular traffic along the access lane, there is a greater potential for dangerous accidents.
4. The height of the dwellings proposed in 3/2013/0189/P relative to the rear elevations of the adjoining houses

fronting Main Street, is such that there will be a loss of privacy for those existing dwellings. Development of these particular dwellings would also impact negatively on those properties as well as the existing dwellings Nethergill and Langlands in terms of increased light and noise levels.

5. Application 3/2013/0189/P relates to agricultural land that has never been part of the diner site. Whilst the development of the brownfield site of the former diner would generally be acceptable, encroaching on to greenfield areas is considered to be unacceptable.
6. An increased level of traffic having to enter and exit this development on to the busy A59 can only lead to the increased likelihood of an accident particularly as many drivers approach the village in excess of the speed limit.
7. There are two trees, a Horse chestnut within Langlands and a Hawthorn tree, which would be adversely affected by one of the originally proposed five dwellings in application 3/2013/0189/P.
8. The current electricity supply to the area is supplied by overhead cables which would go through the development site and the double pole mounted transformer box would be in the middle of the access road. Whilst appreciating that this is not a planning issue, it is a practical issue which would require (expensive) resolution.
9. The applicant and his agent attended a Parish Council meeting several months ago when they talked about the approved (now approved) phase 1 of the development for 21 dwellings. No mention was made at that earlier meeting about phases 2 and 3. It is considered that it would have been better for the applicant and his agent to have been more open at the outset such that discussions could take place with residents and maybe a compromised solution attained regarding the number and location of proposed dwellings on the site.

Gisburn Parish Council discussed the applications again at a meeting in September 2013 when the Council was informed that plans for phases 2 and 3 of the development had been modified. The changes were explained to the Council. Notwithstanding any modifications, the Parish Council remain opposed to phases 2 and 3 in their entirety. The Parish Council supported phase 1 of the development (for 21 houses) as the Council acknowledged that development is necessary and believe that a development of 21 houses is acceptable for

Gisburn and sustainable. The Council believe that building in excess of 21 houses would not be sustainable by the village's infrastructure and is excessive development for a village of Gisburn's size. The Parish Council therefore asks that its continued objections to phases 2 and 3 be noted.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

In relation to the application as originally submitted for 5 dwellings, the County Surveyor made a number of comments as follows:

1. The track to Langlands is a private road at present and it appears that the intention of the developer is to leave the track as it is in terms of geometry and private status. There is reference in the Design and Access Statement to the provision of a turning head, but this is not shown on the plans. A turning head is important here and the layout should be amended to make provision for a turning head. Vehicles must be able to turn around on this private road in order to drive onto the adopted highway in a forward gear. I would have an objection to the application that this amendment to the layout is not made.
2. Whether or not the estate road leading to the private road is adopted, the estate road should be constructed to adoptable standards.
3. Parking spaces should be 5m long by 2.4m wide with the length increased to 5.5m where the space abuts up to a building or wall. Garage should be 6m x 3m unless provision is made elsewhere within the curtilage of the dwellinghouse for secure covered storage of bicycles.
4. This is an extension to the housing development applied for under reference 3/2012/0497/P that has been approved following the completion of the Section 106 Agreement. The following issues should be taken into account:
 - Access to the adopted highway (Main Street, A59) is via the estate road proposed for the earlier application. Construction of the 5 dwellings (now amended to 2 dwellings) now applied for should not commence until the estate road for the 21 dwellings has been constructed to base course.
 - Any works that must be completed before any of the 21 dwellings are occupied, must also be completed before either of the two dwellings are occupied.

- Any issues under the 2012 application that need to be resolved before any of that development may commence, or before the construction of the 21 dwellings has commenced, or before the dwellings are completed or occupied, should apply likewise to the 2 dwelling development.
- If a request has not previously been made, a request is now made for Section 106 funding to improve the two nearby bus stops to accessibility standards (the provision of raised curving) and the provision of 2 dropped kerb disability crossings of the A59. The estimated cost of this is £7,000. This request has also been made in relation to the application for 11 dwellings on the adjoining site (3/2013/01612/P).

To address point number 1 above of the County Surveyor's comments, an amended plan has been received on 22 October 2013 showing the provision of a turning area (for general public use) extending into the area between the two proposed dwellings. The County Surveyor has confirmed that the amended plan has satisfactorily addressed that particular concern.

LCC (MINERALS):

Originally commented that the application site is within a Mineral Safeguarding Area as Defined in the Joint Lancashire Minerals and Waste Local Development Framework Site Allocation and Development Management Policies Local Plan and the Policies Map and that the proposed development might constrain potential mineral extraction in the future.

Since those comments were made, the application has been amended from 5 dwellings to 2 dwellings and the County Council Minerals Officers have reconsidered the matter. Due to this now being a very minor development, they have withdrawn their original comments and have no objections to the application.

ENVIRONMENT AGENCY:

Has no objections in principle to the application subject to a condition relating to remediation measures in the event that ground contamination is found during development works. The Environment Agency also advises that foul sewage from the proposed development should discharge to the existing nearby public sewer.

UNITED UTILITIES:

Has no objections to the proposal subject to conditions requiring the submission of precise drainage details for the Council's approval prior to the commencement of development; and specifying that the site must be drained on a separate system with only foul drainage connected into the combined sewer, with surface water discharging to a soakaway or directly to a watercourse.

ADDITIONAL
REPRESENTATIONS:

Letters have been received from 7 local households. The letters contain points and objections concerning the cumulative effects of the dwellings proposed by application 3/2013/0161/P (phase 2 – 11 dwellings) and 3/2013/0189/P (phase 3 – 2 dwellings) when added to the 21 dwellings already approved by 3/2012/0497/P (phase 1). In relation to the application to which this report relates (3/2013/0189/P) the comments relate to the originally proposed 5 dwellings. The comments and objections contained in the letters are summarised as follows:

- A) General comments and objections in relation to the overall proposed provision of 37 dwellings comprised in the 3 phases (now amended to 34 dwellings).
1. 37 houses seems disproportionate for a village with a population of 506 people. With an average of 4 people per house, that could be 148 extra people (roughly a third of the existing population). An original (pre-application) proposal for 37 houses was said by the Council to be unsustainable and excessive in relation to the size of the village. Therefore these applications are contrary to advice already given by the Council.
 2. Gisburn has insufficient local shops and services for the current population.
 3. The public toilet has recently been removed.
 4. There are very few employment opportunities in the village with most people having to seek work elsewhere.
 5. The school does not have the capacity to accommodate the children from a development of this size. The result of this could be that current village children would need to travel to schools further afield to get their education.
 6. The volume of traffic in the village is already excessive. Public transport is limited so most houses have 2 cars to commute to and from work etc.
 7. The sewage system in the village is very old and has been blocked in the past. Can the system take an extra 37 houses?

8. The density of houses on the overall development is inappropriate and not in keeping with the Conservation Area.
- B) Comments and objections specific to application 3/2013/0189/P.
1. The proposed houses are on considerably higher ground than the properties at Old Coach House. The privacy and light of those existing dwellings will therefore be seriously adversely affected by the proposed dwellings.
 2. Noise disturbance to existing residents.
 3. The single width track is insufficient to serve 5 dwellings (now amended to 2 dwellings). With no additional parking provided it will become blocked. There will be problems for delivery vehicles (that would not be able to turn around leading to excessive reversing) and for emergency vehicles.
 4. With increased usage of the track, there are major concerns that cars could come crashing through the fence and dropping approximately 2m onto either Calor gas tanks or onto the cars of existing residents. As the proposed house would be built on a hill this risk would be heightened during winter months.
 5. The current electricity supply to the properties in the vicinity of the proposed development is from overhead cables which cross the site. The transformer is mounted on poles to the rear of the properties at the Old Coach House. This supply will be insufficient for a new development and leads us to have concerns regarding this matters such as now the developer would propose to build houses under the cables; whether the supply would be maintained at all times; or whether new supply would be installed.
 6. The houses will not have mains gas as it is not available in the village. How will they be heated? Where will oil or gas tanks be installed? There are concerns about leakage of oil into the water table and even onto adjoining property.
 7. The current surface water system in the village is failing and when it rains water comes out of the drains. This is overloaded currently without more

surface water. It is stated in that the application that there is no risk of flooding, but this is incorrect. The area next to the Police House, currently a car park, used to be a pond and floods in heavy rain.

8. The density of houses (5 dwellings) on this specific application site is inappropriate.
9. The proposal will increase the risk of subsidence to the properties at the Old Coach Houses.
10. The land is agricultural and should remain so.
11. Street lighting will cause a nuisance to neighbouring residents.

Proposal

As originally submitted, this application sought outline permission for a development of 5 dwellings comprising 2 detached, 3 bedroom open market, 2 storey houses and a 2 storey terrace containing 3no 2 bedroom “affordable houses”.

Due to an adverse impact upon 2 existing trees that are outside but close to the site boundaries, the application has been amended by the deletion of the terrace of 3 affordable homes, and the siting on the land of just 2no 4 bed detached houses, located beyond the Root Protection Zone (RPZ) of the trees.

The application is in outline with the matters of access, layout and scale to be considered under this application. The matters of appearance and landscaping are reserved for subsequent consideration.

With regards to access, the dwellings would be served by the existing single width track that serves the existing dwellings Langlands and Nethergill on either side of the application site. This track would extend from the head of a cul de sac to be formed within the approved development of 21 dwellings.

To satisfy a requirement of the County Surveyor, an amended plan was received on 22 October 2013 showing a turning area (for general public use) extending into the area between the two dwellings. Each of the dwellings would have a double garage served by a driveway leading off the public turning facility.

With regards to layout, the position of the two dwellings is determined principally by the need to be clear of the existing trees and to respect the privacy and amenities of existing dwellings. The dwellings are sited towards the rear of the plot with their front elevations on the approximately same line as the front elevation of Nethergill to the east. This would provide a separation distance to the dwellings at the Old Coach House of approximately 32m.

With regards to scale, the houses would both be 2 storey with eaves heights between 5.5m and 5.7m and ridge heights between 7.0m and 7.75m.

Site Location

The application relates to an agricultural field that is adjoined to the south, west and east by existing dwellings and to the north by further undeveloped agricultural land. The land slopes upwards from south to north. The southern boundary of the site is approximately 2m above the ground level of the adjoining dwellings in the Old Coach House.

Relevant History

Although there is no history relating to the main part of this application site, the following applications relating to adjoining land to the east are relevant to the consideration of this application.

3/2012/0497/P – Outline application for the erection of 7no affordable dwellings and 14no open market dwellings. Approved subject to conditions following an appropriate Section 106 Agreement.

3/2013/0161/P – Outline application for the erection of 7no open market dwellings and 4no affordable units as a northern extension of the development approved under 3/2012/0497/P. No decision to date – report also on this agenda.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G4 - Settlement Strategy.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy ENV7 - Species Protection.

Policy ENV13 - Landscape Protection.

Addressing Housing Need in Ribble Valley.

Core Strategy Regulation 22 Submission Draft – Post Submission Version (Including Proposed Main Changes)

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DME3 – Site and Species Protection and Conservation.

National Planning Policy Framework.

Environmental, AONB, Human Rights and Other Issues

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

Principle of Development

The application falls to be considered within the context of national and local development plan policies. At national level, the National Planning Policy Framework (NPPF) states that at the heart of NPPF is the 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 the framework taken as a whole; or specific policies in the framework indicate that development should be restricted”

The NPPF requires Local Planning Authorities to consider housing applications in the context of a presumption in favour of sustainable development and the 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 sites.

Planning and Development Committee resolved on 10 October 2013 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 will be used for decision-making purposes. This figure is to be reviewed following the outcome of the Examination in Public having regard to any relevant appeal decisions. Committee also resolved that, in terms of the calculation of housing land supply, the Council would adopt the Sedgfield approach.

At the time of drafting this report, work was in progress on calculating the Council's current housing supply situation based on 250 dpa using the Sedgfield method. Although a precise figure was not available it was estimated that the supply would be approx 4.2%

Even if the Council could demonstrate a five-year supply of deliverable sites, in the Council's opinion, this would not mean that every application for housing development outside a settlement boundary should be refused, as the overriding aim of NPPF “Achieving Sustainable Development” is a major consideration in the determination of all planning applications

Paragraph 55 of NPPF seeks to promote sustainable housing development in rural areas stating that “housing should be located where it will enhance or maintain the vitality of rural communities. Eg, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances”. A number of such “special circumstances” are then listed within the paragraph. This development would not satisfy any of the listed “special circumstances” but the Council does not consider that it needs to, because the proposal would not result in an “isolated home in the countryside”.

Although the application site is not within the settlement boundary of the historic Local Plan, the adjoining properties to the south, east and west are all within the settlement boundary. In the event of permission being granted, the occupiers of the two proposed dwellings will contribute as much towards enhancing and maintaining existing local facilities as the residents of dwellings within the settlement boundary.

For these reasons, the proposal is considered to represent sustainable development in the locational sense. Reference has been made by local residents and the Parish Council to an

overall development of 37 dwellings being excessive for the facilities available within Gisburn, thus making an overall development of that size unsustainable. All applications have to be considered on their own merits; and this application is now for just two dwellings that would be adjoined on three sides by existing dwellings within the settlement boundary. I do not consider that the two dwellings would have such an impact on the existing infrastructure and facilities as to represent a defensible reason for refusal of the application.

Overall, I therefore consider the development to be acceptable in principle. The other relevant considerations in the determination of the application will be discussed below.

Highway Safety

Following the receipt of an amended plan showing the turning area, the County Surveyor has no objections to this application subject to appropriate conditions. The matter of the requested financial contribution towards the improvement of local bus stops is considered to be inappropriate for this development of only 2 dwellings that is discussed in the report for application 3/2013/0161/P that is for 11 dwellings on an adjoining piece of land.

Ecological/Tree Considerations

The application has been amended by the deletion of 3 dwellings in order to retain 2 existing trees. Subject to appropriate conditions relating to the retention/protection of those trees, the Council's Countryside Officer has no objections to the application in relation to effects upon existing trees.

There are no features of ecological importance on the site. The Countryside Officer has not expressed any objections to the application in respect of ecological considerations.

Infrastructure Provision

Subject to appropriate conditions, neither the Environment Agency nor United Utilities have expressed any objections to the proposed development. For this small development of 2 dwellings, there is no request from the County Council for financial contributions towards education and the request in relation to sustainable transport measures is discussed in the report for application 3/2013/0161/P. There would therefore appear to be no objections to this application in respect of the infrastructure provision.

Visual Amenity

Subject to the approval of appropriate design features and external materials and landscaping details at reserved matters application stage, the proposed 2 dwellings (to be sited between 2 existing dwellings) would not have any unduly detrimental effects upon the visual amenities of the locality.

Residential Amenity

The proposed dwellings would undoubtedly impact upon the view from the rear rooms and gardens of the existing houses at the Old Coach House. The effect of any proposal on the view from nearby dwellings does not, however, represent a legitimate reason for the refusal of a planning application.

It is also undeniable that the proposed dwellings would be on higher ground than the dwellings at the Old Coach House. However, with a separation distance of approximately 32m between the directly facing elevations, I do not consider that the proposed dwellings would have a significant impact on the privacy of the occupiers of the dwelling at the Old Coach House. I would remind Members that a generally accepted separation distance between directly facing main elevations on a flat site is 20m. I consider the extra 12m to more than compensate for the difference in ground levels.

Given the separation distance, even with the ground level difference, the proposed dwellings would have minimal (if any) effect upon light to the adjoining properties in the Old Coach House. Any effects upon direct sunlight would also be minimal due to the location of the application site to the north of those existing properties.

I consider the proposed precise position of the dwellings on the plot to be appropriate in relation to the amenities of the neighbouring houses on each side of the site. The dwelling on Plot 33 would be immediately alongside Nethergill thus avoiding any overshadowing of that property. The dwelling on Plot 34 would be sited slightly to the rear of the adjoining property, Langlands, but is a considerable distance away from its side elevation due to the need to be outside the RPZ of the tree within the curtilage of Langlands. The separation distance and the tree itself minimise any potential adverse effects upon the amenities of the occupiers of Langlands.

The privacy of the occupiers of both adjoining properties to the sides of the site will be further protected by appropriate window positions in the proposed dwellings at reserved matters application stage.

Overall, I consider that the application as amended for just 2 dwellings would not have any significant detrimental effects upon the amenities of any nearby residents.

Other Matters

As the development is only 2 dwellings there is no requirement for either to be "affordable". The matter of "affordable" provision within the 3 phases of the development, however, is discussed in the report for application 3/2013/0161/P.

The concern of the occupiers of the dwellings at the Old Coach Houses about vehicles potentially crashing through the fence and dropping into their rear curtilages and parking areas is understandable but does not constitute a legitimate planning reason for refusal of the application.

The electricity cables and transformer poles is a matter that will need to be addressed by the appropriate bodies but does not constitute a consideration of relevance to the determination of this application.

Conclusion

The proposed development would provide 2 dwellings in a sustainable location immediately adjoining the settlement boundary of Gisburn and would not have any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

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

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 later of the following date:
 - (a) The expiration of 3 years from the date of this permission; or
 - (b) the expiration of 2 years from the final approval of the reserved matters, or in the case of approval on 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 to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

2. No development shall begin until detailed plans indicating the appearance and landscaping of the site including a contoured site plan showing existing features, the proposed slab floor levels and road levels (hereinafter called the “Reserved Matters”) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: In order that the Local Planning Authority shall be satisfied as to the details and because 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 Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

3. In relation to the matters of access, layout and scale, the development shall be carried out in accordance with the amended plan received by the Local Planning Authority on 22 October 2013 (drawing no HIN/17bDwg03A).

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

4. If, during development, contamination not previously identified was found to be present at the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority dealing how this unsuspected contamination shall be dealt with and shall obtain written approval from the Local Planning Authority. The remediation strategy shall be implemented in its entirety in accordance with the approved details.

REASON: To protect the water environment from contamination and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

5. The development hereby permitted shall not be commenced until details of a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON: To secure proper drainage and to reduce the risk of flooding and pollution and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the

Core Strategy Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

6. Prior to the commencement of any site works, including delivery of building materials and excavations or foundations or services all trees within or adjoining the site that are to be retained shall be protected in accordance with the PS5837 2012 (trees in relation to construction) the details of which shall be submitted to and agreed in writing by the Local Planning Authority. All protection measures shall be implemented in full under the supervision of a qualified arboriculturalist and in liaison with the Countryside/Tree Officer. A tree protection monitoring schedule shall also be submitted and agreed and tree protection measures inspected by the Local Planning Authority before any site works are commenced.

The root protection/exclusion zone shall remain in place until all building work has been completed and all excess materials have been removed from the site including soil/spoil and rubble.

During the building works no excavations or changes in ground level shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection/exclusion zone, in addition no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented without the prior written permission of the Local Planning Authority which shall only be granted when the Authority is satisfied that it is necessary, is in accordance with BS3998 for tree work and is to be carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by development considered being of visual, amenity value are afforded maximum physical protection from the potential adverse effects of development in order to comply with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME2 of the Core Strategy Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

7. The development hereby permitted in outline shall not be commenced until details of the landscaping of the site, including details of the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, and details of any boundary treatments (walls, fences or hedges) have been submitted and approved in writing by the Local Planning Authority.

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

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 Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

8. Access to the adopted highway (Main Street, A59) is via the estate road within the adjoining housing development for which permission has been granted under reference 3/2012/0497/P. Construction of the 2 dwellings that are the subject of this application shall not be commenced until the estate road within that adjoining site has been constructed to at least base course level.

REASON: To ensure that satisfactory access is provided to the site 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 Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

9. Prior to the commencement of construction works on site, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. The facilities shall remain in place and shall be used at all times during the construction of the development.

REASON: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials 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 Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

10. No development shall begin until the scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details prior to the occupation of the development and thereafter retained in a condition commensurate with delivering the agreed level of energy generation.

REASON: In order to encourage renewable energy and to comply with the requirements of the National Planning Policy Framework.

11. The dwellings hereby permitted in outline shall achieve a minimum Level of the Code for Sustainable Homes in force on the date of occupation. No dwellings shall be occupied until a final Code Certificate has been issued for it certifying that the appropriate code level has been achieved.

REASON: In order to encourage an energy efficient development in accordance with the requirements of the National Planning Policy Framework.

12. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the dwellings on Plot numbers 42-56 inclusive unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies G1, ENV3 and H10 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME2 and DMH5 of

the Core Strategy Regulation 22 Submission Draft - Post Submission Version (including Proposed Main Changes).

13. Notwithstanding the provisions of Class A Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no gates, walls, fences or other means of enclosure shall be erected within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies G1, ENV3 and H10 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME2 and DMH5 of the Core Strategy Regulation 22 Submission Draft - Post Submission Version (including Proposed Main Changes).

14. Notwithstanding the provisions Schedule 2 Part 40 Classes A-I of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008, or any Order revoking and re-enacting that Order, no microgeneration equipment shall be attached to the new dwelling unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies G1, ENV3 and H10 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME2 and DMH5 of the Core Strategy Regulation 22 Submission Draft - Post Submission Version (including Proposed Main Changes).

APPLICATION NO: 3/2013/0587/P (GRID REF: SD 371862 435398)
PROPOSED ERECTION OF A DWELLING AND A DETACHED GARAGE BLOCK WITH GRANNY ANNEX OVER. RE-SUBMISSION OF WITHDRAWN APPLICATION AT LAND ADJACENT ELKER FARM, WHALLEY ROAD, BILLINGTON.

PARISH COUNCIL: Billington and Langho Parish Council object for the following reasons:

1. The proposed dwelling would be much larger in size than the adjacent cottages, and as such would not be in keeping with the rest of the properties in the area. The scale and mass of the proposed development exceeds existing planning permission already given for this site. It will dominate the landscape and cause a visual eyesore for residents living in the vicinity.
2. The proposed development lies outside of the settlement area in the open countryside and if approved would breach local and national policies.

3. The proposed development would have a detrimental effect on neighbouring properties by invading their privacy.
4. Granting permission for this development would set a precedent for other unwelcome developments.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

The County Surveyor raised no concerns in relation to the proposed development.

ENVIRONMENT AGENCY:

No response received.

ADDITIONAL
REPRESENTATIONS:

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

1. The proposal is for a new dwelling in the open countryside.
2. The approval will set a precedent for further similar developments.
3. The proposed dwelling is much larger than the previously approved single storey holiday cottage.
4. The proposal offers no economic benefits which were associated with the previous approval.
5. Over intensive development
6. Loss of privacy and light
7. The size and overall scale of the development fails to the scale of the adjacent cottages appearing over-dominant.
8. The proposal is contrary to Local Authority Planning Guidance and policy.
9. The proposal removes an important amenity/landscape feature for the existing residential properties.

Proposal

This application seeks full consent for the erection of a single detached part single part two storey dwelling with associated detached garage/workshop at land adjacent Elker Farm, Whalley Road, Billington.

The submitted details propose the erection of a 4 bedroom detached part single part two-storey dwelling and detached garage with associated driveway and forecourt area. It is proposed that the dwelling and garage will be constructed of natural coursed stonework with stone window

surrounds, heads and cills with light oak UPVC windows. The two-storey element of the dwelling will be a height of approximately 7.25m at ridge and an eaves height of approximately 5.1m with the single storey element being 2.3m at eaves and 3.5m at ridge level, the detached garage and workshop will be of a height of 4.1m at ridge level and an eaves height of approximately 2.3m.

Site Location

The proposal site fronts Whalley Road located to the north-east of Elker Mews cottages and directly to the east of Elker Farm in Billington. The proposal is contained within the garden/amenity area to the east of Elker Mews currently occupied by a single storey corrugated panel storage unit/outbuilding. Vehicular access to the site is a shared access with that of Elker farm to the west of the site.

Relevant History

Ref: 3/2011/0239: Erection of a single storey render and stone built storage/potting & seeding building. (Approved)

Ref: 3/2012/0612: Erection of a single storey 2 bedroom holiday cottage (Approved)

Ref: 3/2013/0335: Erection of a new dwelling. (Withdrawn)

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy H2 – Dwellings in the Open Countryside

Policy ENV3 – Development in open Countryside

Policy ENV13 - Landscape Protection.

Core Strategy 2008 – 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 DMH3 – Dwellings in the Open Countryside

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 impact on neighbouring residential amenities; highway safety; the impact of the proposal on the wider and immediate context.

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 objectives of the National Planning Policy Framework (NPPF) and where applicable, Supplementary Planning Guidance.

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. 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 and immediate proximity to existing residential development and the settlement of Billington I do not consider the development as overly isolated or remote from other built form and therefore consider in principle the proposal would not directly contradict paragraph 55 of the NPPF.

It is noted that the proposal site benefits from a previous consent for holiday accommodation which would provide clear benefits to the local economy in terms of tourism related industry. Given this permission has not been implemented, it is my opinion that the economic impact of losing any tourism-related use cannot be considered in this instance.

Highways safety

The County Surveyor has raised no concerns or objections in relation to the proposal.

Residential Amenity

In considering the acceptability of the proposal I am mindful of the potential impact upon the residential amenities of existing and future neighbouring occupiers. Amended plans received propose the reorientation of the proposed dwelling and garage to respect that of the horizontal emphasis, parallel to Whalley Road, that is evident within the area. In relation to residential amenity I consider that the revised orientation and window locations proposed would not result in a detrimental impact upon the residential amenities of the nearest neighbouring occupiers to the north west (Elker Mews).

A number of objectors have raised concerns regarding loss of privacy and light as a result of the proposal. I am satisfied that the revised window locations would not result in a loss of privacy, furthermore I consider that given the two-storey element of the proposed dwelling lies wholly to the north of existing properties that due to the solar orientation of the site that there would be no significant loss of light to neighbouring occupiers as a result of the proposal.

Design & Appearance

Significant amendments have been undertaken during the course of the application following extensive negotiation regarding the external appearance and orientation of the proposed dwelling.

The amended plans detail the dwelling to be orientated parallel to Whalley Road, to follow the main dominant ridge line of the properties to the south west to allow it to be visually read as part of an established settlement pattern, albeit set forward of the existing buildings in the area which lessens its visual dominance upon approach. The dwelling has also been orientated to “wrap around” an existing garage block directly to the west with the single storey element having a lower ridge height than that of the aforementioned garaging. The main bulk of the two-storey dwelling has been sited to the north of the properties at Elker Mews to negate any concerns regarding potential over dominance. In terms of overall appearance I consider the amended

proposal to be largely in keeping with the context of the area and will respond positively in terms of scale and mass to the immediate setting.

In terms of overall appearance, design, mass and orientation I therefore consider the proposal to be acceptable and do not consider that it would be of detriment to the visual amenity of the immediate or wider context.

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 setting a precedent for further similar development. Members will note that each case should be considered on its own merits.

Representations have also been received regarding the scale and mass of the proposed dwelling. Following extensive negotiation I am satisfied that the amended submission fully takes into consideration these concerns and addresses them in a positive manner.

I consider the principle of the erection of a dwelling on this site acceptable and that the dwelling would not detract from the appearance of the immediate or wider context or be of detriment to visual or residential amenities.

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

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

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

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

01: WHA/02 Dwg 03F Proposed Plans & Elevations
02: WHA/02 Dwg 06E Proposed Site Plan & Garden Elevation

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.

APPLICATION NO: 3/2013/0610/P

(GRID REF: SD370823 441376)

PROPOSED NEW SLURRY LAGOON (RETROSPECTIVE) AT WITHGILL FARM, WITHGILL FOLD, WITHGILL, CLITHEROE

PARISH COUNCIL:

Bashall Eaves and Mitton Parish Council say that they have commented many times on cattle excrement disposal at Withgill. At present, excessive use is made of spreading on surrounding land with consequent domestic and environmental damage. So, if the present proposal ameliorates this, it is to be welcomed. If it is a prelude to housing yet more cattle, it is to be opposed.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

Comments that the proposal has no significant effect on the adjacent highway network and, as such, there is no objection on highways grounds to the development.

ENVIRONMENT AGENCY:

Following the receipt of additional information from the applicant relating to the results of ground permeability tests, the Environment Agency has confirmed that the location of the site is suitable for use as a slurry lagoon and they therefore have no objections in principle to the development for which retrospective permission is sought.

The Environment Agency also commented that the location of the new lagoon appears to have resulted in the loss of a pond; and that ponds are important wildlife habitats which support a wide variety of wetland plants and animals including rare and endangered species. The Environment Agency has therefore requested the imposition of a condition requiring the ecological improvement and enhancement of an existing pond approximately 50m to the north of the new lagoon. In the event of permission being granted, such a condition will be imposed.

Subject to such a condition the Environment Agency has no objections to this application.

LCC LAND AGENT:

Commented that he had held a meeting at the site with the applicant and his agent and that the information provided at the meeting, together with the written submissions in the application, formed the basis of his appraisal. The Land Agent noted that the lagoon had already been constructed. The further comments of the land agent are summarised as follows:

- The applicant explained that the need for this third lagoon was a result of the bedding system that is used on the farm which uses a lime ash bedding. The applicant explained that, whilst the bedding had improved animal welfare, and reduced cases of mastitis, one of the results of using this material is that more of the material finds its way into the existing slurry lagoons. As a result of lime ash settling within the lagoons, it is causing the existing facilities to silt up therefore reducing capacity. The applicant further explained that this third lagoon would provide additional and sufficient slurry storage to facilitate a system of emptying the lagoons on a bi-annual basis whereby the empty lagoon can have the settled silt (lime ash bedding) excavated and removed.
- Whilst the additional lagoon that is the subject of this application would result in a greater capacity than the unit strictly required, an additional lagoon would provide the spare capacity needed in order to facilitate one of the lagoons to be fully emptied and lime ash removed. On that basis, the development is considered to be required for the purposes of agriculture.
- With regards to design, an earth bank slurry lagoon is the most economically viable method for the storage of slurry upon the unit, as the alternatives of an underground storage chamber or concrete lagoon of the size required would be disproportionately expensive.
- With regards to siting, due to the design of an earth bank slurry lagoon, having wide banking and a fairly shallow depth, a large area is required to site such a facility, limiting its ability to be sited upon the main farmstead. This therefore means that the proposed development needs to be sited upon a greenfield site. This slurry lagoon is situated next to the other earth bank slurry lagoon on the northern boundary of the farmstead. This is considered to be an appropriate position with regards to the cattle accommodation buildings and from an overall operational point of view.

The County Council Land Agent therefore has no objections to the application.

ADDITIONAL
REPRESENTATIONS:

None received.

Proposal

Retrospective permission is sought for a third slurry lagoon at this farm. It is an earth bank construction that has a capacity of 30,205 cubic litres. The scheme is accompanied by a revised manure management plan that forms an integral part of the application.

The lagoon has been designed with an access road around the top of the embankment providing access for tractors and tankers, and the whole of the lagoon area will be appropriately fenced off for site safety reasons, particularly in view of the relatively close proximity of a public footpath. A comprehensive landscape planting scheme is included within the application details. This will need to be implemented in the next planting season.

Site Location

The agricultural holding of Withgill Farm extends to approximately 350 hectares of meadowland. The complex of agricultural buildings and dwellings is situated in the open countryside between Clitheroe and Chaigley. These agricultural buildings and dwellings are located at the end of a track some 150m to the east of the highway, Whalley Road, that serves the site. The residential development at Withgill Fold (formed through the conversion of the traditional buildings originally belonging to this farm) is situated to the south-east of the farm buildings complex and is served by a separate access road.

There are presently five existing cow barns sited next to each other running from south to north. The fifth barn, that is sited to the north of the previous northernmost existing barn, continuing the existing layout, was erected in accordance with planning permission 3/2010/0747/P. The construction and use of the fifth barn has increased the milking herd based at this farm from 1,500 to approximately 2,040 cows.

Upon its construction, the fifth barn was adjoined to the west, north and east by agricultural fields. A new slurry lagoon, however, was subsequently formed on land to the north of the eastern half of the fifth barn. Retrospective planning permission has been granted for that slurry lagoon (3/2012/0423). More recently, a further, and larger, slurry lagoon has been formed to the east of the one granted permission by 3/2012/0423. It is this slurry lagoon (the third at this farm) for which this current application seeks retrospective permission.

Relevant History

3/1993/0796/P – New herdman's cottage. Approved.

3/1999/0166/P – Four new agricultural buildings, new dairy facilities, new store, new farm road and associated landscaping and external works. Approved with conditions.

3/2005/0465/P – Covered midden. Approved.

3/2005/1011/P – Farm worker's dwelling. Approved.

3/2006/0213/P – Expansion of existing dairy cow accommodation by extending two of the existing barns, replacement slurry storage, and associated landscaping. Approved.

3/2007/0266/P – Farm worker's dwelling, substitution of house type. Approved.

3/2007/0362/P – Retention of five agricultural workers caravans and screen fencing. Approved for a temporary period expiring on 31 July 2010.

3/2008/0006/P – Construction of an agricultural worker's dwelling to replace five agricultural workers caravans. Approved subject to the removal of the existing caravans.

3/2008/0129/P – Replacement dry feed store. Approved.

3/2008/0731/P – Change of agricultural worker's house type and alterations to siting. Approved.

3/2008/0749/P – Replacement of dry cow building and store with a new portal framed building. Approved

3/2010/0747/P – Proposed cow building, earth mound and landscaping. Approved with conditions.

3/2011/0753/P – Proposed cow handling building. Approved with conditions.

3/2012/0423/P – Slurry lagoon (retrospective). Approved with conditions.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

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

Policy ENV13 - Landscape Protection.

Core Strategy 2008 to 2028 Regulation 22 Submission Draft

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

National Planning Policy Framework.

Environmental, AONB, Human Rights and Other Issues

In the Design and Access Statement submitted with the application, the construction of the fifth barn is referred to by the applicant's agent as phase 3 of the expansion plans at this farm. The agent explains that the implementation of phase 3 was completed towards the end of 2011 when additional cows were purchased to expand the herd to its new capacity. He says that this also coincided with the prolonged wet period leading up to the end of 2012 and throughout 2013 and that, as a consequence, the existing slurry storage facilities were put under extreme pressure and reached capacity because of the inability to continue spreading operations due to adverse ground conditions.

Additionally, the agent explains that over the 24 months prior to the submission of this application, trials had been undertaken with different types of bedding materials in order to improve animal welfare and reduce the incidents of mastitis; and that the trials resulted in the adoption of a lime ash bedding as the on-going preferred solution. The agent adds that, as a consequence of the use of lime ash bedding over the original matting system, quantities of this material find their way into the slurry lagoon and settle at its base effectively reducing its capacity. This factor, together with the increased annual rainfall and adverse weather

conditions in the latter half of 2012 and throughout 2013, all contributed to the need to find a more appropriate long-term solution in terms of slurry storage at this farm in order to ensure that there would be no problems in the future.

The agent states that the creation of a second and third lagoon, whilst increasing the overall capacity, also provides the opportunity in the summer months, when spreading is likely to be less of an issue, for the lagoons to be emptied on a bi-annual basis allowing the lime ash to be excavated from the base of each lagoon in order to maintain optimum capacity.

As a result of these circumstances (and to possibly prevent a major pollution problem) the decision was taken by the applicant to commence the construction of the third lagoon in advance of the submission of this planning application.

Although it is regrettable that this application was submitted after the construction of the lagoon, a meeting with the Environment Agency had taken place prior to its construction. At the meeting the Agency confirmed that a third lagoon at this farm would assist in preventing a possible major pollution incident. This would be as a result of providing more storage capacity, but also by allowing the three lagoons to be emptied and excavated in rotation in order to maintain optimum capacity. Following the receipt of additional information, the Environment Agency has now also confirmed that they have no objections to this retrospective application subject to a condition relating to the ecological improvement and enhancement of an existing pond in the vicinity of the lagoon.

The County Council Land Agent has also confirmed that the new lagoon is both necessary and appropriately located for the operational requirements of this farm.

Given the accepted need for the development, the relevant planning considerations relate to the effects of the lagoon on the amenities of nearby residents and the visual amenities of the locality.

With regards to the amenities of neighbours, the new lagoon is set to the north-east of the farm buildings whilst the residential properties at Withgill Fold are to the south-east. In my opinion, the distance between the lagoon and the nearest dwellings prevent the lagoon from having any significant effects upon the amenities of nearby residents.

With regards to visual amenity, the farm buildings complex is outside the Area of Outstanding Natural Beauty but relatively close to its boundaries. The lagoon, however, being effectively a large hole in the ground, does not have any significant impact on the local landscape. It is seen (as are the other two lagoons) within the context of the agricultural complex to which it relates. It is not therefore in any way an incongruous or inappropriate feature in the locality. Nevertheless, as previously stated, a landscaping scheme has been submitted which would further reduce the visual impact of the lagoon.

With regards to the observations of the Parish Council, this lagoon was constructed out of necessity to address an existing problem (and possibly avert a pollution issue) rather than as a forerunner to a further increase in the number of cattle.

In conclusion, the third slurry lagoon at this farm is considered to be necessary for the continued operation of the agricultural enterprise, and also for the protection of the environment as it will assist in the prevention of possible pollution incidents in the future. It is also considered that the lagoon does not have any seriously detrimental effects upon either visual amenity or the

amenities of nearby residents, and it does not have any implications for highway safety. Therefore, subject to appropriate conditions relating to the implementation and subsequent maintenance of the landscaping scheme and the ecological improvement/enhancement of an existing pond, I can see no sustainable objections to this retrospective application.

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

1. The permission shall relate to the development as shown on Drawing Numbers BARN/25/Dwg 02 & Dwg 03 and the 'Manure Management Plan' that were submitted with the application.

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

2. The landscaping /planting scheme shown on submitted Drawing Number BARN/25/Dwg 02 shall be implemented in the first planting season following the date of this planning permission (ie November 2013 to March 2014) and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policies G1 and ENV2 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME2 of the Core Strategy 2008 - 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

3. Within 2 months of the date of this permission, details of a scheme for the ecological improvement/enhancement of the existing pond at Grid Reference SD 370666 441368 to the north-west of the slurry lagoon hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented to a timescale that has also first been agreed in writing by the Local Planning Authority.

REASON: To replace a pond that has been lost as a result of the development in the interests of ecology through the enhancement of the aquatic environment and to comply with Policy ENV 7 of the Ribble Valley Districtwide Local Plan and Policy DME3 of the Core Strategy 2008 – 2028 Regulation 22 Submission Draft.

APPLICATION NO: 3/2013/0742/P (GRID REF: SD 368597, 432244)
PROPOSED ERECTION OF A DWELLING ON LAND BETWEEN 52 AND 54 KNOWSLEY ROAD, WILPSHIRE, BB1 9PN

PARISH COUNCIL: The Parish Council object to this proposal for the following reasons:

The proposed development projects beyond the building line of the houses downhill i.e. 52 Knowlsey Road. The building line of no 54 (uphill), a corner plot of different orientation, seems to disguise this fact.

Should approval be given please ensure that a condition preventing the use of the flat roof as a terrace and also prevention of windows being installed in the bricked up angled area is attached to any consent.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

No objections subject to appropriate conditions concerning the parking, turning areas, surfacing and visibility.

UNITED UTILITIES:

No objections to the proposed development.

ADDITIONAL
REPRESENTATIONS:

Four letters of objection have been received, three of which are from each of the properties that border the application site, who raise the following:

- The proposal is still too big for the size of the plot
- The two-storey element would protrude forwards of the build line appearing too domineering compared to neighbouring dwellings which are set back with ample garden space, harming the street scene.
- The amendments to the scheme do not address the loss of light, privacy and oppressive effect on No. 52 and its garden area.
- Due to the height of the roof, the sense of openness from No.54 would be lost and due to the roof being at eye level it will be overbearing and oppressive.
- Windows overlook No. 45 Knowsley Road which they have not had to tolerate before.
- Potential loss of conifer hedge resulting in loss of privacy to lounge, kitchen, patio areas and garden.
- Concern that trees will suffer from soil changes, excavations, loss of light and concerned that the hedge would be impossible to replace.
- Concern that the dining room on this scheme encroaches into the Root Protection Zone of the hedge.
- Questions if off road parking is to be provided.
- Concerned about the state of the culvert apparently crossing the land and that there may be rats.

Proposal

This application is a resubmission of an application refused by Planning and Development Committee in July 2012 that was subsequently dismissed at appeal by the Secretary of State. Permission is again sought for the erection of a detached two-bedroom dwelling on an unusual wedge shape plot. Amendments have been made to the scheme to try and address the concerns raised by the Planning Inspector.

The dwelling would be part two-storey and part single storey. The two-storey portion of the dwelling would run parallel with the northern boundary of the site adjacent to 54 Knowsley Road. It would have a length of 14m, a width of 5m, and overall height of 6.6m. The single

storey element would project at a 42° angle from this and run parallel with the southern boundary of the site adjacent to 52 Knowsley Road before part of it is set away from the boundary by approximately 3.7m. This single storey element would have a flat roof incorporating a green roof system and have approximate dimensions of 12.7m x 5.5m x 3.2m.

The site contains a Conifer hedge along the north and east boundaries that is at a higher level than the main area of the plot, and an Elm tree exists at the north western end of the site. A patio and garden area are proposed at the rear of the dwelling and three off-road parking spaces and a turning area is proposed at the front of the dwelling.

Site Location

The site is located between numbers 52 and 54 Knowsley Road, Wiltshire. The land in question is an unusual wedge shape where it tapers away from the road from a width of 26m to 5.7m at its narrowest. Historically, this plot of land was the side garden for number 52 Knowsley Road.

Relevant History

3/2012/0390/P – Proposed erection of a dwelling. Refused and Appeal Dismissed.

3/2011/0091/P – Proposed erection of a two storey detached dwelling, provision of a new vehicular access and associated landscaping (resubmission). Refused.

3/2010/0675/P - Proposed erection of a two storey detached dwelling, provision of a new vehicular access and associated landscaping. Withdrawn.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy T7 - Parking Provision.

Policy SPG – Extensions and Alterations to Dwellings (Daylight and Privacy)

Ribble Valley Core Strategy - Regulation 22 Submission Draft Post Submission Version (including Proposed Main Changes)

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME1 – Protecting Trees and Woodlands.

National Planning Policy Framework

Achieving Sustainable Development.

Section 3 – Delivering a wide choice of quality homes.

Section 7 – Requiring good design.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application include the principle of development, highway safety, impact on trees and hedges, visual amenity and residential

amenity. Consideration also needs to be given to the Inspectors decision on the previous application as this is now a material consideration.

In terms of the principle of development, the dwelling is located within the main settlement boundary of Wilpshire, therefore Policy G2 of the Districtwide Local Plan relating to the Council's Settlement Strategy is applicable. Policy G2 allows for development within defined main settlements, therefore the principle of a new dwelling in this location is acceptable subject to other development control criteria considered below.

In relation to highway safety, the Highway Engineer has stated again that he has no objections to the proposal; however, he would wish to ensure that appropriate sightlines could be achieved. He has also stated that all planting and construction that falls within the extent of the visibility splay should be maintained at a maximum height of 0.5m above carriageway level. This is to maximise visibility for turning traffic and to ensure there is adequate inter-visibility between motorists and pedestrians. This is particularly relevant in this instance as there is no footway to the east side of Knowsley Road at this location. Should Members be minded to approve the application the Highway Engineer is of the opinion that imposing suitable conditions can address these issues.

In relation to visual amenity and the affect of the proposal on the street scene, I note the concerns from the Parish Council and of neighbouring residents with regards the scale, bulk massing of the dwelling and its projection past the front elevation of number 52 Knowsley Road. I also know that the previous application was partly refused due to its cramped and dominant appearance within the street scene. However, the Planning Inspector did not dismiss the appeal on this basis as he stated:

"The height and mass of the proposed dwelling would be compatible with the dwellings to either side of the site and indeed the cross fall of the site. The front elevations of the proposed dwelling would also be compatible with the primary building lines of the dwellings to either side of the site. Furthermore, the proposed front gable would be subservient to the dwelling at No 54 due to its lower height and similar width.

The extent of development in plan form would be similar to other nearby plots, with the exception of the small rear garden. Rear gardens in this locality however contribute little to the public character and appearance of the area, and the size of the rear garden would thus be no reason to dismiss the appeal. The gap between the proposed dwelling and those to either side would also be similar to others nearby, particularly above ground floor level. As a result of all of these points, the proposal would exhibit a sufficiently high standard of design as required by LP Saved Policy G1.

I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the surrounding area and that it thus would not conflict with Local Plan Saved Policy G1 in this regard."

The design of the proposed dwelling is in the main identical to the dwelling previously judged by the Inspector as acceptable. The main change visually from Knowsley Road would be the introduction of an angled window on the south side elevation. One side of this projection only would be glazed, with the other side completely solid. A similar projection containing a window in one side is also proposed on the rear gable. Whilst this design feature is not reflective of other nearby dwellings, I do not consider this would harm the street scene and on this basis the visual impact of this dwelling is considered to be acceptable.

The previous application was refused by Committee on the detrimental effect the dwelling would have on the amenities of nearby neighbours. Looking at this aspect, the Planning Inspector did not consider there would be any significant adverse effects on the occupiers of No. 54. The design of the dwelling remains the same on the elevations affecting No.54 and as planning conditions can be imposed to protect the boundary hedge between the site and No.54 which provides privacy to their rear habitable rooms and garden area, I cannot argue against this decision. However, the Planning Inspector refused the application on the harm to the conditions of the residents of No. 52 for two reasons. The first was due to the close proximity of the single storey element of the proposal to the sole window on the gable serving a kitchen diner within the house. It was considered the single storey element would have been visually intrusive to, and resulted in inadequate daylight for, occupiers of that room. The second reason related to the proposed first floor windows unacceptably overlooking the bedroom of No 52 resulting in an inadequate level of privacy. This proposal has sought to address each of these concerns.

Part of the single storey element that would run parallel to the sole window serving the kitchen diner has been repositioned an additional 2.25m away from the boundary with No. 52. This results in the extension being 4.75 metres away from this window. With the extension positioned further away from this window I consider loss of light would no longer be as severe and that the expanse of wall seen above the boundary fence set further away from this kitchen diner window would, in my opinion, address the Inspectors concerns regarding its overbearing impact and the resulting loss of light. The agent for the application has provided an undertaking that the ground floor kitchen and dining windows will be obscured. This will prevent direct overlooking if the kitchen/diner window and glazed side door of No 52. To ensure that this is the case I proposed the use of a condition to reinforce this.

With regards the overlooking of the front bedroom of No. 52 the Planning Inspector stated in his decision:

“The elevation of the house at No 52 which faces the appeal site includes a first floor window that serves a bedroom. The entrance to the main part of this bedroom, and a significant area of this part of the room, would be visible through this window from a first floor bedroom window in the proposed dwelling. These views would be available from various vantage points within the proposed bedroom, notwithstanding the angle that would exist between the two windows. This would result in unacceptable overlooking and an inadequate level of privacy for the occupiers of No 52 in conflict with LP Saved Policy G1.”

Creating angled window projections where glazing would exist in one cheek and not the other on the window nearest to this neighbouring property appear to have addressed the overlooking concern regarding the first floor window in the side elevation of No 52 as views are now directed towards Knowsley Road. I recognise the occupiers of No. 45 Knowsley Road have concerns about overlooking which they currently do not experience, however, this property is positioned in excess of 21 metres from this first floor window and consequently no serious overlooking would occur.

With regards the other first floor window on this elevation that would serve the front bedroom of the proposed dwelling, this would not overlook the front bedroom window at No. 52 due to the siting and orientation of the dwelling. The Inspector appears to have shared this view as he did not raise it as an issue when dismissing the appeal.

Turning to the rear gable orientated towards the rear garden area of No. 52, on the previous application no first floor window was proposed in this gable as this aspect had been removed from the scheme due to serious concern about the resultant overlooking that would occur. Notwithstanding this, a window has again been proposed, which the residents of No. 52 raise concerns that this will lead to loss of privacy within their rear garden. This aforementioned window would also be an angled projection with the wall nearest to No. 52 being solid. The glazed part of this projection would look towards the tapered end of the site and the conifer trees belonging to Woodcrest. Woodcrest is located approximately 23 metres away from the dwelling, at a higher level than the application site, and should this neighbour remove his trees in time direct overlooking of habitable windows would not occur in accordance with the privacy distance contained within the Council's SPG on extensions and alterations to dwellings. Oblique views of the rear garden area of No.52 would be possible, and thus the applicant has agreed to obscure glaze this window. Taking this into account, this window would therefore not cause any loss of amenity to this neighbour.

The Parish Council has raised concerns that the green roof on the single storey element could be accessed from the bedroom. This is a valid concern and if this were to happen the garden area of No. 52 would be seriously overlooked to the serious detriment of the amenities of these residents. A condition can be imposed to prevent this from occurring and I consider this to be necessary.

Concern has been raised from the residents of No. 54 about the accuracy of the submitted Arboricultural Survey that is now 18 months old. The Council's Countryside Officers do not consider the conifer hedge will have matured to such an extent that the Root Protection Zone would need to be extended, and as with previous applications are of the opinion that conditions regarding root protection and replacement planting can protect the amenities of these neighbours.

A local resident has suggested a culvert crosses the application site. The Local Authority has no record of a culvert on this land. The Environment Agency has provided a map of a surface water sewer that runs adjacent to the site on land belonging to Woodcrest and thus raises no concerns. United Utilities, who have been consulted, also raise no objections to the proposal.

Taking all of the above in to consideration, I consider the proposed dwelling has addressed the Planning Inspector's concerns and consequently it could be erected without causing significant harm to the amenities of the street scene or the surrounding neighbours. I thus recommend the application be approved subject to conditions.

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 Drawing Number: BS.08-076(A)-03.

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

3. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the arboriculture report/tree survey as being retained shall be protected in accordance with the BS5837 2012 [Trees in Relation to Demolition, Design & Construction] the details of which shall be agreed in writing with the Local Planning Authority and implemented in full under the supervision of a qualified arboriculturalist and in liaison with the LPA Countryside/Tree Officer.

The root protection/exclusion zone shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection/exclusion zone, in addition no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented without prior written consent, which will only be granted when the local authority is satisfied that it is necessary is in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to comply with planning policies G1 and ENV13 of the Districtwide Local Plan and policies DMG1, EN2 and DME1 of the Ribble Valley Core Strategy (Regulation 22 Post Submission Version) in order to ensure that trees of amenity value are protected against adverse affects of the development

4. The development hereby permitted shall not be commenced until details of a replacement evergreen hedge have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of evergreen plants, total length and location of hedge that may be required in the event that adverse effects of the development hereby granted consent results in the loss of the existing evergreen hedge.

The approved evergreen hedge which would be planted on the northern boundary of the site shall be implemented in the first planting season following the loss of the existing hedge, whether whole or in part, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority and maintained there after at a maximum height of 4.0m. The 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 safeguarding the residential amenity of adjacent properties in accordance with Policies G1 and H10 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMH5 of the Ribble Valley Core Strategy (Regulation 22 Post Submission Version).

5. 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 Ribble Valley Core Strategy (Regulation 22 Post Submission Version).

6. Before the access is used for vehicular purposes, the parking and turning space detailed on the submitted plans shall be appropriately paved in tarmacadam, concrete, block paviments, or other approved materials.

REASON: To prevent loose surface material from being carried onto the public highway, in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy (Regulation 22 Post Submission Version).

7. The access to the proposed development shall remain ungated.

REASON: To permit vehicles to pull clear of the carriageway when entering the site in the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy (Regulation 22 Post Submission Version).

8. The vehicular parking and turning space shall be laid out as detailed on the approved plan and be available for use before the development is brought into use.

REASON: Vehicles reversing to and from the highway are a hazard to other road users and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy (Regulation 22 Post Submission Version).

9. There shall not at any time in connection with the development be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device above a height of 0.9 metres. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4 metres measured along the centreline of the proposed driveway from the nearer edge of the carriageway of Knowsley Road to the points where the neighbouring property boundaries on either side of the plot meet the highway boundary.

REASON: To ensure adequate visibility at the site access and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy (Regulation 22 Post Submission Version).

10. The ground floor windows on the south elevation of the building and the first floor bedroom window on the east elevation of the building shall be obscure glazed to the satisfaction of the Local Planning Authority and remain in that manner in perpetuity and implemented prior to occupation of the dwelling.

REASON: In order to protect the residential amenities of No. 52 Knowsley Road as required by Policies G1 and H10 of the Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance – “Extensions and Alterations to Dwellings” and Policies DMG1, DME2 and DMH5 of the Ribble Valley Core Strategy (Regulation 22 Post Submission Version).

11. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or

any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the new dwelling unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies G1, ENV3 and H10 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME2 and DMH5 of the Ribble Valley Core Strategy (Regulation 22 Post Submission Version).

12. Notwithstanding the provisions of Class A Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no gates, walls, fences or other means of enclosure shall be erected within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies G1, ENV3 and H10 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME2 and DMH5 of the Ribble Valley Core Strategy (Regulation 22 Post Submission Version).

13. Notwithstanding the provisions Schedule 2 Part 40 Classes A-I of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008, or any Order revoking and re-enacting that Order, no microgeneration equipment shall be attached to the new dwelling unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies G1, ENV3 and H10 of the Ribble Valley Districtwide Local Plan, the Supplementary Planning Guidance on Extensions and Alterations to Dwellings, and Policies DMG1, DME2 and DMH5 of the Ribble Valley Core Strategy (Regulation 22 Post Submission Version).

14. The area of flat roof to the single storey element of the resulting dwelling shall at no time be used as a balcony/terrace area or the full height window at first floor level on the side or rear elevations be allowed to open in such a way so as to allow direct access to this flat roof area.

REASON: To preserve and protect the amenity of the adjoining properties in accordance with Policies G1 and H10 of the Ribble Valley Districtwide Local Plan, the Supplementary Planning Guidance on Extensions and Alterations to Dwelling, and Policies DMG1 and DMH5 of the Ribble Valley Core Strategy (Regulation 22 Post Submission Version).

NOTES

1. The site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/water course/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 United Utilities may require the flow to be attenuated to a maximum discharge rate determined by themselves.

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

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

United Utilities offer a fully supported mapping service at for their water mains and sewerage assets. This is a service, which is constantly updated by their Property Searches Team (Tel No: 0870 7510101). It is the applicant's responsibility to demonstrate the exact relationship between any assets that may cross the site and any proposed development

Please note, due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction, please contact a Building Control Body to discuss the matter further.

2. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Ribble Valley District Highways Office, Lancashire County Council, Riddings Lane, Whalley BB7 9RW (tel. 0845 0530011) and quote the planning application number.

C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL

APPLICATION NO: 3/2013/0694/P (PA) & 3/2013/0695/P (LBC) (GRID REF: SD 378477 444320)

PROPOSED IMPROVEMENTS TO TOILET FACILITIES INCLUDING A SINGLE STOREY REAR EXTENSION, EXTERNAL ALTERATIONS TO THE STAIRS TOWER, INTERNAL ALTERATIONS TO CREATE A DISABLED PERSONS TOILET AND ALTERATIONS TO CAR PARK TO IMPROVE OUTDOOR SEATING AREA AND CREATE BUS SHELTER/SEAT AT THE ASSHETON ARMS HOTEL, DOWNHAM

PARISH COUNCIL: No comments received.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR): No comment on this application.

ENGLISH HERITAGE: Do not wish to offer any comments on this occasion. Recommend determination in accordance with national and local policy guidance and on the basis of RVBC expert conservation advice.

HISTORIC AMENITY
SOCIETIES: No representations received.

RVBC (ENVIRONMENTAL
HEALTH): No comments.

ADDITIONAL
REPRESENTATIONS: None received.

Proposal

Listed building consent and planning permission is sought for a rear flat (with parapet) roofed toilet extension and the creation of a wall enclosed and raised external seating area at the front of the listed building.

The toilet extension is proposed to be attached to an existing (1954) toilet extension and to be faced in stone. The proposed extension will project 2.9m beyond the historic rear elevation (the 1954 extension sits within the angle at the juncture of the two historic ranges) and into the historic courtyard/former farmyard. It is shown to have a parapet height of 3.2m and to be 4.5m in width.

An existing (1954) stair tower is shown to be enlarged (in render) and to incorporate a flat (with parapet) roof.

The impact of this development on townscape and listed building character is difficult to understand without site inspection because 'existing' elevation plans have not been submitted and proposed plans do not show the context and proposed relationship of the extension to the listed building's historic curtilage buildings.

The extension is proposed as part of a scheme of improvement to toilet facilities (including the incorporation of a disabled persons toilet) at the site. An accessibility audit has been received (6 August 2013) following Officer request. However, this has not been undertaken in parallel with a conservation assessment of building elements (as advocated in English Heritage's "Easy Access to Historic Buildings") and therefore provides limited information to the necessary consideration of the relative impact of possible alternative accessible toilet provision schemes (see NPPF paragraph 13.2 and requirement for 'clear and convincing justification' for harm to designated heritage assets). However, some further information has been received from the agents (17 and 22 October 2013) following site meeting. Whilst still limited in respect to analysis of designated heritage asset significance (eg no existing elevation plans or photographs of the rear elevation in its context) the possible impacts of a number of toilet reconfiguration options on building use, economics and ergonomics is discussed.

A wall enclosed and raised seating area is proposed to the front of the listed building. The wall has a maximum height of 2.5m and is approximately 17.5m in length. It is shown to be of dry wall construction with flat stone copings and to incorporate an arch-headed seating recess in the external face. It is difficult to understand the proposed level changes from the information submitted (no cross-section drawings) and the degree to which the front elevation of the listed building will be obscured. However, the existing soft landscaped area sloping to and bordering the road is shown to be lost. The seating recess is intended to be a bus shelter seat (no information submitted in respect to timetable boards etc). A sketch elevation from the south of the site has recently been received (17 October 2013).

Site Location

The Assheton Arms is a Grade II listed (13 February 1967; therefore of national importance) public house of 1765 prominently sited within Downham Conservation Area. All of the buildings surrounding the site are either listed (including Church of St Leonard II*) or identified as Buildings of Townscape Merit in the Downham Conservation Area Appraisal (The Conservation Studio consultants, 2006). Downham is within the Forest of Bowland Area of Outstanding Natural Beauty. A public right of way (FP41) traverses the north of the site providing excellent views through the village and towards Pendle Hill.

The principal listed building comprises two historic adjoining ranges (the public house and former stables and a perpendicular range of former cottages) and has a close, interesting and harmonic association to its historic curtilage buildings within a courtyard/former farmyard (these buildings may form part of the listing under section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990).

The openness of the Assheton Arms forecourt (i.e. without enclosure) is historic and is shown on the 1848 and 1892 Ordnance Survey maps. Existing walling is modern and is not shown on the 6/10/0349 (1954) site plan.

'The Buildings of England: North Lancashire' (Pevsner N, 2000) states "*Downham is an excellently kept village of stone cottages and houses*".

The Downham Conservation Area Appraisal identifies:

- (i) the Assheton Arms, Church of St Leonard and Top Row to be *Focal Buildings enclosing the Assheton Arms forecourt Significant Open Space*; the view across the Assheton Arms forecourt and down Main Street to be a particularly *Important View* and curtilage buildings

associated with the Assheton Arms to be at least *Buildings of Townscape Merit* (**Townscape Appraisal Map**);

- (ii) Hillside location with stunning views of the village and Pendle Hill; Architectural and historic interest of the conservation area's buildings, including 32 listed buildings;

Remarkable surviving historic appearance with almost complete lack of 20th century alterations and accretions; Spacious layout devoid of 20th century infill; Rural setting of the village; Local details ... stone boundary walls (**Summary of Special Interest**);

- (iii) The village is scattered beside a minor road descending a south facing slope. Current form reflects the settlement's agricultural origins and a single landowner's control of development. The landowner, in successive generations, carried out limited building programmes in the 19th and early 20th centuries and, by sensitive management, has preserved and enhanced the village's historic character and appearance into the 21st century (**General character and plan form**);

- (iv) William Assheton, born in 1758, and a second William Assheton, born in 1788, were both involved in much rebuilding ... at about this time the road that runs past the post office was constructed ... The Assheton Arms was originally a farmhouse brewing beer for their workers. The interior has a stone fireplace inscribed 'IBS 1765'. In 1872 it was known as the George and Dragon but in the 1950s was renamed the Assheton Arms in honour of Ralph Assheton's elevation to the peerage in recognition of his contribution to government during the Second World War ... At the start of the 20th century there was a large amount of rebuilding, notably St Leonard's Church (1910), the Post Office ... since that time there has been very little new development in the village and careful management of estate properties, resisting the ubiquitous advance of UPVC joinery, has resulted in a village, and conservation area, of exceptional historic character and appearance (**Origins and historic development**);

- (v) After the brow of the hill, one enters the village and, from outside Top Row, there is a good southward, downhill view of the village ... The layout of the village on a hillside alongside a single main thoroughfare and lesser side lanes provides the opportunity for many diverse and attractive views. Because of the conservation area's picturesque setting, the village is much photographed (**Key views and vistas**);

- (vi) Within the village, buildings are grouped in twos and threes with spaces between and a generally spacious layout. Unlike many similar English villages, Downham has not suffered from loss of open space due to 20th century infill or construction of garages or off-road parking ... One of the characteristics of the conservation area are the small grassy paddocks which sometimes contain a few sheep and, together with wide grass verges, act as 'breathing spaces' for the whole village, contributing to its loose-knit layout. Grassed areas north and east of the former School and a triangle of land north of St Leonard's Church are examples. In particular, the setting of Top Row is enhanced by a grassy bank, and the Post Office, too, has an open space to the south which provides a fine setting ... Top Row, the Assheton Arms and St Leonard's Church surround an informal open sloping tarmac 'square' which at first appears to be the public focus of the settlement but the actual village green is the area of land north of West Lane House. In the early 18th century there was a large cross in the road halfway between the church gates and the inn (**The character of spaces within the area**);

- (vii) Apart from high status buildings such as Downham Hall, St Leonard's Church and Lidgett House, buildings are modest in scale and architectural pretension, as might be expected of a rural village. Buildings are all stone-built in the local vernacular tradition ... The conservation area has an overall 18th and 19th century character and appearance. There are only a few 20th century buildings in the conservation area and even these conform broadly to local building style (e.g. the Post Office and Hillcrest). Buildings from the mid to late 20th century are notable by their absence ... This absence of post-1914 building is one of the main contributing factors to the Downham Conservation Area's special historic character and appearance (**Architectural and historic character**);
- (viii) The conservation area also contains several 'buildings of townscape merit' (see below) which add to the area's range and variety of historic buildings. The presence of so many high quality historic buildings in such a small village is remarkable (**Listed buildings**);
- (ix) The buildings are considered to be good, relatively unaltered examples, of their type where original materials and details, and the basic, historic form of the building, has survived (**Key unlisted buildings - Buildings of Townscape Merit**);
- (x) The village is entirely stone-built ... The Assheton Arms is built with squared coursed limestone. The Post Office and former School, not uncommonly, are built with a combination of both, i.e. limestone walls with sandstone dressings. Stone roofing slabs are common, normally laid in courses diminishing in size from eaves to ridge ... the Assheton Arms and Greengates are examples of stone roofs ... The prevalence of stone as a building material, not only in habitable buildings but also for walls, gate piers, bridges, farm buildings and paving, unifies the conservation area, giving it a distinctive local identity and harmonising the many elements of the built environment (**Building methods, materials and local details**);
- (xi) There are no yellow line road markings in the conservation area and no traffic signs. Occasionally road surfaces are demarcated by a row of stone setts, as at the Assheton Arms ... The quality of the public realm is high. The public car park, information centre and toilets have been created to be respectful of existing buildings and immediate surroundings ... The only signs are small and discreet (a fascia sign at the Post Office and coat of arms at the Assheton Arms). There is no advertising, except for parasols with brewer's corporate logo at the tables outside the Assheton Arms (summer 2005) (**Floorscape and public realm**);
- (xii) There are a number of local features which add to the area's distinct identity and form part of the special interest of the area. It is highly desirable that these features are retained ... The conservation is notable for its stone boundary walls. Those in the south of the area enclosing small fields are drystone, capped with a haphazard coping of stones of varying size laid vertically on end. Property boundary walls are generally constructed more neatly, pointed, with either half-round or triangular coping stone. The wall around Lidgett House has triangular stone coping, the wall in front Fir Tree House has a half-round coping. A fourth method of coping with flat slabs laid horizontally can be found around the walled garden south of St Leonard's Church (**Local details and features**);
- (xiii) Picturesque rural village popular with tourists; Dedicated tourist parking; Exceptionally unspoilt historic character and appearance; Absence of road markings (**Strengths: The most important positive features of the Downham Conservation Area**);
- (xiv) The prevalence of stone walls means that timber fences such as the one bounding the overflow car park of the Assheton Arms appear out of character; Parasols outside the

Assheton Arms display advertising logo (**Weaknesses: The principal negative features of the Downham Conservation Area**);

- (xv) The current main threat to the character and appearance of the conservation area is traffic and the pressure of tourism (**Threats to the Downham Conservation Area**);

Relevant History

3/2013/0694 & 0695 – At the Planning and Development Committee meeting of 26 September 2013 decisions were deferred to arrange a meeting to discuss a possible solution to enable the scheme to move forward with a positive recommendation.

3/2013/0025 & 0026 - Installation of new signage to the exterior of the building. LBC & AC granted 15 February 2013.

3/2012/1096 & 1097 - Improvements to toilet facilities including a single storey rear extension, providing a pitched roof to an existing single storey flat roof, internal alteration to create a disabled persons toilet and alterations to car park to improve outdoor seating area. PP & LBC refused 13 March and 1 February 2013. *No pre-application advice was requested prior to submission of these applications; no reference in applications to the findings of the Downham Conservation Area Appraisal.*

3/2005/0389 - Replacement of existing flat and glazed roof areas to provide adequate weather protection to building fabric. LBC granted 1 June 2005.

3/1974/0877 – Double-sided projection sign (illuminated). AC refused 14 November 1974.

6/10/0857 – Conversion of stable and loft into staff bedrooms and bathroom. PP granted 29 August 1960. *This relates to the left hand bay.*

6/10/0349 – Proposed alterations (existing bar service; better toilet facilities; conversion of cottage to restaurant). PP granted 29 March 1954. *The scheme included construction of the existing Gents toilet extension, the two storey stair tower and further infill of the space between ranges to provide the existing internal toilet arrangements ('existing' plans show toilets within the outbuildings).*

Relevant Policies

Planning (Listed Buildings and Conservation Areas) Act 1990.

NPPF

HEPPG

Draft National Planning Policy Guidance.

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

Policy ENV19 - Listed Buildings (Setting).

Policy ENV16 - Development Within Conservation Areas.

Policy G1 - Development Control.

Policy ENV1 - Area of Outstanding Natural Beauty.

Policy ENV13 - Landscape Protection.

Policy G6 - Essential Open Space.

Policy RT1 - General Recreation and Tourism Policy.

Policy T1 – Transport and Mobility

Policy G6 – Essential Open Space
Downham Conservation Area Appraisal.
SPG – Retention of Public Houses in Rural Areas.

Core Strategy Regulation 22 Submission Draft Post Submission Revision (including proposed main changes):

DMG1 – General Considerations.
DME4 – Protecting Heritage Assets
DME2 – Landscape and Townscape Protection
DMG2 – Strategic Considerations
DMG3 – Transport and Mobility
DMB1 – Supporting Business Growth and the Local Economy
DMB3 – Recreation and Tourism Development

Environmental, AONB, Human Rights and Other Issues

The main consideration in the determination of the listed building consent application is the duty at Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest which it possesses. The duty to have special regard is repeated at Section 66(1) in respect to the determination of planning applications and listed buildings.

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

Mrs Justice Lang's recent judgement in **East Northamptonshire** has confirmed that 'desirability' means '*sought-after objective*' and that '*in order to give effect to the statutory duty under section 66(1), a decision-maker should accord considerable importance and weight to 'the desirability of preserving ... the setting' of listed buildings when weighing this factor in the balance with other 'material considerations' which have not been given this special statutory status*'.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

Additional main considerations in the determination of the planning application are the impacts upon the rural economy, accessibility, and the character of the Forest of Bowland Area of Outstanding Natural Beauty.

The Ribble Valley Districtwide Local Plan

Policy ENV20 states "*Proposals for the alteration or repair of listed buildings should be sympathetic to their character and appearance*". Paragraph 4.7.21 states "*The Council will seek to preserve all features which contribute to the special interest of the building*".

Policy ENV16 states "*Within conservation areas development will be strictly controlled to ensure that it reflects the character of the area in terms of scale, size, design and materials. Trees,*

important open spaces and natural features will also be protected as appropriate". Paragraph 4.7.8 states *"The main elements of Council policy are retention and enhancement"*.

Policy RT1 states that the Borough Council will approve development proposals which extend the range of tourism and visitor facilities providing *"the development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design"* and within the AONB *"the proposal should display a high standard of design appropriate to the area"*.

Policy G1 states that *"All development proposals will be expected to provide a high standard of building design and landscape quality ... development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature ... the density, layout and relationship between buildings is of major importance ... materials used should be sympathetic to the character of the area"*.

The National Planning Policy Framework

Paragraph 131 states that "In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets ... the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness".

Paragraph 132 states *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification"*.

Paragraph 137 requires consideration to listed building and conservation area enhancement and also indicates what the approach should be towards new developments which do not preserve positively contributing elements of setting *"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably"*.

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

Paragraph 60 states that it *"is proper to seek to promote or reinforce local distinctiveness"*.

Paragraph 61 states *"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment"*.

Paragraph 28 ‘Supporting a prosperous rural economy’ states that planning policies should take a positive approach to “sustainable new development” and should support “sustainable rural tourism”.

The Historic Environment Planning Practice Guidance

Paragraph 178 states “*The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting ... It would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset’s significance and its relationship to its setting will usually suggest the forms of extension that might be appropriate”.*

Paragraph 193 states “Buildings will often have an important established and historic relationship with the landscaping that exists or used to exist around them. Proposals to alter or renew the landscaping are more likely to be acceptable if the design is based on a sound and well-researched understanding of the building’s relationship with its setting, both now and in the past”.

Paragraph 45 states “There will almost always be scope to provide improved access for all without compromising the significance of a heritage asset”.

Paragraph 143 states “*The limits imposed by the structure and features of the asset are an important consideration, as is an understanding of the significance of individual elements, derived both from the physical evidence and documentary sources*”.

Paragraph 144 states “*There are various legal requirements that buildings have to comply with, such as Building Regulations and the Disability Discrimination /Act. Sometimes, the best means of conserving a heritage asset will seem to conflict with the requirements of such regimes. Local planning authorities are encouraged to consider imaginative ways of avoiding such conflict. Where conflict is unavoidable, such regimes generally allow for some flexibility so that a balance can be struck*”.

Paragraph 114 states: “Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration: by spatial associations; and, by our understanding of the historic relationship between places.”

Paragraph 116 states: “The setting of a heritage asset can enhance its significance whether or not it was designed to do so.”

Paragraph 117 states: “The contribution that setting makes to the significance does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. Nevertheless, proper evaluation of the effect of change within the setting of a heritage asset will usually need to consider the implications, if any, for public appreciation of its significance.”

Core Strategy Regulation 22 Submission Draft Post Submission Revision (including proposed main changes states:

Policy DMG1: General Considerations “All development must protect and enhance heritage assets and their settings”.

Policy DME4: Protecting Heritage Assets “In the conservation areas there will be a presumption in favour of the preservation of elements that make a positive contribution to the character or appearance of the conservation area ... development proposals on sites within the setting of listed buildings or buildings of significant heritage interest, which cause visual harm to the setting of the building, will be resisted”.

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

‘the cumulative impact of incremental small-scale changes may have as great an effect on the setting of a heritage asset as a large-scale development. The gradual loss of trees, verges or traditional surfacing materials in a historic area may have a significant effect on the setting of heritage assets’ (4.5).

‘The numbers and proximity of heritage assets in urban areas means that setting is intimately linked to considerations of townscape and urban design’ (2.2)

‘where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting ... consideration still needs to be given to whether additional change will further detract from ... the significance of the asset’ (2.4).

‘The setting of some heritage assets may have remained relatively unaltered over a long period and closely resemble the setting in which the asset was constructed or first used. The likelihood of this original setting surviving unchanged tends to decline with age and, where this is the case, it is likely to make an important contribution to the heritage asset’s significance ... the recognition of, and response to, the setting of heritage assets as an aspect of townscape character is an important aspect of the design process for new development, and will, at least in part, determine the quality of the final result’ (2.5).

‘many heritage assets have settings that have been designed to enhance their presence and visual interest or to create experiences of drama or surprise. Views and vistas, or their deliberate screening, are key features of these designed settings, providing design axes and establishing their scale, structure, layout and character. These designed settings may also be regarded as heritage assets in their own rights, which, themselves, have a wider setting: a park may form the immediate setting for a great house, while having its own setting that includes lines-of-sight to more distant heritage assets or natural features beyond the park boundary’ (2.5).

Ribble Valley Supplementary Planning Guidance ‘The Retention of Public Houses in Rural Areas’ states “Not only does the village pub provide an important social function to the village, it also has a significant impact upon the economic vitality of the village and the rural areas beyond ...also plays an important role in the visual appearance of the village. This is particularly true where the pub is located within a conservation area. The pub provides a vitality and attractiveness to the village and also affords a visible social focus which marks the centre of the village”.

The Downham Conservation Area Management Guidance (The Conservation Studio consultants, 2006) states: **Key design principles** - Maintain the historic pattern of development

by respecting the historic grain associated with historic plots and the historic morphology of development in the immediate area (**New development**).

English Heritage guidance 'Easy Access to Historic Buildings' (2004) states that '*The aim should always be to reconcile the interests of conservation and access*'. The recommended approach to determining reasonableness is to produce an access plan from an access audit and a conservation assessment : "preparing an access plan, and working through the issues it raises, is fundamental to the process of determining the need for changes to a historic building ... the process should consider the options available".

Note is made of the Planning Inspector's comments on appeal APP/T2350/E/08/2072213, Rodhill Lodge, Bolton By Bowland (8 August 2008; converted barn attached to Grade II listed farmhouse) "*I accept that views of the proposed conservatory from the public realm would be very limited but listed buildings are protected for their intrinsic value. The fact that the conservatory would be barely visible to anyone but the appellants is not a matter to which any great weight can be attached, therefore*" (paragraph 6).

The Forest of Bowland AONB (Draft Outline) Management Plan (July 2013) states:

"The natural beauty of AONBs is partly due to nature, and is partly the product of many centuries of human modification of 'natural' features. Landscape encompasses everything – 'natural' and human – that makes an area distinctive".

Conclusions

The deferment of application consideration has enabled the agent to expound upon alternatives for proposed toilet recognition. Fortunately, a number of potential options have been identified including use of existing 'private dining' rooms (x2) and a satellite kitchen/pre/coffee room for replacement ladies and gents toilets. Inevitably, there are downsides to all options including the impact upon the historic plan form and fabric of the listed building. However, from the information received it would appear that the ground floor 'private dining' room provides a significantly less damaging (and potentially irreversible) alternative to the proposed extension. This is at the loss of one of the two 12 cover annex rooms to the open dining area. I accept that this may have some impact on the vitality of the public house but there is no evidence to prove the business would be unviable should this option be pursued.

No further information has been submitted to justify the land remodeling and walled enclosure of the historically open forecourt *identified on first appearance by the Conservation Studio as the public focus of the settlement*'. The recently submitted sketch drawing does not assuage my concerns at the incongruity of the proposed retaining walling and the enclosure of this characteristically open part of Downham Conservation Area.

The agent (with the exception of stone facing to the single storey extension) does not wish to negotiate the originally proposed scheme. In my opinion and mindful of NPPF paragraph 132 ("*heritage assets are irreplaceable and any harm or loss should require clear and convincing justification*") the proposed development is unduly harmful to the character (including setting) and significance of the listed building, the setting of nearby listed buildings and the character, appearance and significance of Downham Conservation Area because:

- (i) **the extension is incongruous and dominant** – The existing single-storey extension is not of interest but appears to have been carefully sited (pre-listing) to respect its historic and

prominent location. However, the proposed extension dominates the historic courtyard ensemble because of its projection and, flat-roofed (parapeted) form.

(ii) the extension will result in the loss of interesting and important through views - principally those of the village roofscape juxtaposed with Pendle Hill.

(iii) the proposed walling formally encloses an historically open (and ostensibly public) space. Historic maps and the conclusions of the Downham Conservation Area Appraisal confirm that the openness of the Assheton Arms forecourt and adjacent listed buildings is a long-standing and critical element of the character of this 'gateway' part of the conservation area. The enclosure and rising of the forecourt will result in a prominent and alien feature and the obscuring of a large section of the listed building's façade.

In my opinion, the proposals do not preserve (ie keep free from harm; **South Lakeland**) the special architectural and historic interest of the listed building or the character, appearance and significance of Downham Conservation Area (as defined by The Conservation Studio consultants in the Downham Conservation Area Appraisal). As a result they do not comprise sustainable development under the NPPF.

From the information submitted, I am not convinced that the harm proposed to designated heritage assets is necessary to maintain restaurant viability or to achieve more accessible toilet facilities.

RECOMMENDATION: That listed building consent and planning permission be REFUSED for the following reasons:

1. The proposal has an unduly harmful impact upon the character (including setting) and significance of the listed building, the setting of nearby listed buildings and the character, appearance and significance of Downham Conservation Area. This is because of the proposed extension's projection into the rear courtyard and parapeted form resulting in an incongruity, dominance, obscuring of important building features and the loss of important through views. This is also because of the unsympathetic demarcation, re-grading and enclosure of the historic and important open space to the front of the listed building. This is contrary to Policies ENV20, ENV19, ENV16 and G1 of the Ribble Valley Districtwide Local Plan, Policies DME4 and DMG1 of the Core Strategy Regulation 22 Submission Draft Post Submission Revision (including proposed main changes) and Paragraph 17 (conserve heritage assets in a manner appropriate to their significance), Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness) and Paragraph 132 (great weight to conservation) of the National Planning Policy Framework.

APPLICATION NO: 3/2013/0768 (GRID REF: SD 374377 441859)
APPLICATION FOR THE RENEWAL OF PLANNING CONSENT 3/2010/0620P TO REDEVELOP AN EXISTING CAR PARK FOR PART RETAIL/PART OFFICE BUILDING AT LAND OFF KING LANE (TO REAR OF COWGILLS), CLITHEROE

CLITHEROE TOWN COUNCIL: No objection.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No comments to make.

ADDITIONAL
REPRESENTATIONS:

No additional representations have been received.

Proposal

The original planning application for the proposed development was considered by the Planning and Development Committee at its meeting on 14th September 2007, where it resolved to grant planning permission subject to conditions. Subsequent to the grant of the original consent in September 2007, planning permission 3/2010/0620P was granted in September 2010 to extend the time limit for implementation.

Planning permission is sought for the renewal of planning consent 3/2010/0620P and as such, this application would be a second renewal of the original consent.

The development proposed is a three storey building. The frontage to King Lane would comprise of a terrace of four shop units on the ground floor with offices on the first and second floors and to the rear part of the building, which would be constructed of natural stone and blue slate with window openings of a sash appearance. Each of the ground floor retail units would have a central single door access with two windows on either side. The maximum height of the tallest building is 10.7m and the overall roadside footprint elevation width of each unit is approximately 4.4m. As King Lane slopes the maximum height of the smallest unit is approximately 9.5m. The overall footprint of the complex is 727m² of which 475m² relates to office, 102m² retail and 150m² for other purposes.

Site Location

The site is located to the north of King Lane in Clitheroe town centre, within the Conservation Area between Yorkshire Bank and DJP Domestic Appliances. It is currently underused as surface car parking and has lain vacant since the former press office buildings were demolished, but it is not known when this demolition took place.

Relevant History

3/2010/0620/P - Application for the renewal of planning consent 3/2007/0519/P, to redevelop an existing car park for part retail/part office building – Approved with conditions September 2010.

3/2007/0519/P – Site redevelopment of existing car parking area for part retail/part office building – Approved with conditions September 2007.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control

Policy ENV16 - Development Within Conservation Areas

Policy ENV17 - Details Required with Proposals in Conservation Areas

Policy S1 - Shopping Policies - Clitheroe Centre

Ribble Valley Core Strategy 2008 – 2082 – a Local Plan for Ribble Valley Regulation 22 Consultation Draft Post Submission Version (Including Proposed Main Changes)

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations
Policy DME2 – Landscape and Townscape Protection
Policy EN5: Heritage Assets

National Planning Policy Framework (NPPF)
Clitheroe Conservation Area Appraisal

Environmental, AONB, Human Rights and Other Issues

GOVERNMENT GUIDANCE AND APPLICANT'S SUBMISSION

In October 2009, the Government introduced new measures to facilitate flexibility for planning permissions, which included the facility to extend the time limit for implementing existing planning permissions in order to make it easier for developers and local planning authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. This procedure allows applicants to apply to their local planning authority for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development.

Applications to extend the time limit for implementation result in a new permission and should be determined in accordance with the development plan and material considerations. Government guidance advises that local planning authorities should focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

Planning permission was granted in September 2010 to extend the time limit for implementation as it was considered that there had been no material changes in circumstances since the grant of the original permission in 2007.

Government guidance entitled 'Greater Flexibility for Planning Permissions' (October 2010) advises of the procedures to be followed with applications to extend the time limit for implementation. According to this guidance, it is open to local planning authorities to seek further information in support of the application - applicants may additionally wish to provide supporting information setting out why they are seeking an extension, or addressing any changes in policy or other material considerations which may have occurred since the previous grant of permission, if these are relevant to the proposal. Applicants wishing to use this process are only required to submit an application form, except in cases where there is a need to comply with a statutory requirement in connection with the submission of the application, or a relevant change in policy or other material considerations which post-date the original application.

The guidance 'Greater Flexibility for Planning Permissions' also advises how such applications should be determined and the following two paragraphs are of relevance:

23. How should local planning authorities approach these applications?

In current circumstances, local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of

course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, local planning authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission.

24. Do local planning authorities have to grant an application to extend the time limits for implementation?

No. This process is not a rubber stamp. Local planning authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably.

The applicant states that an extension of time is sought on the grounds that commercial property regeneration opportunities have been virtually eliminated by poor market conditions during recent years. The grant of an extended period would allow the applicant to re-explore regeneration interest once market confidence is restored and a 3 year permission would be adequate as confidence in town centre regeneration projects is slowly returning.

The applicant was asked to provide additional information to address the material changes in circumstances since the grant of planning permission in line with the guidance. Although the applicant has submitted a statement, they consider that the introduction of the National Planning Policy Framework would not preclude the extension of time for implementation.

The main issues to be considered in this case are therefore the material changes in circumstances since the grant of planning permission 3/2010/0620/P for the first extension of time in 2010 and whether these changes indicate that the proposal should no longer be treated favourably.

MATERIAL CHANGE IN CIRCUMSTANCES

National Policy

Members will be aware of the significant change in national policy since both the original application was granted in September 2007 and since the renewal of this consent in September 2010 – the introduction of the National Planning Policy Framework in March 2012, which is a material consideration in planning decisions.

Paragraph 126 of the NPPF advises local planning authorities to take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraph 128 states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Although the applicant has submitted a statement addressing the material change in circumstance, this does not provide the statutory information required by paragraph 128 – the applicant has not provided a description of the significance of the conservation area, nor addressed the historic environment record. In addition, a condition was previously attached to the permission requiring archaeological investigations, but a desk based assessment has not been submitted. Whilst it is accepted that the archaeological investigations can be secured by condition of any permission, it is considered that the applicant has failed to provide the minimum information required by paragraph 128.

Notwithstanding this, I am mindful that proposed development has been considered to be acceptable previously. However, the introduction of the NPPF is a material change in circumstance to which I afford significant weight. The NPPF places greater emphasis on the need for good design and the need to conserve and enhance the historic environment, where new development should make a positive contribution to local character and distinctiveness. The NPPF also places emphasis on the vitality of town centres, encouraging the development of policies that reflect the individuality of town centres. Whilst I consider the scale and massing of the proposed development to be appropriate, the design of the proposed building, by virtue of the uniformity of the shop fronts and the dormer proposed through the eaves, would fail to preserve or enhance the character of the conservation area. Whilst the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, it also states design goes beyond aesthetic considerations and there are also material changes in local circumstances that require consideration in this respect.

Local Policy and Circumstances

The Clitheroe Town Centre Masterplan was adopted in October 2010 and was produced collaboratively with Lancashire County Council and the Ribble Valley Strategic Partnership. It is intended to provide a framework for sustaining and promoting growth in Clitheroe sets out a number of approaches including potential development areas and townscape improvements. Developed over a period of 12 months consultants established a baseline of evidence, then developed a series of options and approaches to addressing the challenges faced by the centre. The proposals were subject to public consultation and I therefore consider this to be a material change in circumstance to which significant weight can be afforded. The Masterplan identifies that Clitheroe is able to offer much more by bringing underused sites and buildings back to life and is in line with the NPPF, which promotes the development of local policies to enhance local distinctiveness and the vitality of town centres.

The application site is located in an area defined by the Masterplan as the Castle and Medieval Core, which has a strong sense of place, but the site also lies adjacent to the area defined as Wellgate, which is fragmented and has a weaker sense of place. The purpose of the Masterplan is to bring together the different neighbourhoods in Clitheroe and to redefine the 'Medieval Core' as the heart of the town and to provide greater clarity for those 'fringe areas' whose role and identity is increasingly unclear, which includes the western extents of Wellgate that have historically played an active part in the town centre. It will be delivered through facilitating the redevelopment of the Clitheroe Market as well as the redevelopment of opportunity sites and buildings across the Medieval Core, within which the application site lies. As one of the few vacant sites in the town centre and in particular the medieval core, the application site offers the opportunity for new development to contribute to the vitality and viability of the town centre and to enhance the conservation area. I consider that the renewal of this consent would undermine the Clitheroe Town Centre Masterplan.

The Core Strategy examination is currently in progress and the Masterplan forms part of its evidence base. Whilst limited weight can be afforded to the Core Strategy at this stage, it is a material consideration and the vision of the plan is relevant:

The Ribble Valley will be an area with an exceptional environment and quality of life for all, sustained by vital and vibrant market towns and villages acting as thriving service centres, meeting the needs of residents, businesses and visitors. We will seek to create an area with unrivalled quality of place, respecting the unique natural, social and built heritage of the area. New development to meet the needs of the area for growth, services and quality of life will be managed to ensure the special characteristics of the area are preserved for future generations.

The Clitheroe Town Centre Masterplan has a key role in the delivery of the Core Strategy Vision as Clitheroe is the strategic town centre of the Borough. This site, as one of the few vacant sites in the medieval core of the town centre, represents an opportunity for development that would make a positive contribution to both local character and distinctiveness and also the vitality and vibrancy of the town centre.

With regards to the conservation area, Policy EN5 of the Core Strategy recognises that the best way of ensuring the long term protection of heritage assets, in this case the conservation area, is to find an optimum viable use that strikes the correct balance between economic viability and impact on the significance of the asset. I consider that the renewal of the permission would undermine these objectives in the current policy climate and furthermore would undermine the purpose of extending the time limit for implementation - which the government states is to improve the prospect of sustainable development being taken forward quickly. Following discussions with the applicant, it has been acknowledged that should the extension of time be granted, the development is unlikely to proceed. I consider it likely that there would be issues with finance and potentially viability on the basis of the mixed use proposed (retail and office). I therefore conclude that to improve the prospect of sustainable development being taken forward quickly and in line with the Masterplan, the proposed development should be reconsidered and a new planning application submitted.

In coming to this conclusion, I am mindful that this application is required to be determined in accordance with the development plan, unless material considerations indicate otherwise. For the reasons given, I consider that whilst the scale and massing of the proposed development is appropriate, the design of the proposal is unacceptable and fails to take the opportunities available for improving the character and quality of the conservation area and the vitality of the

town centre. The retail units in particular are unlikely to be attractive to potential retail occupiers by virtue of the shop front design.

The local planning authority has endeavoured to work proactively with the applicant. The applicant was advised during the course of the application that it would be more appropriate for the proposed development to be reconsidered with the submission a new planning application, which would take into account current policies and market signals. The potential inclusion of residential use on the upper floors has also been suggested to the applicant, as has the potential to impose conditions relating to the design and detail of the retail units, however the applicant has stated that they are unwilling to revisit the proposal nor agree to the imposition of additional conditions.

The guidance states that extending the time limit for implementation should not be a 'rubber stamp' process. I consider that a development proposed at one particular time should not be considered to be acceptable in perpetuity as it would need to reflect current local and national guidance.

The redevelopment of underused sites in the town centre is a priority for the Council and is essential to ensure the town centre maintains its vitality. Since consent was originally granted and subsequently renewed for the first time, there have been material changes in circumstances and to my mind, these changes indicate that the proposal should no longer be treated favourably. I consider that the design of the proposal does not reflect local distinctiveness and fails to take the opportunities available for improving the character and quality of an area and the way it functions, contrary to the NPPF.

I therefore conclude that a second renewal of the original consent would be inappropriate as the proposed development should be reconsidered with the submission of a new application for planning permission. This should take into account the Council's aspirations for quality design in line with the Clitheroe Town Centre Masterplan, the NPPF and the emerging Core Strategy. For the avoidance of doubt, I consider the scale and massing of the development to be appropriate on King Lane. However, I am concerned that the renewal of this consent for a second time may hinder, rather than improve, the prospect of sustainable development being taken forward quickly.

RECOMMENDATION: That the application to extend the time limit for implementation be **REFUSED** for the following reasons:

1. The applicant has failed to provide statutory information as required by paragraph 128 of the National Planning Policy Framework and has therefore failed to demonstrate that the potential impact of the proposal on the significance of Clitheroe Conservation Area would be acceptable.
2. The proposal, by reason of its design, fails to respond to the individuality of the town centre, fails to take the opportunities available for improving the character and quality of the area and the way it functions and would therefore fail to preserve or enhance the character and appearance of Clitheroe Conservation Area. As such, the proposal is contrary to Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan, Policies DMG1 and EN5 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft Post Submission Version Including Proposed Main Changes) the National Planning Policy Framework and the Clitheroe Town Centre Masterplan.

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

APPLICATION NO: 3/2013/0161/P (GRID REF: SD 383273 448990)
OUTLINE APPLICATION FOR THE ERECTION OF 7NO OPEN MARKET DWELLINGS AND 4NO AFFORDABLE DWELLINGS AT STRAWBERRY FIELDS, MAIN STREET, GISBURN

PARISH COUNCIL: In a letter dated 23 March 2013, the Parish Council expressed objections to this application (as originally submitted for 5no open market and 6no "affordable" dwellings) and also application 3/2013/0189/P (originally submitted for 3 affordable dwellings and 2 open market dwellings but later amended to be 2 open market dwellings only) on a separate parcel of land to the west of this application site. The objections to the combined applications are summarised as follows:

1. Planning permission has been granted for 21 dwellings (3/2012/0497/P) to which the Parish Council did not object. In response to a pre-application enquiry prior to the submission of 3/2012/0497/P, the applicant was advised by the Council that a development of 37 houses was not sustainable and was excessive in relation to the size of Gisburn and the services available. The Parish Council agrees with that advice and considers that these two applications have been submitted by the applicant in contradiction to that advice.
2. Contrary to the claims of the utility company, there is a flooding problem at this end of the village that could be exacerbated by the construction of more properties.
3. An increased level of traffic having to enter and exit this development on to the busy A59 can only lead to the increased likelihood of an accident particularly as many drivers approach the village in excess of the speed limit.
4. The applicant and his agent attended a Parish Council meeting several months ago when they talked about the (now approved) phase 1 of the development for 21 dwellings. No mention was made at that earlier meeting about phases 2 and 3. It is considered that it would have been better for the applicant and his agent to have been more open at the outset such that discussions could take place with residents and maybe a compromise solution attained regarding the number and location of proposed dwellings on the site.

Gisburn Parish Council discussed the applications again at a meeting in September 2013 when the Council was informed that plans for phases 2 and 3 of the development had been

modified. The changes were explained to the Council. Notwithstanding any modifications, the Parish Council remain opposed to phases 2 and 3 in their entirety. The Parish Council supported phase 1 of the development (for 21 houses) as the Council acknowledged that development is necessary and believe that a development of 21 houses is acceptable for Gisburn and sustainable. The Council believe that building in excess of 21 houses would not be sustainable by the village's infrastructure and is excessive development for a village of Gisburn's size. The Parish Council therefore asks that its continued objections to phases 2 and 3 be noted.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

Comments that this is an extension to the housing development applied for under reference 3/2012/0497/P that has been approved following the completion of the Section 106 Agreement. The following issues should be taken into account:

- Access to the adopted highway (Main Street, A59) is via the estate road proposed for the earlier application. Construction of the 5 dwellings (now amended to 2 dwellings) now applied for should not commence until the estate road for the 21 dwellings has been constructed to base course.
- Any works that must be completed before any of the 21 dwellings are occupied, must also be completed before either of the two dwellings are occupied.
- Any issues under the 2012 application that need to be resolved before any of that development may commence, or before the construction of the 21 dwellings has commenced, or before the dwellings are completed or occupied, should apply likewise to the 2 dwelling development.
- If a request has not previously been made, a request is now made for Section 106 funding to improve the two nearby bus stops to accessibility standards (the provision of raised curbing) and the provision of 2 dropped kerb disability crossings of the A59. The estimated cost of this is £7,000.
- In the event that planning permission is granted, conditions will be required to ensure that the new estate road is constructed in accordance with Lancashire County Council specifications for construction of estate roads to at least base course level before any development takes place within the site; and the provision of wheel washing facilities within the site during development works.

ENVIRONMENT
DIRECTORATE (COUNTY
CONTRIBUTIONS):

A request is made for £7,000 towards the improvements of 2 nearby bus stops to accessibility standards (provision of raised kerbing) and the provision of 2 dropped kerb disability crossings of the A59.

In relation to education, as there is no secondary school within 3 miles of this development, the County Council will incur the transport costs for children from this development.

With regards to primary education, latest projections show there to be approximately 1 place available in 5 years' time. There is, however, one additional development which will impact upon the local primary school. That is the proposed development of 21 dwellings by the same applicant to the south of this application site. That application (3/2012/0497/P) was being finalised by the signing of the Section 106 Agreement and issue of the planning permission as this report was being drafted.

Without the development proposed by 3/2012/0497/P the County Council would request a contribution for 3 primary school places as follows:

$\text{£}12,257 \times 0.9 \times \text{BCIS Indexation (310.60 April 2012/288.4q4 2008 = 1.076976)} = \text{£}11,880.45 \text{ per place} \times 3 \text{ places} = \text{£}35,641.00.$

With permission 3/2012/0497/P in place, the request would be for 4 primary school places at £11,880.45 per place = £47,522.00.

The County Council comments that, as this is a claim with a range, a recalculation would be required at the point at which the application goes to Committee. The County Council has been formed that this application is due to be considered by Committee and any updated response/figures that are received will be reported orally to Committee.

LCC (MINERALS):

Originally commented that the application site is within a Mineral Safeguarding Area as Defined in the Joint Lancashire Minerals and Waste Local Development Framework Site Allocation and Development Management Policies Local Plan and the Policies Map and that the proposed development might constrain potential mineral extraction in the future.

Since those comments were made, the County Council Minerals Officers have reconsidered this matter. They now consider that, as the extraction of minerals has already been prejudiced by the residential development granted permission under reference 3/2012/0497/P (Phase 1) they could not sustain an objection to this current application. They have

therefore withdrawn their original comments and have no objections to the application.

LANCASHIRE COUNTY
COUNCIL (ECOLOGIST):

Comments that it seems reasonably unlikely that the proposed development would have any significant ecological impacts provided that the following matters are addressed at reserved matters application stage or subject to conditions:

- Vegetation clearance works, development work or other work that may affect nesting birds, not to take place before 1 March and 31 August inclusive unless the absence of nesting birds has been confirmed by further surveys or inspections. The submission for approval and the subsequent implementation of a habitat creation/landscaping and management plan.
- The protection of all trees and hedgerows that are to be retained throughout the period of construction works.
- External lighting associated with the development to be designed and directed so as to avoid excessive light spill and so as not to illuminate any bat roosting opportunities within the site.

ENVIRONMENT AGENCY:

Has no objections in principle to the application subject to a condition relating to remediation measures in the event that ground contamination is found during development works. The Environment Agency also advises that foul sewage from the proposed development should discharge to the existing nearby public sewer.

UNITED UTILITIES:

Comments that the site must be drained on a separate system with only foul drainage connected into the public sewer and that surface water should discharge to the soakaways/SUDS or directly to a watercourse which may require the consent of the Local Authority.

As it appears that the site is more extensive than the area being developed under this particular application, United Utilities ask that the developer considers a drainage strategy to take account of any potential increase in the development of the site.

United Utilities therefore has no objections to the application subject to conditions relating to:

1. The submission for approval and subsequent implementation of a strategy outlining the general system of foul drainage and surface water flows arising from the entire site.

2. The submission for approval and subsequent implementation of the details for surface water drainage and means of disposal for any particular phase of the development.
3. The submission for approval and subsequent implementation of details of a foul drainage scheme for each phase including any necessary infrastructure.

LANCASHIRE
CONSTABULARY
(ARCHITECTURAL LIAISON
OFFICER):

Comments that, the Design and Access Statement refers to the development achieving Secured by Design. The layout reflects this, as rear access alleys have been avoided, the gardens are back to back and natural surveillance has been optimised. The cul-de-sac layout is also supported as intruders are more likely to stand out and be challenged. The physical security would have to meet the required standard to achieve Secured by Design and this would be discussed at a later stage of the planning process.

ADDITIONAL
REPRESENTATIONS:

Letters have been received from 5 local households. The letters contain points and objections concerning the cumulative effects of the dwellings proposed by application 3/2013/0161/P (phase 2 – 11 dwellings) and 3/2013/0189/P (phase 3 – 2 dwellings) when added to the 21 dwellings already approved by 3/2012/0497/P (phase 1). The comments and objections contained in the letters are summarised as follows:

1. 37 houses (now amended to 34 dwellings) seems disproportionate for a village with a population of 506 people. With an average of 4 people per house, that could be 148 extra people (roughly a third of the existing population). An original (pre-application) proposal for 37 houses was said by the Council to be unsustainable and excessive in relation to the size of the village. Therefore these applications are contrary to advice already given by the Council.
2. Gisburn has insufficient local shops and services for the current population.
3. The public toilet has recently been removed.
4. There are very few employment opportunities in the village with most people having to seek work elsewhere.
5. The school does not have the capacity to accommodate the children from a development of this size. The result of this could be that current village children would need to travel to schools

further afield to get their education.

6. The volume of traffic in the village is already excessive. Public transport is limited so most houses have 2 cars to commute to and from work etc.
7. The sewage system in the village is very old and has been blocked in the past. Can the system take an extra 37 houses?
8. The density of houses on the overall development is inappropriate and not in keeping with the Conservation Area.

Proposal

This is an outline application, with the matters of access, layout and scale to be determined at this stage. The matters of appearance and landscaping are reserved for subsequent consideration.

As originally submitted, outline permission was sought for a development of 5 detached open market dwellings and 6 affordable dwellings in 2 terraces of 3. The application has, however, been amended so outline permission is now sought for a development of 7 open market, 4 bedroom houses (5 detached and 1 pair of semi-detached) and a terrace of 4no, 3 bedroom affordable dwellings. Access to the properties would be in the form of a continuation of the estate road of the approved development of 21 houses (3/2012/0497/P – Phase 1) to the south of this current application site. The extended estate road would culminate in a cul-de-sac head at the north western corner of the site. In the north eastern corner of the site provision would be made for a field access onto the adjoining land to the north.

The layout is influenced by the position of the access point from Phase 1 and the need to maintain the vehicular access to the adjoining agricultural land to the north. The market houses are positioned down the eastern and western edges of the site with the terrace of 4 affordable dwellings in a central position. All the market dwellings will have 2 driveway parking spaces and an integral single garage. The affordable units will each have 2 off-road parking spaces. The market dwellings would have private front and rear gardens whilst the affordable units would have private rear gardens with their parking spaces at the front.

With regards to scale, the properties are all 2 storey with eaves heights ranging between 5.5m and 5.7m and ridge heights between 7.0m and 7.75m.

Although landscaping is a reserved matter, it is stated in the Design and Access Statement that the landscaping scheme will incorporate a substantial landscape buffer to the north of the site.

The appearance of the properties, including the choice of external materials, is also a matter which is reserved for determination at a later stage.

Site Location

The application site comprises greenfield land of approximately 0.5 hectares to the rear (north) of the former Gisburn Diner on the north side of Main Street (A59) Gisburn. The land is outside the settlement boundary of Gisburn as defined in the Local Plan.

The land, that slopes upwards from south to north is adjoined to the south by the site of the Phase 1 development and, on all other sides, by undeveloped agricultural land.

Relevant History

Although there is no history relating to the main part of the application site, the following applications relating to adjoining land to the south and west are relevant to the consideration of this application.

3/2012/0497/P – Outline application for the erection of 7no affordable dwellings and 14no open market dwellings. Approved subject to conditions following an appropriate Section 106 Agreement.

3/2013/0189/P – Outline application for the erection of 2no open market dwellings. No decision to date – report also on this agenda.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G4 - Settlement Strategy.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy ENV7 - Species Protection.

Policy ENV13 - Landscape Protection.

Addressing Housing Need in Ribble Valley.

Core Strategy Regulation 22 Submission Draft – Post Submission Version (Including Proposed Main Changes)

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DME3 – Site and Species Protection and Conservation.

National Planning Policy Framework.

Environmental, AONB, Human Rights and Other Issues

Matters for consideration in the determination of this application are the principle of development, highway safety, ecological/tree interests, infrastructure provision, visual amenity, residential amenity, affordable housing and Section 106 Agreement content. For ease of reference these are broken down into appropriate sub-headings for discussion:

Principle of Development

The application falls to be considered within the context of national and local development plan policies. At national level, the National Planning Policy Framework (NPPF) states that at the heart of NPPF is the presumption in favour of sustainable development.

The NPPF requires Local Planning Authorities to consider housing applications in the context of a presumption in favour of sustainable development and the 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 sites.

Planning and Development Committee resolved on 10 October 2013 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 will be used for decision-making purposes. This figure is to be reviewed following the outcome of the Examination in Public having regard to any relevant appeal decisions. Committee also resolved that, in terms of the calculation of housing land supply, the Council would adopt the Sedgefield approach.

At the time of drafting this report, work was in progress on calculating the Council's current housing supply situation based on 250 dpa using the Sedgefield method. Although a precise figure was not available it was estimated that the supply would be approx 4.3%

Even if the Council could demonstrate a five-year supply of deliverable sites, in the Council's opinion, this would not mean that every application for housing development outside a settlement boundary should be refused, as the overriding aim of NPPF "Achieving Sustainable Development" is a major consideration in the determination of all planning applications

Paragraph 55 of NPPF seeks to promote sustainable housing development in rural areas stating that "housing should be located where it will enhance or maintain the vitality of rural communities. Eg, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances". A number of such "special circumstances" are then listed within the paragraph. This development would not satisfy any of the listed "special circumstances" but the Council does not consider that it needs to, because the proposal would not result in an "isolated home in the countryside".

Reference has been made by the Parish Council and nearby residents to pre-application advice given to the Council by the applicant in April 2012 that a development of 37 houses was not sustainable and was excessive in relation to the size of Gisburn and the services available and that, therefore, at that time, the Local Planning Authority did not offer encouragement for the submission of a planning application relating to a development of 37 dwellings. The Parish Council and a number of local residents have stated that they did not object to the (now approved) application for 21 dwellings (3/2012/0497/P) that was submitted following that advice. As originally submitted, however, this application plus 3/2013/0189/P would take the total for the 3 phases of development to 37 dwellings (reduced to 34 by the deletion of 3 units from 3/2013/0189/P). This is considered by some persons who have made representations to be excessive and contrary to the advice previously given to the applicant by the Local Planning Authority.

Circumstances, however, are ever changing and the Local Planning Authority needs to respond to any such changes as appropriate.

The Council is presently in a situation where it does not have a 5 year supply of deliverable housing sites, and its local plan policies relating to settlement boundaries are considered to be out of date. In such circumstances, it is stated in paragraph 14 of NPPF that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole; or specific policies in the framework indicate that development should be restricted.

This site is outside, but close to the settlement boundary of Gisburn and will provide the economic benefits associated with the provision of 11 dwellings, both before and after the development. This will include supporting existing local businesses.

The site is not within any special landscape area, and is not within a Conservation Area or within the setting of a listed building. There will therefore be no adverse effects in relation to these considerations. The proposed development would not directly impact upon the amenities of any nearby residents. There are no serious deficiencies in infrastructure that cannot be overcome.

The emerging Core Strategy proposes an average of 35 dwellings over the plan period in “other settlements” including Gisburn. The combined Phases 1, 2 and 3 of this development (as amended) would provide 34 dwellings. From experience gained through recent appeal decisions it is not considered that, even providing this number of dwellings “in one go” would cause any significant or demonstrable harm to housing supply or to the Core Strategy principles.

When making the planning balance it is therefore now considered (partly through experience of recent appeal decisions both in Ribble Valley and elsewhere) that this is an application where the benefits would be considered to outweigh any perceived harm. There is no harm in this case that would “significantly and demonstrably outweigh the benefits”. In accordance with paragraph 14 of NPPF, the circumstances of this case are such that planning permission should be granted.

Overall, I therefore consider the development to be acceptable in principle. The other relevant considerations in the determination of the application will be discussed below.

Highway Safety

The County Surveyor has expressed no objections to this application on highway safety grounds subject to appropriate conditions.

A request has, however, been made for a financial contribution of £7,000 towards the improvement of local bus stops and the provision of 2 drop kerb disability crossings of the A59. The applicants agent has confirmed that his client would be willing to pay this financial contribution. This matter will therefore be covered by an appropriate clause in the Section 106 Agreement.

Ecological/Tree Considerations

The County Ecologist has not expressed any objections to this application subject to certain matters either being covered by appropriate conditions or dealt with appropriately at reserved

matters application stage. This Council's Countryside Officer also has no objections to the development of this site in relation to ecological considerations.

There are trees adjoining the site boundaries which will be protected as appropriate during construction works. A significant amount of additional planting is also proposed, but to be the subject of submission at reserved matters stage.

Infrastructure Provision

Subject to appropriate conditions, neither the Environment Agency nor United Utilities have expressed any objections to the proposed development. The County Council request for a financial contribution towards sustainable transport measures has been discussed above, and the request for the financial contribution towards education will be discussed later in this report. Subject to these matters being covered appropriately in a Section 106 Agreement there would therefore appear to be no objections to this application in respect of infrastructure provision.

Visual Amenity

Subject to the approval of appropriate design features and external materials at reserved matters application stage, and through the implementation of a comprehensive scheme of landscaping and screen planting, the proposal would not have any unduly detrimental effects upon the visual amenities of the locality.

Residential Amenity

Whilst the Phase 1 development, approved under reference 3/2012/0497/P has effects on existing residential properties (that were considered to be acceptable) this application for Phase 2 of the development would have no such effects because the application site is separated from the nearest residential properties by the Phase 1 development. This proposal therefore does not have any direct impact upon the amenities of any existing nearby residents.

Affordable Housing

As originally submitted, this application sought outline permission for 6 affordable dwellings out of the total of 11 units. This is in excess of the Council's usual requirements, but was offered as a benefit at a time when it was considered that the Council did have a 5 year supply of housing land. In view of the changed circumstances, the application has been amended such that 4 affordable dwellings are now proposed. This still meets the Council's requirement of 30% affordable provision. Looking at the development as a whole, 7 affordable units are proposed in the approved Phase 1 and just 2 market dwellings are now proposed in Phase 3. Overall, there would therefore be 11 affordable dwellings out of a total of 34 units. This also satisfies the requirement for 30% affordable provision.

The Council's Strategic Housing Officer therefore has no objections to the application subject to the units being 2 affordable rental and 2 shared ownership.

Section 106 Agreement Content

In the event of the Committee being minded to approve the application, a prior Section 106 Agreement would be required. This would need to cover the following matters:

1. The provision of 4 units of affordable housing.
2. The payment of a contribution to the County Council towards education provision (to which the applicant has agreed).
3. The payment of a financial contribution to the County Council towards sustainable transport measures (to which the applicant has agreed).

In relation to application 3/2012/0497/P it was not considered appropriate to require the provision of public open space on site. The Section 106 Agreement for that permission therefore includes the payment by the applicant to the Council of £16,401 towards the improvement/maintenance of the existing playground in the village. It is not therefore considered reasonable to request any further contribution in respect of public open space provision in relation to this current application. The Section 106 Agreement will not therefore require such a clause.

Conclusion

The proposal represents sustainable development that will provide 11 dwellings (including 4 affordable units) the occupiers of which will help to support existing rural businesses; and would not have any significant detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Community Services for approval following a satisfactory completion of a Legal Agreement within a period of 3 months from the date of this decision as 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 later of the following date:
 - (a) The expiration of 3 years from the date of this permission; or
 - (b) the expiration of 2 years from the final approval of the reserved matters, or in the case of approval on 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 to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

2. No development shall begin until detailed plans indicating the appearance and landscaping of the site including a contoured site plan showing existing features, the proposed slab floor levels and road levels (hereinafter called the “Reserved Matters”) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: In order that the Local Planning Authority shall be satisfied as to the details and because 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 Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

3. In relation to the matters of access, layout and scale, the development shall be carried out in accordance with the amended plan received by the Local Planning Authority on 22 October 2013 (drawing no HIN/17bDwg03A).

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

4. If, during development, contamination not previously identified was found to be present at the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority dealing how this unsuspected contamination shall be dealt with and shall obtain written approval from the Local Planning Authority. The remediation strategy shall be implemented in its entirety in accordance with the approved details.

REASON: To protect the water environment from contamination and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

5. Prior to the commencement of development, a strategy outlining the general system of drainage for foul and surface water flows arising from the entire site shall be submitted to the Local Planning Authority and approved in writing. This strategy shall include details of any necessary infrastructure and the provision of any necessary surface water regulation system which restricts surface water run-off to existing rates. Thereafter the detailed schemes for foul and surface water drainage for any phase of the development shall be submitted for approval in accordance with the strategy for the entire site approved under this condition.

REASON: To secure proper drainage and to reduce the risk of flooding and pollution and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

6. Prior to the commencement of any phase of the development, details for surface water drainage and means of disposal for that phase should be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, no surface water shall discharge into the public foul or combined sewerage system, either directly or indirectly. 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 and pollution and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

7. Prior to the commencement of any phase of the development, details of the foul drainage system for that phase including any necessary infrastructure shall be submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied for any phase until the approved foul drainage scheme for the phase has been completed in accordance with the approved details.

REASON: To secure proper drainage and to reduce the risk of flooding and pollution and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

8. Prior to the commencement of any site works, including delivery of building materials and excavations or foundations or services all trees within or adjoining the site that are to be retained shall be protected in accordance with the PS5837 2012 (trees in relation to construction) the details of which shall be submitted to and agreed in writing by the Local Planning Authority. All protection measures shall be implemented in full under the supervision of a qualified arboriculturalist and in liaison with the Countryside/Tree Officer. A tree protection monitoring schedule shall also be submitted and agreed and tree protection measures inspected by the Local Planning Authority before any site works are commenced.

The root protection/exclusion zone shall remain in place until all building work has been completed and all excess materials have been removed from the site including soil/spoil and rubble.

During the building works no excavations or changes in ground level shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection/exclusion zone, in addition no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented without the prior written permission of the Local Planning Authority which shall only be granted when the Authority is satisfied that it is necessary, is in accordance with BS3998 for tree work and is to be carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by development considered being of visual, amenity value are afforded maximum physical protection from the potential adverse effects of development in order to comply with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME2 of the Core Strategy Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

9. The development hereby permitted in outline shall not be commenced until details of the landscaping of the site, including details of the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, have been submitted and approved in writing by the Local Planning Authority. The scheme shall include a substantial area of planting adjoining the northern boundary of the application site.

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

REASON: In the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

10. Access to the adopted highway (Main Street, A59) is via the estate road within the adjoining housing development for which permission has been granted under reference 3/2012/0497/P. Construction of the 11 dwellings that are the subject of this application shall not be commenced until the estate road both within that adjoining site and within the application site has been constructed to at least base course level.

REASON: To ensure that satisfactory access is provided to the site 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 Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

11. Prior to the commencement of construction works on site, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. The facilities shall remain in place and shall be used at all times during the construction of the development.

REASON: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials 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 Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

12. No development shall begin until the scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details prior to the occupation of the development and thereafter retained in a condition commensurate with delivering the agreed level of energy generation.

REASON: In order to encourage renewable energy and to comply with the requirements of the National Planning Policy Framework.

13. The dwellings hereby permitted in outline shall achieve a minimum Level of the Code for Sustainable Homes in force on the date of occupation. No dwellings shall be occupied until a final Code Certificate has been issued for it certifying that the appropriate code level has been achieved.

REASON: In order to encourage an energy efficient development in accordance with the requirements of the National Planning Policy Framework.

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):

Following additional information regarding the likely increase in rail traffic did not consider this would alter the initial recommendation.

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 x 0.9) x 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 x 0.9) x 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:

No objection in principle subject to a condition being added in relation to a scheme for the foul and surface water drainage of the site being submitted to and approved in writing by the LPA.

NETWORK RAIL:

Initially requested a holding objection but have now confirmed they have no objections to the proposal in relation to the level crossing and also have no asset protection concerns.

ADDITIONAL REPRESENTATIONS:

Twenty-two letters of objection from eighteen households have been received in response to this application, along with a petition containing 181 signatories. 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,
27. Scheme remains 'premature',
28. As construction work is being carried out on the 240 houses opposite the site, any further development here must wait until the full effects of the current one have been assessed,
29. People will not cycle into town, this is an absurd assumption by the developers,
30. The 'Affordable' houses proposed are significantly higher in price than those of a similar size in Clitheroe, and
31. The only clear benefits from this scheme are the increased revenue from Council Tax and the promise of £1m from the New Homes Bonus scheme.

The signed petition objecting to the planned development of 140 houses states that approval of this application will,

- Create more traffic/parking problems,
- Spoil the landscape,
- Put strain on local schools,
- Not help promote less reliance on cars,
- Be built on/near to contaminated land with a risk to human health,
- Connect two other large developments creating 580+ homes and no additional amenities, and
- It is an UNSUSTAINABLE development.

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

This application was withdrawn from the agenda by the Head of Planning Services in order to consult with Network Rail .

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 Waddow 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 updated during the last Planning and Development Committee (10th of October 2013), where Committee agreed to adopt the figure of 250 dwellings per annum (as an assessment of housing need) for Development Management purposes, and agreed to adopt the Sedgefield method of calculating housing land supply. Using this increase in required numbers and the Sedgefield method, which adds any shortfall of housing into the first five years of the twenty year period, Ribble Valley can currently demonstrate a 4.31 year supply of housing including a 10% allowance for slippage, again with no detailed site adjustments for deliverability.

On this basis, 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.

Network Rail

In relation to concerns expressed about the impact on the railway crossing Network Rail initially requested a holding objection but now no longer object.

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,

Impact upon Network Rail Infrastructure/Cumulative Impact

Any comments to be given verbally as no response has been received at the time of writing this report.

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 three 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. 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 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: In order 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 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. 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 be in accordance with the FRA prepared by RSK dated July reference 2013 880291 R1 (3) and demonstrate the surface water run-off generated up to an including the 1 in 100 year plus climate change

critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increased risk of flooding, both on and off the site.

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.

APPLICATION NO: 3/2013/0747/P

(GRID REF: SD 372661 435732)

PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 56NO DWELLINGS INCLUDING 15NO AFFORDABLE HOUSING UNITS, TOGETHER WITH ALL ASSOCIATED INFRASTRUCTURE WORKS AT WILKINSON'S HAULAGE YARD AND ADJACENT LAND AT WHALLEY ROAD, BILLINGTON

PARISH COUNCIL: No objections to this application.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

Comments that the proposal is an amalgamation of two previously approved planning permissions for 39 and 17 dwellings. These previous permissions require the formation of 2 access points onto Whalley Road and a combination 6 terraced dwellings front Whalley Old Road with parking access off Whalley Road and 5 dwellings with direct access onto Whalley Old Road. The current application reduces the number of access points onto Whalley Road to 1 and reducing the impact on Whalley Old Road by reducing the number of terraced properties from 6 to 5 and removing the requirement for direct access for 5 dwellings. In view of these improvements and the extant planning permissions, I raise no objection to the proposals on highway grounds but request that any permission is subject to a number of conditions and notes. The conditions would relate to:

1. The provision and future retention and maintenance of a visibility splay of 2.4m x 90m in each direction at site access onto Whalley Road.
2. Construction of estate roads/site access to base course level before any development takes place.
3. No part of the development to be commenced until a scheme for a construction and site access and off-site highway works have been submitted to and approved by the Local Planning Authority.
4. No part of the development to be occupied until the approved scheme referred to in condition 3 above has been constructed and completed in accordance with the approved details.
5. The permanent closure of the existing access.
6. Approval of and adherence to a construction method statement.

LANCASHIRE COUNTY
COUNCIL (PLANNING
CONTRIBUTIONS):

As stated above, no Section 106 contribution is sought by the County Council in relation to highways and sustainable transport matters.

An education contribution however is requested, as summarised below.

The latest information available at this time was based on the 2013 annual pupil census and resulting projections.

Based upon the latest assessment, Lancashire County Council would be seeking a contribution for 18 primary school places and 7 secondary school places. Calculated at the current rate, this would result in a claim of £339,159.00.

Primary Places:

$(£12,257 \times 0.9) \times \text{BCIS Indexation (310.60 April 2012/288.4 Q4 2008 = 1.076976)} = £11,880.45 \text{ per place} \times 18 = £213,848.00.$

Secondary Places:

$(£18,469 \times 0.9) \times \text{BCIS Indexation (310.80 April 2012/288.4 Q4 2008 = 1.076976)} = £17,901.60 \text{ per place} \times 7 = £125,311.00.$

The total requested contribution towards education is therefore £339,159.00.

ENVIRONMENT AGENCY:

The Environment Agency has no objection in principle to the proposal subject to the inclusion of conditions which meet the following requirements.

In relation to flood risk, the application site is located in Flood Zone 1 which is defined as having a low probability of flooding in the Technical Guidance to NPPF. However, the site exceeds 1 hectare and in accordance with NPPF it is accompanied by a Flood Risk Assessment (FRA) for Whalley New Road, Billington by Lees Roxburgh – reference 5551/R1 Rev A dated April 2013.

The Environment Agency has considered the FRA and provided that any subsequent development proceeds in accordance with the conclusions set out in Section 6 they are satisfied that the proposed development would not be at an unacceptable risk of flooding nor would it exacerbate flood risk elsewhere.

The FRA has identified the existing run-off rates for the detailed design drainage or strategy has not been submitted is therefore recommended that any permission is subject to a condition that no development should take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme subsequent to be implemented in accordance with the approved details.

A condition is also recommended to ensure that any risks associated with land contamination are identified and appropriately dealt with.

UNITED UTILITIES:

Has no objections to the proposed development subject to a condition requiring the submission for approval and subsequent implementation of a scheme for the disposal of foul and surface waters.

LANCASHIRE
CONSTABULARY
(ARCHITECTURAL LIAISON
OFFICER):

Has made a number of suggestions relating to matters such as the provision of gates in appropriate locations, the avoidance of windows in sheds, the avoidance of excessive planting in areas where surveillance is desirable. The applicant has been made aware of this advice which generally could be followed without necessitating any alterations to the plans or requiring any further planning permissions.

ADDITIONAL
REPRESENTATIONS:

Letters have been received from 9 local households as well as a letter from an "action group" signed by 21 residents. All of the letters are available for inspection by Members but the points and objections made are summarised as follows:

1. The proposed dwellings will overlook existing properties causing loss of privacy.
2. The proposed dwellings will cause loss of light to existing properties.
3. Buildings out of character with nearby properties.
4. Highway issues including congestion on local roads and existing parking problems.
5. Proposed tree planting will further obstruct the light that enters the gardens of adjoining properties.
6. The rear of the proposed car parking areas at the rear of existing properties will cause more noise, especially at night-time.
7. Plot 38 will have a detrimental impact on the privacy of an adjoining property (and also the privacy of the occupiers of the new property). Due to the land levels, and the position of the plot, the new house would be directly overlooked by the existing property that is on higher ground. The proposal will cause direct overlooking to numbers 39, 41, 43, 45, 47 and 49 Painterwood which will lead to a loss of privacy to those properties.

8. The parking spaces at the rear are too far away from the houses on Plots 52 – 56. The occupiers of these properties would park on Painterwood exacerbating an existing parking problem.
9. Some of the houses in Painterwood have rear access over the field. This will be lost if this development goes ahead.
10. Noise disturbance due to new houses being built behind existing houses.
11. Loss of greenery. The fields upon which it is proposed to build offer much needed greenery between Painterwood and the main road in Billington. There is concern that trees, wildlife and other living matter will be destroyed.
12. Concern regarding future maintenance of hedgerow and a lack of information as to what is proposed.
13. The frequently used public footpath which joins Whalley Old Road and Whalley Road runs across the driveways of a number of the proposed new houses. This will lead to the possibility of cars blocking the footpath in future and the eventual erosion of this public right of way. Can it be ensured that the footpath is preserved and clearly signposted?
14. Specific concern about the dangerous junction between Painterwood and Whalley New Road. The plans should be amended to include a road joining Whalley Old Road/Painterwood with Whalley New Road. This would solve the longstanding problem of the existing junction between these two roads that is difficult and dangerous to use.

Proposal

The application seeks full planning permission for a residential development of 56 dwellings. There are 2 outline planning permissions that, cumulatively, have granted permission in principle for the erection of 56 dwellings on this site. The matter of access was approved under those outline applications. As the access in this current application is different, the application has to be “full” as opposed to a reserved matters application. By bringing the two former sites into one ownership the opportunity has arisen to provide a single joint access into the site from Whalley Road, thereby achieving a more appropriate form of development than the layouts proposed at outline stage.

The submitted site layout plan shows a development of 56 dwellings including 41 detached houses, 2 semi-detached houses and 13 terraced houses.

15 of the dwellings (the terraced and semi-detached units, would be made available as “affordable” units.

Vehicular access to the site would be via a new access at the eastern end of the Whalley New Road frontage of the site with no vehicular access to be formed from Whalley Road/Painterwood. 51 of the dwellings are arranged along cul-de-sacs formed of Whalley New Road whilst 5 of the dwellings would face onto Painterwood/Whalley Old Road, with the parking area accessed from the cul-de-sac off Whalley New Road.

Hedgerows and trees on the site’s external boundaries would be retained including 4 large mature trees on the Whalley New Road frontage of the site.

An area of public open space is to be provided along part of the Whalley New Road frontage; and the existing public footpath that joins Whalley Old Road with Whalley New Road would be retained with links provided into the development and to the public open space area.

Site Location

The application site is located on the edge of the settlement of Billington some 750m away from the centre of Whalley. The site has an area of approximately 2.35 hectares, comprising 3 distinct parts. One part has been previously developed and the other 2 parts are greenfield. The previously developed portion has an area of approximately 0.33 hectares and comprises the former Richard Wilkinson & Sons commercial vehicle body builders, including a building and associated surfaced yard areas. Vehicular access to these former works is from Whalley New Road at its northwest corner. One part of the greenfield part of the site is unused but grassed. This has an area of approximately 44 hectares and is located between the yard area of the former works and the existing terraced properties on Painterwood/Whalley Old Road. This area does have frontages to Painterwood/Whalley Old Road with 2 field gates providing existing access into this part of the site. This portion of the site is at a lower level than the adjoining terraced properties with the former works building at a lower level still. The boundary between the gardens, the adjoining terraced houses and this portion of the site are marked variety of fences.

The other greenfield part of the site has an area of approximately 1.5 hectares. This is a field that slopes down from Painterwood towards Whalley New Road and is presently used as pasture. This part of the site is bounded to the north, south and west by hedgerows and to the east by a post and wire fence alongside the existing footpath that connects Whalley New Road with Whalley Old Road.

The application site therefore lies between the two roads of Whalley New Road and Whalley Old Road/Painterwood. To the north, on the opposite side of Whalley New Road is an area of housing including 2 terraces of house and the Ebenezer Baptist Church. On the opposite side of Whalley Old Road/Painterwood (to the south east) is a ribbon of housing including a number of post war detached houses. To the east of the site are further areas of housing, whilst to the west of the site are fields that are presently used for grazing.

With regards to the general locality, Billington lies between Langho and Whalley and is a village having a mix of housing including traditional stone and rendered terraced cottages and some

more modern post war development. It contains St Augustine's Roman Catholic secondary school, a shop, a church, a pub/restaurant, several businesses and a working men's club. A bus service runs along Whalley New Road.

Relevant History

The application site has the benefit of outline planning permissions for residential development as detailed below. The combined permissions relate to the whole of the current application site.

3/2010/0078/P – Outline planning permission for residential development (17 dwellings) of former Wilkinson's site and adjoining vacant land. Permission granted 23 January 2013.

3/2010/0751/P – Outline planning permission for residential development (39 dwellings) of pastureland between Whalley New Road and Whalley Old Road/Painterwood. Planning permission granted 25 November 2011.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy ENV5 - Protected Open Land.

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

Policy H21 - Affordable Housing - Information Needed.

Policy RT8 – Recreation and Tourism.

Policy RT19 - Development Which Prejudices Footpaths.

Policy T1 - Development Proposals - Transport Implications.

Policy T7 - Parking Provision.

Core Strategy Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes)

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DME3 – Site and Species Protection and Conservation.

Policy DMH1 – Affordable Housing Criteria.

Policy DMB4 – Open Space Provision.

Policy DMB5 – Footpaths and Bridleways.

Policy DMG3 – Transport and Mobility.

National Planning Policy Framework.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this full planning application relate to the principle of development, highway safety, layout and design, affordable housing, education, public footpath, public open space, neighbouring amenity, flood risk and drainage, energy, and trees. These matters will be discussed below under appropriate sub-headings.

Principle of Development

The site has the benefit of 2 outline planning permissions which cumulatively comprise 56 dwellings. The grant of those two outline planning permissions (both of which are extant) have established that the site is acceptable in principle for housing development.

The purchase of the two sites by the applicants has enabled the formulation of a scheme involving just one access onto Whalley Road rather than the 2 accesses comprised in the 2 separate schemes for which outline planning permission has been granted. Whilst this represents an improvement in many ways on the two separate schemes, because access to the separate sites was approved at outline stage, it was not possible for a reserved matters application to be submitted. Although this is therefore a full planning application, it must be accepted that the principle has already been established.

It is not considered necessary, given this background, to assess the policy context in relation to the principle of the proposed development. Whilst Policies and circumstances are ever-changing, I consider it sufficient to say that, if anything, the relevant changes since the outline permissions were granted only served to strength the conclusion that this site is acceptable in principle for housing development.

The application is also for a proposed development of 56 dwellings including 15 affordable units which is exactly the same as the cumulative numbers in the 2 separate outline planning permissions.

Highway Safety

A Transport Report submitted with the application concludes that the traffic likely to be generated by the development is relatively low and, as such, would have no material impact on the operational safety record of the local highway network. It is concluded that the proposal would result in no more impact on the road network than the previously approved proposals for the site. It is stated that the single point of vehicular access would have appropriate geometry and adequate visibility to meet the relevant standards.

The schemes in the outline permissions have more access points onto both Whalley Old Road and Whalley New Road. Local residents had objections to that element of the previous proposals. This current application has only 1 access into the site from Whalley New Road with no vehicular accesses at all onto Whalley Old Road/Painterwood.

The County Surveyor has expressed no objections to the application on highway safety grounds subject to appropriate conditions; and no financial contributions towards highways/transport matters have been requested.

A number of local residents have signed a letter suggesting that an existing highway safety problem (the junction between Painterwood and Whalley New Road) could be addressed by this development being amended to provide a through route between Whalley Old Road/Painterwood and Whalley New Road.

Lancashire County Council Highway Authority has considered this suggestion that is of the opinion that the existing situation (whilst somewhat inconvenient and unattractive) is preferable to the suggested alternative.

Layout and Design

The layout of the proposed development is influenced by the gradient of the site, the relationship adjoining development, and highway safety including paying regard to the objections made by local residents to the individual access onto Painterwood as comprised in a previous application relating to this site.

The layout allows all properties to be served by a single access from Whalley New Road with no vehicular access at all onto Whalley Old Road/Painterwood.

The proposed layout has also been specifically designed to maintain the public footpath on its existing line with ramps integrated into adjacent areas of open space. These ramps will allow the footpath to be used by all members of the community; whereas the existing steps along the current footpath include its use by persons with mobility difficulties.

The proposed layout has been designed to retain existing trees and hedgerows, and provides an area of public open space adjoining Whalley New Road. This particular aspect of the layout maintains the present character and appearance of the site when viewed from Whalley Road.

The development has sought to pay regard to the design and appearance of existing adjoining properties eg by de-siting of terraced and split level properties close to the existing terraced properties on Painterwood.

Overall, it is considered that the layout and design of the properties are appropriate for the site having paid due regard to the site features and the location and nature of adjoining residential properties.

Affordable Housing

The outline planning permissions provided for the erection of 56 dwellings at the site including 15 affordable homes. This application proposes exactly the same total number of dwellings and the same number of affordable dwellings. The applicants propose that the mix of affordable homes should be 10 shared ownership and 5 affordable rental. At the time of report preparation, the comments of the Council's Strategic Housing Officer had not been received; it is possible that she might not agree with this particular mix.

The proposed affordable housing provision equates to 27% of the total which is less than the 30% normally sought by the Council in the document Addressing Housing Need in Ribble Valley. However, Members are advised that this lower percentage was agreed through the outline planning applications. Those applications are both extant and could be implemented. As there have been no policy or other relevant changes that would justify a requirement for any increase in the provision of affordable housing over that previously approved by the Council I consider that this provision should be accepted.

The document Addressing Housing Need in Ribble Valley does allow a reduction in the level of affordable housing provision to 20% when there is supporting evidence to justify a reduction from the usually required 30%. In this case, an Economic Viability Assessment was submitted with the outline application on the former Wilkinson's site which demonstrated that the development would not be viable with a 30% affordable housing provision and an education contribution. The reason for this was the brownfield nature of the site and the additional development costs of demolition, remediation etc associated therewith. The Council sought an

independent appraisal of that Economic Viability Assessment and this concluded that the development would not be viable. On that basis, the Council's Strategic Housing Group meeting on 1 May 2012 and the Council's Planning and Development Committee meeting on 24 May 2012 resolved that the affordable housing provision be reduced and the education contribution be waived. That outline planning permission was granted on that basis.

The viability considerations that led to the Council decisions have not changed. It is therefore considered that the proposed provision of 15 affordable units is acceptable in this particular case.

Education

The outline permission of 39 dwellings on the greenfield western portion of the site was subject to an education contribution of £165,759 as sought by the County Council. As described above, the outline planning permission for 17 dwellings on the brownfield part of the site contained no obligation to provide an education contribution. The applicant therefore feels that an education contribution of £165,759 should be applied to this application thereby adhering to the parameters of the outline planning permissions.

In its consultation response on this current application, however, the County Council has requested a contribution of £213,848 towards the provision of 18 primary school places and £125,311 towards the provision of 7 secondary school places, giving an overall requested contribution of £339,159.

It is the County Council's practice to recalculate their requested financial contributions towards education close to the time when decisions are made on planning applications in order that their request is based on the most up to date information. The request made in this case, is therefore based on the most up to date information. Therefore, in the event that Committee is minded to grant permission for this development, I consider that the resolution should require a prior appropriate Section 106 Agreement in which a contribution of £339,159 (or any alternative amount as might be agreed by the County Education Authority) is required.

Public Footpath

In relation to the 2 previous outline applications relating to 2 different parts of this site, the public footpath that runs from Whalley Old Road to Whalley New Road was located between the two sites and was therefore left on its original alignment totally unaffected by the applications. The indicative layouts submitted with those outline applications did not therefore pay any particular regard to the public footpath with regards to considerations such as safety and surveillance.

In this current application, the public footpath is also retained on its existing line. The proposed layout has dwellings facing rather than backing onto the public footpath and at a greater distance from it. This provides a more open, pleasant supervised and safe environment for walkers to continue to use the footpath. There would also be links from the footpath into the adjoining areas of open space.

Public Open Space

The submitted layout includes an area of public open space to be provided alongside Whalley New Road. This location has the advantage that the land is slightly more flat in this location than the rest of the site making the public open space more usable and it also facilitates the

retention of four mature trees that are to be retained on that road frontage. It is considered that this would provide space for informal play and an area of attractive amenity space; and the public footpath would also link into this open space. A smaller area of open space is also to be provided at the southern end of the public footpath.

The two previous outline permissions had no requirement for any commuted sum payment the Council for the subsequent adoption of the area or towards any off-site recreational provision. Rather, the permission was subject a condition that required a management plan for the maintenance of the public open space area and any play equipment within it to be submitted to and approved in writing by the Local Planning Authority, and subsequently carried out in accordance with the approved details. In documentation submitted with this current application, it is stated that the areas of open space would be maintained through a management company to be set up by the applicant.

The proposed area of public open space and the details of its future management are in accordance with the decisions previously made in relation to this site and in compliance with the fact that the Council no longer accepts the maintenance responsibilities for such public open spaces.

I consider the proposed public open space to be of an appropriate size and in appropriate location for this development and therefore have no objections to this particular element of the application.

Neighbour Amenity

The detached houses on the south western portion of the site are on a much lower level and set a considerable distance away from the properties on the opposite side of Painterwood/Whalley Old Road such that, in my opinion, the properties on that part of the site will not have any detrimental effects upon the amenities of those particular neighbouring residents.

The area of public open space is located at the north western corner of the site. This provides a considerable separation distance between the dwellings on that part of the proposed site and the existing properties at Bank Cottages on the opposite side of Whalley New Road.

The detached houses on plots 1-5 at the north eastern corner of the site are orientated and sited such that, in my opinion, these properties would not have any detrimental effects upon the terraced houses on the opposite side of Whalley New Road.

The part of the site where the proposed dwellings are closest to existing properties are the detached houses on plots 38-41 and the terraced houses on plots 42-51. These dwellings, however, are situated on lower ground than the existing properties in Painterwood and it is considered that the separation distances and orientation of the proposed dwellings are such that they would not have any seriously detrimental effects upon the privacy or general residential amenities of the occupiers of those adjoining residential properties.

The proposed 5 terraced and semi-detached properties on Painterwood are in a location where there are no other properties on the opposite side of Painterwood, and these drawings are sited an appropriate distance away from the adjoining properties on the southern side of Whalley New Road. These 5 properties therefore would not, in my opinion, have any detrimental effects upon the amenities of any nearby residents.

Overall, it is considered that the proposed layout satisfies the usual minimum separation distance of approximately 20m between directly facing the main elevations such that an acceptable level of privacy is afforded to the occupiers of both existing and proposed dwellings. Whilst some dwellings (eg plot 38) might be located closer than that distance to existing properties, that property is positioned at right angles to the existing dwelling such that there is no direct overlooking. Overall, I consider that the proposed layout has a due regard to the privacy and amenities of existing residents such that the proposal is, in my opinion, acceptable in this particular regard.

Flood Risk and Drainage

Even though the site is located in flood zone 1, an area at lowest risk of flooding, a Flood Risk Assessment was submitted with the application. Surface water runoff from the development would be limited to existing grates. The FRA concludes that the risk of flooding from external sources can be managed and the development proposals would not increase flood risk either within the site or the surrounding area.

Subject to compliance with the recommendations in the flood risk, and the submission for approval of appropriate drainage details, the Environment Agency and United Utilities have both confirmed that they have no objections to the application.

Energy

The two previous outline permissions relating to this site contained conditions requiring 10% of the development energy requirements to be generated by renewable production methods.

In documentation submitted with this current application, it is stated that the approach used by the applicant is a “fabric first” solution to a sustainable design and construction. That is, to design into the buildings a reduction in their energy consumption over and above the normal Building Regulations and Code for Sustainable Homes standards. It is claimed that the application of this approach is demonstrated to achieve a reduction in the energy requirement of the development by 10.5%.

As such, the requirements of the previously imposed conditions would be satisfied but, as this is a “full” application as opposed to “reserved matters” it will again be necessary to impose a similar condition in the event that planning permission is granted.

Trees

A tree survey submitted with the application shows that the floor line and beech trees on the Whalley New Road frontage of the site are of greatest amenity value. The scheme has therefore been designed with the intention of securing the retention of these trees. A root protection zone has been identified around each tree extending beyond their canopies and no development is proposed within these zones. The hedgerows and minor trees along the boundaries of the site are also to be retained.

It is considered that the proposed layout takes full account of and retains the trees of public amenity value and the hedgerows. The Council’s Countryside Officer has not expressed any objections to this application.

Section 106 Agreement

As stated previously in the report, if full planning permission is to be granted, a Section 106 Agreement will be required. This will require the following:

1. The provision and permanent retention of 15 affordable housing units, with the number of affordable rental units and number of shared ownership units to be confirmed by the Council's Strategic Housing Officer.
2. The payment by the applicant to the Lancashire County Council of the sum of £339,159 (or any alternative amount as may be agreed by Lancashire County Council) towards the provision of 18 primary school places and 7 secondary school places.

Conclusion

Although this application seeks full planning permission for a development of 56 dwellings, the site has the benefit of 2 outline planning permissions that, cumulatively, grant permission in principle for a development of 56 dwellings. For that reason, and also because the development complies in principle with the presently applicable planning policies and guidance, the development is considered to be acceptable in principle.

With regards to matters of detail, the proposed layout and design of the properties is considered to be appropriate and acceptable with regards to the visual amenities of the locality, the amenities of nearby residents and highway safety. The visual important trees and hedgerows within the site and on its boundaries are also to be retained.

Overall, I can see no sustainable objections to this application for full planning permission.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Community Services for approval following the satisfactory completion of a Legal Agreement within a period of 3 months from the date of this decision as outlined in the Section 106 Agreement sub-heading within this report and 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 relate to the development as shown on drawing numbers L(90)02D, L(90)03D, L(90)04D, C-963-01, BRO1.7, LIC1.7, DOR1.7, NOR1.7, SHE1.7, GRE1.7, OAK1.7, MAY1.7 and HOL1.7.

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 Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

4. Precise details of the boundary treatment of all residential curtilages (walls, fences or hedges) shall be submitted to and approved in writing by the Local Planning Authority. No properties shall be occupied until a precise means of boundary treatment for that property have been implemented in accordance with the approved details.

REASON: In the interests of visual amenity and the amenities of adjoining residents and to comply with the requirements of Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

5. If, during development, contamination not previously identified was found to be present at the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority dealing how this unsuspected contamination shall be dealt with and shall obtain written approval from the Local Planning Authority. The remediation strategy shall be implemented in its entirety in accordance with the approved details.

REASON: To protect the water environment from contamination and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft – Post Submission Version (including Proposed Main Changes).

6. A visibility splay at the junction of the site access on to Waddington Road shall be provided in accordance with the details shown on Drawing Number JO87/W V /SOCG/Fig1REVA. This shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority.

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 within the visibility splay defined any building, wall, fence, hedge, tree, shrub or other device over the height of 0.6m from the channel level.

REASON: To ensure adequate visibility at the street junction or site access and 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 Regulation 22 Submission Draft - Post submission Version (including Proposed Main Changes)

7. The new estate Road / access between the site and Whalley Road shall be constructed in accordance with the Lancashire County 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 is occupied 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 Regulation 22 Submission Draft - Post submission Version (including Proposed Main Changes).

8. No part of the development hereby approved shall commence until a scheme for the construction of the site access and off-site works of highway improvement has been submitted to and approved by the Local Planning Authority. No part of the development shall then be occupied until the scheme has been constructed and completed in accordance with the approved details.

REASON: To ensure that satisfactory access is provided to the site for both construction vehicles and general traffic following the completion of the development 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 Regulation 22 Submission Draft - Post submission Version (including Proposed Main Changes) .

9. The existing access into the site from Whalley New 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 the Construction of Estate Roads (concurrent with the formation of the new access.

REASON: To limit the number of access points and to maintain the proper construction of the highway 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 Regulation 22 Submission Draft - Post submission Version (including Proposed Main Changes) .

10. 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;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during construction; and
- 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.
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 Regulation 22 Submission Draft - Post submission Version (including Proposed Main Changes).

11. No development shall begin until a details identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details prior to occupation of the development and thereafter retained in a condition commensurate with delivering the agreed level of energy generation..

REASON: In order to encourage renewable energy and to comply with the requirements of the National Planning Policy Framework.

12. The dwellings shall achieve a minimum Level of the Code for Sustainable Homes in force on the date of occupation. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that the appropriate Code Level has been achieved.

REASON: In order to encourage an energy efficient development in accordance with the requirements of the National Planning Policy Framework.

13. The development hereby permitted shall not be commenced until such time a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority, The scheme shall be fully implemented in accordance with the approved details.

REASON: In order to ensure satisfactory drainage of the site and prevent the risk of flooding and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft - Post submission Version (including Proposed Main Changes) .

14. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the dwellings on Plot numbers 42-56 inclusive unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies G1, ENV3 and H10 of the Ribble Valley Districtwide Local Plan and Policies DMG1, DME2 and DMH5 of the Core Strategy Regulation 22 Submission Draft - Post Submission Version (including Proposed Main Changes).

15. The development shall be carried out in accordance with the requirements and advice in the Arboricultural Development Report dated March 2013 by Tree Check Ltd. that was submitted with the application. Prior to commencement of any development works including delivery of building materials and excavations for foundations or services, all trees identified for retention in that Arboricultural Development Report shall be protected with a root protection area in accordance with the BS5837 [Trees in Relation to Construction]. Details of a tree protection monitoring schedule shall also be submitted to and agreed in writing by the Local Planning Authority before any site works are begun. The monitoring schedule shall then be implemented in accordance with the agreed details.

The root protection area shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble. During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone. In addition no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented without prior written permission of the Local Planning Authority, which will only be granted when the Authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and will be carried out by an approved arboricultural contractor.

REASON: In order to ensure that the trees within the site that are to be retained are afforded maximum physical protection from the adverse effects of development in order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy Regulation 22 Submission Draft - Post Submission Version (including Proposed Main Changes).

NOTES:

1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act.
2. The grant of planning permission will require the applicants 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 the design, procurement of the work by contract and the supervision of the works. For the avoidance of doubt, the highway works relate to the repositioning of the kerbed build-out on Whalley Road opposite the proposed site entrance, provision of "quality bus" standard bus stops on Whalley Road and the provision of vehicle activated signs on Whalley Road.

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>
3/2010/0582/P	Application to discharge details relating to condition no. 4 (method statement/plan) and condition no. 6 (landscaping) of planning consent 3/2010/0185/P in relation to an approved pumping station	on the outskirts of Slaidburn adjacent to Baite Laithe
3/2012/0669/P	Full application for the proposed erection of an industrial unit and alterations to parking provision on land	Lincoln Way Clitheroe
3/2013/0059/P	Extension of existing caravan park to allow for the creation of 31 timber lodges	Rimington Caravan Park Crosshill Lane, Rimington
3/2013/0488/P	To form two residential dwellings	Higher Jud Falls Knowles Brow, Stonyhurst
3/2013/0692/P	Discharge of condition 3 of APP/T2350/A/12/2188887 dated 27 June 2013 (3/2012/0637/P)	Land at Mitton Road Whalley
3/2013/0171/P	Application for discharge of condition number 5 (verification completion report) of planning permission 3/2010/0568/P	Barrow Brook Barrow Clitheroe
3/2012/1072/P (LBC) & 3/2012/1073/P (PP)	Proposed conversion of barns at Causeway Farm into three dwellings, to include change of use of the small area to the South West of the barns (units 2 & 3. The area adjacent to unit 2 to accommodate a new garage and a small amenity area, whilst the area adjacent to unit 3 will be for car parking and amenity use	Causeway Farm Longsight Road Osbaldeston
3/2013/0174/P	Application to discharge condition No.3 (Tree Protection Measures), Condition No.4 (Surface Water Regulation) and Condition No.5 (Car Park Materials) of planning permission 3/2012/0760P	The Homestead Whalley Road Wilpshire
3/2013/0279/P 3/2013/0280/P 3/2013/0281/P	Proposed erection of a lean-to agricultural building to provide a covered feed passage (Building 3), application 3/2013/0279/P Proposed erection of a steel portal frame agricultural building for use as a covered manure store (Building 1), Application 3/2013/0280P) Proposed erection of a steel portal frame agricultural building to house beef cattle (Building 2), Application 3/2013/0281/P	Old Buckley Farm Stoneygate Lane Ribchester

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0319/P	Application for the removal of condition no.10 (occupancy period) of planning permission 3/2002/0905P, to allow the holiday cottages to be used as permanent residential accommodation	Orchard Cottages off Clitheroe Road Waddington
3/2013/0374/P	Construction of a roof garden	Lee Carter House Castlegate, Clitheroe
3/2013/0485/P	Two storey detached dwelling with integral garage	Roadside Farm Preston Road, Longridge
3/2013/0552/P	Proposed extension to form a double Garage	Siddows Hall Henthorn Road, Clitheroe
3/2013/0554/P	Application for the partial discharge (relating to plots 1 to 6) of condition no. 4 (affordable housing commitment), condition no. 5 (external materials), condition no. 6 (removal of non-native species), condition no. 8 (landscaping proposals), condition no. 9 (tree protection), condition no. 12 (Provision for building dependant species) and condition no. 18 (street lighting) of planning permission 3/2012/1011/P	Land at 14 Church Raike Chipping
3/2013/0561/P	Application for approval of details relating to condition no's 3 (materials), 4 (bat survey), 5 (bird boxes), 9 (eastern first floor window glazing), 10 (tree protection measures) and 11 (disposal of foul and surface water) of planning permission 3/2013/0212/P	Shay Cross Old Back Lane Wiswell
3/2013/0592/P	Outline application for the construction of two no detached houses and garages	Longsight House Longsight Road, Langho
3/2013/0608/P	Proposed creation of decking area to the rear of the flats above	31 & 33 Shawbridge Street Clitheroe
3/2013/0612/P	Proposed change of use of existing detached stable block to a retirement bungalow for applicant. The present stable building has the visual appearance of a bungalow (See letter of intent)	Tythe Barn House Whins Lane Simonstone
3/2013/0624/P	Proposed first floor extension to increase production space. Proposed single storey covered loading area and storage area. Additional car parking. Solar panels	Country Cakes Orchard Park Stoneygate Lane Ribchester
3/2013/0625/P	Conversion of barn to three open market dwellings	New Barn Stonyhurst
3/2013/0626/P	Conversion of barn to two open market dwellings	Woodfield Barn Woodfields, Stonyhurst
3/2013/0657/P	Proposed double sided non-illuminated sign board 1.5m from the ground measuring 2m(h) x 1m(w)	The Civic Hall/Gym Calder Avenue, Longridge

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0659/P	Proposed new extension to side of premises with matching slate roof and painted render finish to match existing, new door opening be formed to allow access to the proposed extension from outside, mock sash windows to match existing	Wagon and Horses Inn Pimlico Road Clitheroe
3/2013/0673/P	Demolition of existing garage to be replaced with an annex ancillary to the main dwelling	Hougher Fall Farm Old Clitheroe Road, Dutton
3/2013/0688/P	Change of use of outbuildings to annex accommodation for an elderly relative with bedsit accommodation for a carer including the installation of 12no 1650 x 1000 pv panels and external alterations including bay window to south elevation	Winckley Hall Whalley Road Hurst Green
3/2013/0693/P	Removal of Condition 5 of planning consent 3/2010/0070/P	Halsteads Farm, Rimington Clitheroe
3/2013/0710/P	Dormer extensions and alterations	57 Preston Road Longridge
3/2013/0718/P	Erection of small outbuilding for the storage of gardening equipment	St Leonard's Church Commons Lane, Balderstone
3/2013/0720/P	Installation of 1.no new air conditioning condenser unit to the rear of the property	Barclays Bank plc 67 King Street, Whalley
3/2013/0727/P	Application to discharge details relating to condition no's 8 (Velux rooflights), 11 (Bird/Bat habitat), 17 (Building recording and analysis) and 18 (foul/surface water disposal) of planning permission 3/2013/0051/P	Cottages at Top Row Sabden, Clitheroe
3/2013/0731/P	Proposed demolition of existing side and rear extensions and construction of new single storey side and rear extension	20 George Lane Read
3/2013/0732/P	Demolition of existing side and rear extensions and construction of new two storey side and rear extensions and incorporate loft conversion	20 George Lane Read
3/2013/0735/P	New detached garage	Seven Acre Cottage Forty Acre Lane, Longridge
3/2013/0743/P	Replace 7 timber windows with new timber windows to match existing. Windows to be painted white. All the windows are situated on the front elevation facing Church Brow	Wade House 2 Church Brow Clitheroe
3/2013/0745/P	Proposed erection of a new entrance porch and internal remodelling	Pleasington Court Brewery Street, Longridge
3/2013/0750/P	Amendments to the approved planning application 3/2012/0753 to include a rear extension to form a plant and equipment room for renewable energy heating equipment	Chorley House Back Commons Lane Clitheroe

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0751/P	Application to remove condition No.2 of Planning Permission 3/2013/0852P	The Field, Old Hive Chipping
3/2013/0756/P	Conversion of Existing dwelling to form 2No residential Units	14 Inglewhite Road Longridge
3/2013/0757/P	Renewal of planning permission 3/2010/0569/P for the proposed conversion of a barn to one residential dwelling at barn adjacent	Shays Cottage Tosside
3/2013/0762/P	Two Storey Extension to the front elevation, Two storey/single storey extension to the rear elevation and conversion of roof space and new roof lights	2 Glendene Park Wilpshire
3/2013/0778/P	Single storey rear extension	Leagram Lodge Chipping
3/2013/0780/P	Proposed detached outbuilding within residential curtilage to be used as ancillary study/art studio	Countess Hey Barn Elmridge Lane Chipping
3/2013/0784/P	Installation of internal stairlift	15 Old Well Hall Main Street, Downham
3/2013/0791/P	Redecorate external stained timber components (window frames, glazed screen frames, doors and door frames, fascia's and soffits in paint finish	Parlick Cottage Moss Lane Chipping
3/2013/0807/P	Application to discharge condition no. 4 (materials) of planning permission 3/2010/0763/P	Severn Street Longridge
3/2013/0813/P	Application to discharge condition no. 3 (materials) of planning permission 3/2012/0734/P	Ashwood, Brockhall Village Old Langho
3/2013/0873/P	Application to discharge details relating to condition no. 5 (materials) and no. 18 (car park surfacing materials) of planning permission 3/2010/0113/P at land adjacent	Whalley Road Sabden

APPLICATIONS REFUSED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
3/2013/0349P	Proposed alterations to form new entrance into dwelling as well as relocating window to front elevation. The proposal also included first floor extension above new entrance to form new bathroom. Material to match existing dwelling	2 Chapel Fold Wiswell	DWLP – G1, ENV16, H10, SPG, CS (Sub.Dr) – DMG1, DME4, DMH5, NPPF – Sections 7 and 12 – incongruous and dominant extension seriously harmful to the Building of Townscape Merit and Wiswell Conservation Area

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
3/2013/0497/P	Application to vary condition on. 4 (hours of opening) of planning permission 3/2004/0824P, to allow the nursery to open from 7 am - 7pm Monday – Saturday	54 West View Clitheroe	G1 and DMG1 – harmful to residential amenity G1 and DMG1 - insufficient information to assess the parking provision and traffic
3/2013/0663/P	Proposed demolition of an existing small study extension and erection of green oak frame garden room	4 Horton Lodge Horton	Policies G1, H10, SPG (DWLP) and Policies DMG1 and DMH5 (CS Sub.Dr.) – odour and nuisance from chimney to neighbouring amenity. Policies G1, H10, H17 and SPG (DWLP) and Policies DMG1, DMH5, and DME4 (CS Sub.Dr.) – design and materials harmful to character and appearance of building.
3/2013/0719/P	Remove current dwarf sandstone garden wall to highway (Church Lane). Rebuild wall in local sandstone, mortar bedded to new height of 1.5-1.8m in keeping with the local stone walls. Position and line of the new wall remains the same as current wall. Garden hedge/plants remove to allow construction	20A The Hollies Church Lane Mellor	Contrary to policy G1 of DWLP and Policy DMG1 of CS
3/2012/0749/P	Two storey extensions	Tenement Farm Thornley	G1, ENV1, H10, SPG (DWLP)/ DMG1. DME2, DME3 and DMH5 (Reg 22 Submission Draft C.S.) and Sections 11 of NPPF – incongruous and dominant extensions harmful to property itself and visual amenity.
3/2013/0765/P 3/2013/0766/P Cont/	Demolition and rebuilding of single storey rear lean-to extension and repositioning	6 The Old Tannery Shawbridge Street Clitheroe	Harmful to character of listed building and character and

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
Cont...	of internal ground floor staircase		appearance of Clitheroe Conservation Area because of loss of important historic fabric (historic stair removal and new stair installation), the distortion of room shapes and obscuring of important plan form elements (new stair and wall) and erection of prominent and incongruous fencing. Contrary to ENV20, ENV19, ENV16 and G1, NPPF paragraph 17, 131 and 132 and CS Reg.22SD DME4 and DMG1.

3/2013/0780/P	Demolition of existing garage and erection of 2 bed house in vacant garden area	10 Fairsnape Avenue Longridge	NPPF, Policy G1 of DWLP and Policy DMG1 of the RVCS (Post Submission Version) - cramped, incongruous and visually intrusive, overbearing to adjoining occupants and inadequate level of privacy for the future occupants of the dwelling.
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REFUSAL OF CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0819/P	Lawful Development Certificate for a proposed extension to existing garage to give extra floor space. Materials to be similar to existing	7 Church Brow Gardens Clitheroe

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 PARTS 6 & 7 PRIOR NOTIFICATION OF AGRICULTURAL AND FORESTRY BUILDINGS AND ROADS PRIOR APPROVAL **NOT** REQUIRED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0849/P	Prior Notification for a proposed portal frame building 22.9m (Length) x 17.5m (breadth) x 5.9m (height to ridge)	Clerk Laithe Barn Newton in Bowland

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0193/P	Change of use of a single storey brick shippon to one residential dwelling	Wheatley Farm Four Acre Lane Longridge
3/2013/0339/P	Change of use of an existing industrial unit to a sports injury clinic	2 Hall Street Clitheroe
3/2013/0582/P	To build internally on metal studded walls which will be approximately 100mm in depth and will rise to the ceiling. Within the metal wall shall be insulation and on the outside will be 1 skin of plasterboard with a skim finish, 2 coats of emulsion paint to match existing. The wall shall be set 100mm from the existing stone wall.	Clitheroe Castle Museum Castlegate Clitheroe
3/2013/0704/P	Alterations to increase the width of the existing site entrance	Land between 91 and 93 Ribchester Road Clayton le Dale
3/2013/0772/P	Change of use of existing industrial storage premises to sports injury and rehabilitation clinic class D1	Unit 7, Hawthorn Industrial Estate Lincoln Way, Clitheroe
3/2013/0733/P	Single storey extension to the kitchen with additional accommodation in the roof space and relocation of 'means of escape' steps	Holden Clough Nursery Holden
3/2013/0855/P	LDC for a proposed use to create a new access to land on to an unadopted lane	Land at Hothersall Lodge Hothersall Lane Hothersall

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	Due to be signed shortly
3/2012/0014	Land adj Greenfield Avenue Low Moor, Clitheroe	19/7/12 18/7/13	30	Awaiting return of agreement
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	Signed
3/2012/0738	Dale View Billington	6/12/12	10	Signed
3/2012/0785	Clitheroe Hospital Chatburn Road Clitheroe	6/12/12	57	With Lancashire County Council

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0964	Land to the north of Whalley Road Hurst Green	14/3/13	30	With applicants Solicitors
<u>Non Housing</u>				
3/2011/0649P	Calder Vale Park Simonstone	15/3/12		Subject to departure procedures, draft 106 received from Lancashire County Council

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Time from First Going to Committee to Decision</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2013/0137	Land east of Clitheroe Road (Lawsonsteads) Whalley	18/7/13	13	260	Decision 16/10/13

APPEALS UPDATE

<u>Application No</u>	<u>Date Received</u>	<u>Applicant Proposal/Site</u>	<u>Type of Appeal</u>	<u>Date of Inquiry/Hearing</u>	<u>Progress</u>
3/2012/0630 Undetermined	22/01/13	land SW of Barrow and W of Whalley Road, Barrow	Inquiry	11/09/13 (up to 2 days)	Awaiting decision
3/2012/0526 R	01/02/13	Laneside Farm Pendleton	Changed to Hearing, then back to written reps		Awaiting decision
3/2012/0526 R	27/03/2013	Laneside Farm Pendleton	Costs		Awaiting decision
3/2012/0402 R	18/2/13	Mason House Fm Clitheroe Road Bashall Eaves	WR		Awaiting decision
3/2012/1088 R	28/03/13	8 Church Brow, Clitheroe	LB		Awaiting decision
3/2012/0913 R	28/03/13	land off Waddington Road Clitheroe	Inquiry	19/09/13 (1 day)	Awaiting decision
3/2012/0792 R	30/04/13	Hodder Bank Stonyhurst	WR		Awaiting decision
3/2012/1079 R	26/04/13	79 King Street Whalley	WR		Appeal dismissed 04/09/13

<u>Application No</u>	<u>Date Received</u>	<u>Applicant Proposal/Site</u>	<u>Type of Appeal</u>	<u>Date of Inquiry/Hearing</u>	<u>Progress</u>
3/2012/0972 R	23/04/13	Shays Farm Tosside	WR		Awaiting decision
3/2012/0539 R	25/04/13	Carr Hall Home and Garden Centre, Whalley Road, Wilpshire	Hearing	20/08/13 1.5 days	Awaiting decision
3/2013/0099 Undetermined	20/05/13	land to the west of Whalley Road, Barrow	changed to Hearing	05/11/13 2 days	Waiting for hearing to take place
3/2012/1040 R	15/07/13	Carr Meadow Barn, Carr Lane Balderstone	WR		Awaiting decision
3/2013/0126 R	29/07/13	3 Horton Lodge Horton	HH		Appeal allowed 18/09/13
3/2013/0419 R	08/08/13	Wolfen Mill	WR		Awaiting decision
3/2012/1092 R	Awaiting validation by PINS	land off Henthorn Road			
3/2013/0447 R	21/10/13	Bleak House Kemple End Stonyhurst	WR		Notification sent Questionnaire due 4/11/13 Statement due 2/12/13 Final comments due 23/12/13
3/2013/0448 invalid	Awaiting validation by PINS	Oakfield Longsight Road Clayton le Dale			

LEGEND

D – Delegated decision
C – Committee decision
O – Overturn