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	<a href="#">3/2018/0914</a>	85		SK	DEFER	Land off Clitheroe Road Whalley
<b>E</b>	<b>APPLICATIONS IN 'OTHER' CATEGORIES:</b>					
					NONE	

**LEGEND**

AC Approved Conditionally  
R Refused  
M/A Minded to Approve

AB Adam Birkett  
AD Adrian Dowd  
HM Harriet McCartney  
JM John Macholc

RB Rebecca Bowers  
RM Robert Major  
SK Stephen Kilmartin

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

Agenda Item No 5

meeting date: THURSDAY, 14 MARCH 2019  
title: PLANNING APPLICATIONS  
submitted by: DIRECTOR OF COMMUNITY SERVICES

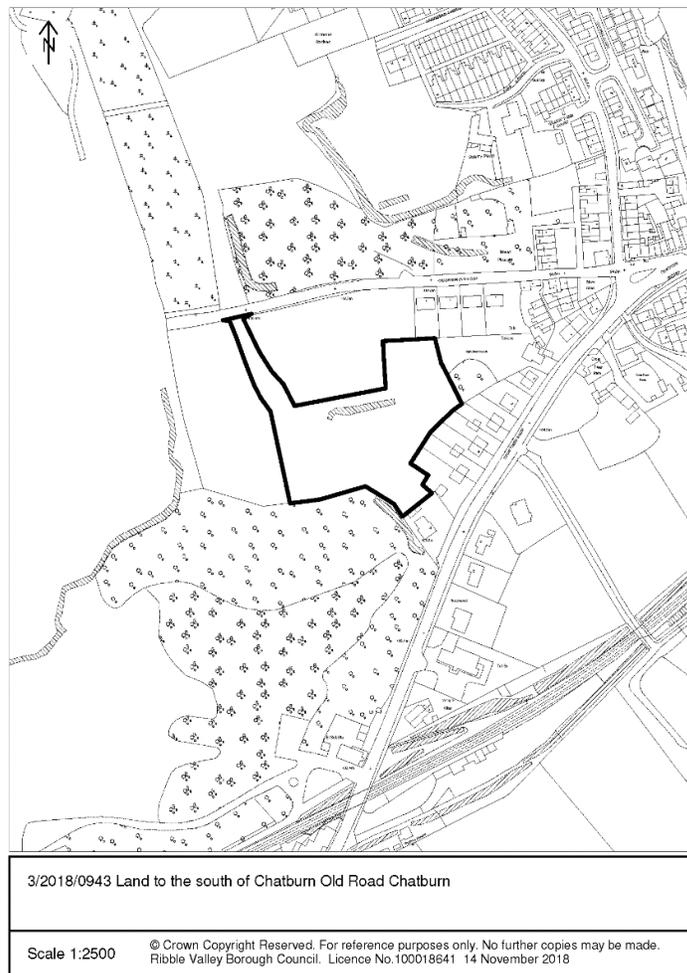
### PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

**APPLICATION REF:** 3/2018/0943

**GRID REF:** SD 376631 443898

### DEVELOPMENT DESCRIPTION:

RESIDENTIAL DEVELOPMENT OF UP TO NINE UNITS (RESUBMISSION OF APPLICATION 3/2018/0582) AT LAND TO THE SOUTH OF CHATBURN OLD ROAD, CHATBURN



## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

Chatburn Parish Council has the following observations to make:

- The village infrastructure is already at crisis point and, as the target for building new houses in Chatburn (as identified in the Planning Authorities Core Strategy) has already been reached; the proposed development would have a detrimental impact.
- The proposed site is outside the village settlement boundary in open countryside and is a natural barrier between the village and the large industrial quarry. Filling in the land will be harmful to the character of the village resulting in environmental damage. In a previous appeal following the initial refusal of planning permission for a development on Old Road, the Inspector wrote "A lung of undulating grass land with rocky outcrops with some large trees...which in my view makes a significant visual and physical contribution to the character of the settlement."
- The site is in close proximity to a working quarry where blasting continues to be carried three times per week resulting in serious problems overdevelopment with the site.
- There are 16 terraced properties with no off road parking. The properties are accessed from Old Road and around 20 vehicles regularly park there. The width of the road is only 4.5 metres at its narrowest point. Four properties have direct access onto the road and there is no footpath outside two of these. Traffic generated by the present development results in additional pressure on the narrow exit junction to the congested Ribble Lane. Further development will cause severe problems for residents at the Old Road/Ribble Lane junctions and make it almost impossible for refuse lorries who now have to reverse up the lane. There is also concern for emergency services being able to access properties on Old Road.
- The proposed development will put more pressure on the drainage which has been a problem for the present development and will be exacerbated by any further building. Excess water on the present site does not soak into the limestone and additional water resulting in flooding down Old Road causing damage to businesses in the centre of the village. Due to the nature of the high ground levels there will be possible problems both with surface water and sewage disposal. The Environment Agency and United Utilities must consider this.

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

No objection. Further consideration will need to be given at the technical details stage.

### **LCC MINERALS AND WASTE:**

None received.

### **ADDITIONAL REPRESENTATIONS:**

14 letters of objection have been received and raise the following concerns:-

- The development would spoil the character of the village.
- Road safety concerns.

- The application was refused unanimously several weeks ago.
- Previous appeal said no more housing on the old road.
- Dust, noise and disruption from the development.
- Several houses already for sale in Chatburn.
- Local school is oversubscribed.
- Impact on local wildlife.
- The proposal is contrary to Policies DMG2 and DMH3 of the RVBC Core Strategy.
- LCC Highway Officer does have concerns about highway safety at the junction with Old Road and Ribble Lane.
- Ecological issues at the site including enforcement action by LCC regarding the failure to restore calcareous grassland. The developer has not carried out an ecological survey.
- No pedestrian footway on the Old Road.
- Chatburn has reached its housing target.
- Over development of a small site.
- The possibility of between 1 and 9 dwellings is too wide a range to comment upon.
- Adjacent development is no closer to being completed.
- Issues associated with the current site including noise and vehicle movements.
- Site is not a sustainable location.
- Drainage (foul and surface water) issues with existing development.
- Housing on dominant and elevated site is an eyesore.
- Owls roosting on or near to the site and habitat to great crested newt.
- Development would overshadow existing properties.
- Parking restrictions at the Old Road and Ribble Lane junction would restrict parking for existing residents.
- Electricity cable crosses the site.
- Public footpath crosses the site.

## 1. **Site Description and Surrounding Area**

- 1.1 The proposed development site is located to the south of Chatburn Old Road, Chatburn. This greenfield site slopes down in level towards the east and south and is mainly grassland with bushes and trees along its boundaries, some of which are protected by Tree Preservation Orders. To the west of the site is Lanehead Quarry.
- 1.2 The majority of the site is in the Open Countryside as defined on the emerging Proposals Map although a small section of the site is within the settlement boundary of Chatburn. The site is bound to the north-west by a residential development of 10 dwellings approved by planning consent 3/2011/0025 and then 3/2014/0618 (varied by planning consent 3/2016/0748) which is currently under construction.

## 2. **Proposed Development for which consent is sought**

- 2.1 This application seeks permission in principle for the erection of up to nine dwellings at land to the south of Chatburn Old Road, Chatburn. Members will note that a similar permission in principle application (ref: 3/2018/0582) at this site was refused in September 2018 for the following reason:

*The proposal is considered contrary Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation of new dwellings in the open countryside without sufficient justification. The proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals*

*which would have an adverse impact on the implementation of the planning policies of the Council contrary to the interests of the proper planning of the area in accordance with core principles and policies of the NPPF.*

- 2.2 The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.
- 2.3 The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission. It is not possible for conditions to be attached to a grant of permission in principle nor can planning obligations be secured and its terms may only include the site location, the type of development and amount of development.
- 2.4 The technical detail stage will provide the opportunity to assess the detailed design of the scheme to ensure that any impacts are appropriately mitigated and that the contributions to essential infrastructure, for example, are secured. If the technical details are not acceptable, the local authority can refuse the application.

### 3. **Relevant Planning History**

3/2011/0025 - Outline planning application for residential development (ten dwellings). Allowed on appeal.

3/2014/0618 - Erection of 10 dwellings. Approved.

3/2016/0748 - Variation of Condition 02 (substitution of house types/designs for plots 1, 2, 3, 4, 5, 7, 8, 9 & 10, including repositioning of plots 3, 7, 9 & 10, and alteration to internal access road) and Removal of Condition 10 (un-associated condition) of planning permission 3/2014/0618 for the erection of ten dwellings. Approved.

3/2018/0582 - Residential development of up to nine units. Refused.

### 4. **Relevant Policies**

Ribble Valley Core Strategy:  
Key Statement DS1 – Development Strategy  
Key Statement DS2 – Sustainable Development  
Key Statement H1 – Housing Provision  
Key Statement H2 – Housing Balance  
Policy DMG2 – Strategic Considerations  
Policy DMG3 – Transport and Mobility

National Planning Policy Framework

## 5. **Assessment of Proposed Development**

- 5.1 The application proposes a residential development of between 1 and 9 dwellings. As stated above, the scope of permission in principle is limited to location, land use and amount of development; the detailed design of the scheme will be considered at technical detail stage. Whilst the objections raised by residents are noted these relate predominantly to matters that would be given full consideration at the technical detail stage.
- 5.2 As noted above, this is a re-submission of an earlier planning application which was refused by Planning and Development Committee on 6 September 2018 in accordance with officer recommendation. The application was refused on the basis that approval would lead to the creation of new dwellings in the open countryside without sufficient justification.
- 5.3 This application is supported by a Statement of Common Ground which sets out that the 'technical details' application(s) would be submitted within 6 months of a favourable decision. Furthermore, it states that the properties would be marketed to Ribble Valley residents only for the first 6 months and that the housing mix submitted at technical details stage would comprise 20% bungalows suitable for over 55s.
- 5.4 **Principle of Development**
- 5.4.1 The development plan for the Borough is the Ribble Valley Core Strategy which was formally adopted in December 2014. The Inspector for the Core Strategy, Simon Berkeley, concluded in his final report dated 25 November 2014 that the Ribble Valley Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.
- 5.4.2 The emerging Proposals Map for the Borough has yet to be formally adopted by the Local Planning Authority. Whilst the Examination in Public (EiP) into the Housing and Economic Development DPD (including Proposals Map) concluded week ending 25 January 2019 it may still be subject to change and therefore can only attract limited weight in the decision making process.
- 5.4.3 The Planning Statement submitted in support of the application challenges the Council's housing land supply position and considers that the Council cannot demonstrate a 5 year supply. Having regard to the October Housing Land Availability Survey (HLAS) (published 19 November 2018) it is considered that the Council can demonstrate a 6.1 year supply of housing land with a 5% buffer. The use of a 5% buffer is supported by the recently published revised NPPF. The relevant policies for the supply of housing contained in the adopted Core Strategy can be afforded full weight and the presumption in favour of sustainable development is not engaged.
- 5.4.4 Key Statement DS1 identifies Chatburn as a Tier 1 Village and therefore some development will be directed towards the settlement. Key Statement DS1 confirms that, *'the scale of planned housing growth will be managed to reflect existing population size, the availability of, or the opportunity to provide facilities*

*to serve the development and the extent to which development can be accommodated within the local area.'*

- 5.4.5 It is not disputed that in terms of proximity to services, the site could be deemed to be a sustainable location. The provision of up to 9 dwellings on the edge of the settlement of Chatburn would reflect the existing population size and would not result in any quantifiable or measurable harm to the Development Strategy presented by Key Statement DS1 of the Core Strategy, particularly given that it seeks to focus some new housing development towards the Tier 1 settlements. Therefore, it is confirmed that the proposal would not harm the settlement strategy.
- 5.4.6 In assessing this planning application, due regard has been given to the discussions held during the EiP into the Housing and Economic Development DPD which, during its siting from Tuesday 22<sup>nd</sup> January and Wednesday 23<sup>rd</sup> January 2019, considered the proposed housing allocations and housing matters within the Borough. During the course of the examination, which was attended by representatives of developers and private landowners as well as Council Officers, the Inspector focussed on the Council's housing land supply and the appliance of the Core Strategy housing policies in the determination of residential planning applications. There was debate on whether the Core Strategy Policies restricted windfall housing developments and the location of new housing. At the request of the Inspector, Council Officers were required to provide details of planning applications granted for residential development within sustainable locations but outside of the defined settlement boundaries when the Authority could demonstrate a 5 year housing land supply. This was sought to demonstrate how the housing policies in the Core Strategy, i.e. DMG2 and DMH3, are applied within the Borough.
- 5.4.7 Council Officers provided details of a number of sites that have been granted planning consent for residential development in such locations. It was made clear during discussions between the Inspector and those present at the EiP that the Council's housing policies must be applied to enable degree of flexibility to ensure that it meets the aims and objectives of the NPPF which seeks to '*significantly boost the supply of homes*'.
- 5.4.8 As such it must be recognised that following the EiP policies DMG2 and DMH3 of the Core Strategy should not be applied in isolation nor should those policies be interpreted in such a way that would entirely restrict development for all new open market dwellings in the open countryside.
- 5.4.9 Core Strategy Policy DMG2 states that "*Development proposals in the principal settlements of Clitheroe, Longridge and Whalley and the Tier 1 Villages should consolidate, expand or round-off development so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement*". In view of the Inspector's comments at the EiP, it is considered that this policy makes provision for development proposals in Principal and Tier 1 settlements that consolidate, expand or round-off development so that it is closely related to the main built up areas.
- 5.4.10 The application site adjoins an existing residential development site which extends from the main settlement area of Chatburn. This adjacent development

site, which is under construction, has been included within the draft settlement boundary for Chatburn in the emerging Proposals Map. The application site is not bounded by consolidated development along more than two thirds of its perimeter and as such it is not considered to be 'rounding-off' as defined in the glossary of the Core Strategy. However, the development is considered to comply with the definition of 'expansion', as expressed in the Core Strategy as '*limited growth of a settlement which is in scale and keeping with the existing urban area*'. The development site is particularly well-contained, being bordered by Lanehead Quarry to the west, protected trees which skirt the site to the west and south and existing development to the east. As such, on balance, and taking into account the Inspector's comments at the EiP into the Housing and Economic Development DPD, the proposed development, on the edge of a Tier 1 settlement, is considered to be acceptable in principle.

5.4.11 In addition the applicant has submitted a Statement of Common Ground which sets out an agreement that the 'technical details' application would be submitted within 6 months of a favourable decision and states that the properties would be marketed to Ribble Valley residents only for the first 6 months and the housing mix submitted at technical details stage would comprise 20% bungalows suitable for over 55s. It is anticipated that there would be a general need for bungalow accommodation in Chatburn (confirmation from the Council's Housing Officer to be presented verbally) and this would be considered a considerable benefit of the development.

5.4.12 Notwithstanding the above, there is no means for planning obligations to be secured against permission in principle. Should consent be granted, Council Officers would work with the applicant at technical details stage in an attempt to ensure that the mix of housing proposed is acceptable to the LPA and to seek to secure any affordable/over 55s housing or local occupancy requirements by legal agreement at that stage.

## 5.5 Other Considerations

5.5.1 In relation to the amount of development proposed, as stated above the provision of up to 9 dwellings on the edge of the settlement of Chatburn would not result in any quantifiable or measurable harm to the Development Strategy. The site is approximately 1 hectare in size and whilst there are constraints within and surrounding the site including its topography, protected trees, a public right of way and its proximity to the Lanehead Quarry, it is not considered that an upper threshold of 9 residential units is unreasonable. There would remain the requirement for a detailed site layout to be provided at technical details stage with this providing the appropriate interface distances between dwellings to ensure acceptable standards of privacy and a suitable internal road layout.

5.5.2 Concerns raised in relation to the capacity of Chatburn Old Road to absorb additional traffic that would be generated by the proposals are noted. Consideration was given to highway capacity and safety issues in the Inspectors report for the development of 10 dwellings at the adjacent site that was allowed on appeal. As a requirement of that consent, ref. 3/2011/0025, improvements were secured at the junction between Chatburn Old Road and Ribble Lane. In regard to that appeal scheme, the Highway Authority had no concerns in

principle regarding on-street parking activity and the capacity of the highway to accommodate the additional traffic associated with the dwellings proposed.

- 5.5.3 It is acknowledged that more detailed consideration would need to be given to the impact of this proposed development on the local highway network at the technical details stage and the highways officer has indicated this may include the provision of waiting restrictions close to the junction with Ribble Lane. The Highways Authority raises no objection in principle to the proposals. Whilst the County Surveyor recommends the imposition of conditions should consent be granted, as noted above there are no means of imposing planning conditions at the PiP stage.
- 5.5.4 In relation to the site's proximity to Lanehead Quarry, a thorough assessment of the potential implications of residential development in this location were undertaken as part of the determination of the planning application for housing on the adjacent site. The Inspector for application 3/2011/0025 noted at paragraph 43 of his report *'it is evident that if the appeal scheme were to be developed, with careful management it should be possible to commercially extract mineral on the eastern face of the quarry, while both meeting the relevant planning conditions regarding blasting vibration, and successfully addressing the potential for complaints to be made. As such, there would be no 'permanent in-direct sterilisation' of reserves in the quarry.'* Furthermore, it was considered that noise attenuation measures could be installed to ensure future occupants would enjoy an acceptable level of residential amenity. No comments have been received from the Minerals and Waste section at Lancashire County Council and taking the above into account there is no in-principle reasons for refusal of this application on highway safety or residential amenity grounds.
- 5.5.5 Concerns raised relating to the impact of the development on trees, ecology, foul and surface water drainage, noise and disturbance, highway safety, residential amenity and the amenity of the area would be considered at the technical details stage.

## 6. **Conclusion**

- 6.1 Having considered all of the above, in light of the recent discussions held at the EiP into the Housing and Economic Development DPD, the principle of development in this location is considered acceptable. Accordingly, it is recommended that Permission in Principle is granted.

**RECOMMENDATION:** That Permission in Principle be GRANTED subject to the following information notes:

1. This permission shall be read in accordance with the Statement of Common Ground dated 28th January 2019.
2. In addition to national information requirements as required by article 7(1)(c)(ii) of the Town and Country Planning (Development Management Procedure (England) (Order) 2015, applications for the approval of technical details should be accompanied by an Arboricultural Impact Assessment, Ecology Survey, Drainage Strategy, Noise and Vibration Survey and draft Heads of Terms.

This aforementioned required information is not exhaustive and additional information may be required during the determination process.

#### UPDATE FOLLOWING 7<sup>th</sup> FEBRUARY PLANNING AND DEVELOPMENT COMMITTEE MEETING:

On 7<sup>th</sup> February 2019 Committee were minded to refuse the application. A decision on the application was deferred to enable the Director of Economic Development and Planning to draft an appropriate refusal reason relating to the principle of development.

The recommendation remains that the application should be approved. The officer recommendation to approve the application is based on the Inspector's comments and discussion at the EiP into the Housing and Economic Development DPD where it was made clear that the Council's housing policies must be applied to enable degree of flexibility and in such a way that would not entirely restrict development for all new open market dwellings in the open countryside.

For Committee's information following the 7<sup>th</sup> February Committee in a letter to the Head of Planning, dated 19 February 2019, the planning agent, on behalf of the applicant:

- Confirms that he has been instructed by his client to appeal against the previously refused application for permission in principle at this site.
- Questions how the Council would defend a reason for refusal based on interpretation of development plan policy which is at odds with the interpretation recommended by officers and which was the interpretation advanced at the HED DPD examination.
- Requests that determination of the application be deferred until the Inspectors main modifications have been published for consultation. At that stage it should be clear whether or not the HED DPD Inspector has accepted the Council's case that no additional housing allocations are required because the Core Strategy policies provide the necessary flexibility.

Should Committee still be minded to refuse the application the following reason is identical to the previously refused application at this site:

1. The proposal is considered contrary Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation of new dwellings in the open countryside without sufficient justification. The proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals which would have an adverse impact on the implementation of the planning policies of the Council contrary to the interests of the proper planning of the area in accordance with core principles and policies of the NPPF.

#### BACKGROUND PAPERS

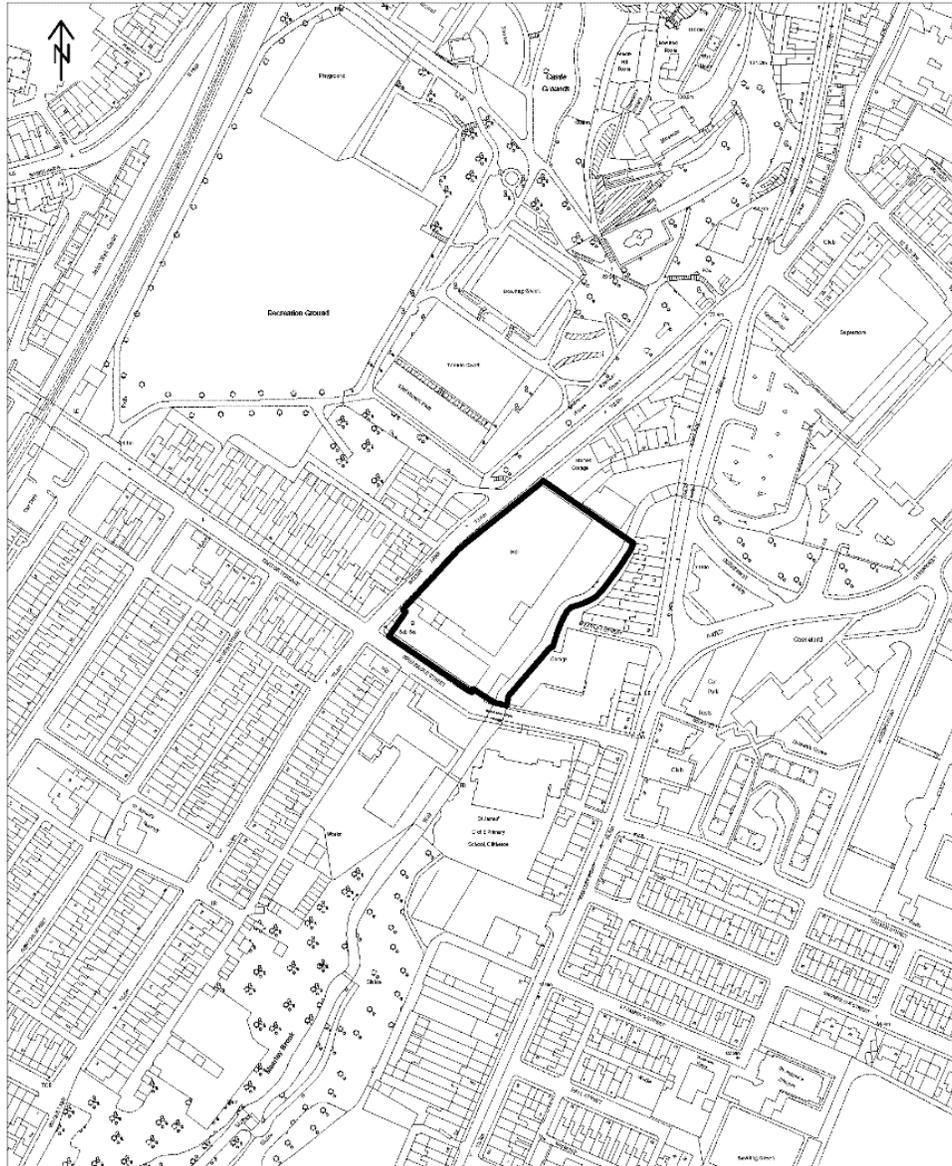
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0943](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0943)

**APPLICATION REF: 3/2018/1040P**

GRID REF: SD 374128 441359

**DEVELOPMENT DESCRIPTION:**

VARIATION OF CONDITIONS FROM PLANNING PERMISSION 3/2017/0262 INCLUDING CONDITIONS 2 (SUBSTITUTION OF AMENDMENTS TO APPROVED PLANS), 3 (EXTERNAL EXTRACTION, AIR CONDITIONING AND VENTILATION), AND CHANGES TO INTERNAL LAYOUT FOR THE WEAVING SHED TO FACILITATE CINEMA USE AND OFFICE SPACE AT HOLMES MILL, GREENACRE STREET, CLITHEROE



3/2015 0943 and 382015/0944 Holmes Mill, Greenacre Street, Clitheroe BB7 1EB

Scale 1:2500

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## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

No representations received.

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

Request more information to assess parking capacity and trip generation and initially concluded they would object to the proposal and recommend refusal. At the time of writing this report there is no evidence that further information has been submitted to LCC. Although the applicants requested but a meeting between all parties the Highway Engineer declined as he considers that the lack of off street parking cannot be resolved within the site nor would a Traffic Regulation Order (TRO) assist. If any TRO scheme is to be progressed this should be at the developers cost.

### **ENVIRONMENT AGENCY:**

No representation received.

### **LANCASHIRE LOCAL LEAD FLOOD AUTHORITY (LLFA):**

No objection.

### **ADDITIONAL REPRESENTATIONS:**

None.

#### **1. Site Description and Surrounding Area**

- 1.1 The building is located on the outskirts of the Town centre and comprises a mixed use area with retail and other employment uses including offices and residential properties in the vicinity. It has a road frontage on to both Woone Lane and Greenacre Street and is adjacent to the Clitheroe Conservation Area. The main site entrance is from Greenacre Street and there is also a proposed new vehicular access from Mearley Street and restricted vehicular and pedestrian access form Woone Lane.

#### **2. Proposed Development for which consent is sought**

- 2.1 This application seeks to vary the original consent and amended consent with the introduction of a 4 screen cinema use to replace the previously approved swimming pool and additional office space on first floor to replace studios associated with the leisure use. Minor external changes such as extraction grills fronting both Woone Lane on the western elevation and the north elevation are also part of the application. The proposal includes a screened refuse store area and a small compound area for air cooled liquid chillers on the north elevation which faces towards Holmes cottage. The proposal also includes a satellite dish on the roof of the weaving shed.

#### **3. Relevant Planning History**

3/2015/0943 and 3/2015/0944 Planning and Listed Building Consent for Renovation and conversion of Grade II Listed property to create kitchens, restaurant, bar, 31 room apart-

hotel, brewery with retail outlet, bakery, function room, offices, two retail units and gym/spa leisure complex.

3/2017/0262 and 3/2017/0268 Planning and Listed Building Consent Variation of conditions from planning permission 3/2015/0943 to allow approval of unauthorised work, including conditions 2 (substitution of amendments to approved plans), 3 (external extraction, air conditioning and ventilation), 4 (external materials), 5 (storage and disposal of waste), 6 (servicing and deliveries) 8 (construction method statement), 9 (site access and highway improvement works), 11 (car parking), 12 (framework travel plan), 13 (personnel doors and service yard gates), 16 (contaminated land), 19 (noise mitigation), 20 (operational noise levels), 21 (lighting scheme), 22 (lighting in weaving shed) and 24 (glazing system and roof construction of weaving shed). Removal of conditions 17 and 18 from planning permission 3/2015/0943 (drainage scheme, maintenance and management plan) Approved

#### 4. **Relevant Policies**

*Ribble Valley Core Strategy (Adopted Version)*

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN5 – Heritage Assets

Key Statement EC1 – Business and Employment Development

Key Statement EC3 – Visitor Economy

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME2 – Landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME4 – Protecting Heritage Assets

Policy DME5 – Renewable Energy

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMB3 – Recreation and Tourism

Historic Environment Planning Practice Guidance (HEPPG)

National Planning Policy Framework

Technical Guidance to National Planning Policy Framework

National Planning Practice Guide

Clitheroe Conservation Area Appraisal and Management Guidance

#### 5. **Assessment of Proposed Development**

- 5.1 Members will be aware that consent has been issued for the redevelopment of this site and work has commenced based on two previous permissions. The issues under consideration relate specifically to the proposed variation to conditions which include the detailed elevations and change in floor plan and use of building for cinema and additional office space.

5.2 This application is submitted under Section 73 of the Town and Country Planning Act which is a mechanism for addressing minor material amendments to the originally consented scheme. It is important to note that a cinema use and non-ancillary office space were not specifically cited within the original application at this site. However consent was granted for leisure and office uses at this site and as such, in this case, it is possible to apply under Section 73 of the Act unless the changes proposed are considered material and not minor due to intensification or traffic implications.

## 5.2 Principle

5.2.1 The principle of this development remains acceptable given its location within the key settlement of Clitheroe which is regarded as a sustainable location. However, consideration needs to be given to all other development issues which would include heritage impact, highway safety and residential amenity which are all key issues as a result of the changes.

## 5.3 Highway Safety and Accessibility

5.3.1 The site is located within a central position of Clitheroe and whereas there is access to public car parks it is evident that there is a significant lack of parking spaces being provided by the scheme. The County Surveyor has initially indicated concern and would object to the proposed increase in office space and cinema use.

5.3.2 Members may recall that when conversion of this building was originally considered in 2016 LCC Highways raised concerns in respect of the shortfall in the number of parking spaces. Notwithstanding these concerns the development was approved with 72 car parking spaces and 4 accessible spaces. The conversion with this level of on-site parking has been operating for some time now which enables the Highways Engineer to assess the actual impact of the development when considering the proposed cinema use.

5.3.3 It is evident that there are still some unresolved highway issues which include the service yard and personnel door arrangement on to Woone Lane. The applicant is aware of these issues and working with the County Surveyor on the matter.

5.3.4 The concerns of the Highway Authority are a material planning consideration which will be weighed within the planning balance.

## 5.4 Flood Risk and Drainage

5.4.1 In relation to Flood Risk and drainage no objection has been received from LLFA. It is also the case that following the submission of application 3/2019/0029 for the discharge of conditions relating to drainage and surface water the submitted plans are considered to acceptable and the LLFA have recommended that the conditions are discharged subject to implementation of the drainage plan scheme.

## 5.5 Design

5.5.1 In relation to the design and based on the extant consent it is considered that the overall changes are not significant and would not detract from the character of

the building or Conservation Area. There is some impact as a result of the erection of a satellite dish on the curved roof and additional ventilation structures and other ancillary structures but it is viewed that the impact is not harmful to the original design which is partly due to the fact that the roof itself is a new structure.

## 5.6 Heritage/Cultural

- 5.6.1 This proposal involves minor alterations to Historic Mill to accommodate the mixed use development.
- 5.6.2 The environmental objectives of the NPPF include the need to protecting and enhancing the built and historic environment. Indeed conserving heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations are a core planning principle. Significance derives not only from a heritage asset's physical presence, but also from its setting.
- 5.6.3 Holmes Mill is a Grade II Listed Building The building is also adjacent to the Clitheroe Conservation Area and the Historic Park and Garden of Clitheroe Castle.
- 5.6.4 In respect of the proposed physical alterations to the buildings and the impact of such works are examined in this report.
- 5.6.5 In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness. (para 131)
- 5.6.6 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.
- 5.6.7 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
  - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - conservation by grant-funding or some form of charitable or public

- ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use. (para 133 of the NPPF)

5.6.8 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

5.6.9 The listed building has already been converted as it was considered at the time that the harm was outweighed the benefit of bringing the site back into use. Whilst this application proposes further external alterations these are minor and the proposed uses will enable the optimal use of this listed building.

## 5.7 Residential Amenity/ Noise

5.7.1 The issues in relation to residential amenity are predominantly noise related and traffic issues. No objection has been received from the Council's Environmental Health Officer.

## 5.8 Planning Balance

5.8.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Adopted Core Strategy), unless material considerations indicate otherwise.

5.8.2 The development would have regeneration benefits that would include employment opportunities, increased visitor numbers with associated spend and an improvement to the night time economy in the Town. The site is located at the edge of the Town Centre within a highly sustainable location and whilst the lack of on-site parking would be contrary to Planning Policy it is considered that the benefits of the development outweigh the harm in this case.

## 6. Observations/Consideration of Matters Raised/Conclusion

6.1 Having regard to guidance contained with the National Planning Policy Framework and the development plan the proposed development is considered to be acceptable subject to the use of planning conditions.

## 7 Update following 7<sup>th</sup> February Planning and Development Meeting

7.1 This application was deferred at the last meeting to allow the opportunity for engagement between the applicant, the Council and LCC as the Highway Authority. Following further communication the applicant has not yet submitted any additional information in relation to parking issues other than a letter received on the 4/3/19 from Everyman Cinema chain. This details the style of operation and the predictive occupancy rate of 1500 per week with an average of around 100 users at any one time. They indicate that staff will be provided with complimentary long stay car parking permits. At the time of writing this report no further comments have been received from LCC highways on this matter given the lateness of this information any comments will be reported verbally. However, notwithstanding this point, it is considered that in line with previous advice that a recommendation of refusal would still proposed by LCC as they

do not consider any further information would be likely to mitigate the impact of inadequate parking.

- 7.2 Whilst the views of LCC are noted it is still considered that the overall benefits of the scheme outweigh the potential highway issues.
- 7.3 The potential for a TRO was discussed at 7<sup>th</sup> February Committee on Eshton Terrace. The applicants are amenable to funding the initial investigation and possible implementation of a TRO and if Members are so minded this would need to be secured via a S106 Agreement.

**RECOMMENDED:** That the application be Deferred and Delegated to the Director of Economic Development and Planning subject to a S106 Agreement relation to the progression of an appropriate TRO and subject to the following conditions:

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Location Plan 14 59 Ex 0 Rev A  
Proposed Ventilation layout 18115-M-57  
Weaving Shed Proposed Elevations Plan 1459 PL3000 Rev G  
Weaving Shed Proposed Ground Floor Plan 1459 PL30 Rev E  
Weaving Shed Proposed First Floor Plan 1459 PL31 Rev E  
Proposed Roof Plan 1459 PL32 Rev D and emails dated 15/01/19 and 16/01/19.  
Proposed Drainage Plan 14/59 BR05 Rev B

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

2. All external extraction, air conditioning and ventilation equipment shall be installed in complete accordance with the approved details prior to the units being brought into use.

**REASON:** In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality.

3. The plans and particulars showing the provision to be made for the storage and disposal of refuse and recycling receptacles as approved under condition 1, shall be implemented concurrently with the development and thereafter retained. The approved provision shall be provided prior to the first use of the cinema.

**REASON:** In order that the Council may be satisfied that adequate provision for the storage and collection of waste will be provided on site.

4. Servicing and deliveries shall take place in accordance with the approved management plan (Croft Transport Solution's Transport Report dated March 2017) at all times. The agreed scheme shall be implemented and maintained whilst the use remains in operation. Other than in the case of an emergency, the accesses on Woone Lane and Greenacre shall not be used for servicing during the hours of 0830 – 0900 and 1500-1545 on weekdays during school term time.

REASON: In order to ensure a satisfactory design of the building and in the interests of highway safety.

5. The development hereby approved shall be undertaken in accordance with the approved 'Phase 1 Construction Method Statement', 'Phase 2 Construction Method Statement' and 'Phase 3 Construction Method Statement'.

REASON: In order to ensure a satisfactory design of the building and in the interests of highway safety.

6. Within 6 months of the grant of planning permission, the site access and required, off-site highway improvement works shall have been constructed in accordance with the approved details as set out in Croft Transport Solution's Transport Report dated March 2017.

REASON: In order to ensure a satisfactory design of the building and in the interests of highway safety.

7. The Framework Travel Plan (included within Croft Transport Solution's Transport Report dated March 2017) hereby approved shall be implemented in accordance with these agreed details

REASON: In order to ensure a satisfactory design of the building and in the interests of highway safety.

8. This permission does not give consent to the Woone Lane personnel doors and service yard gates and further details shall be submitted to and agreed in writing by the Local Planning Authority within 6 months of the date of this permission. The doors and gates shall thereafter be completed in accordance with the approved details.

REASON: In order to ensure a satisfactory design of the building and in the interests of highway safety.

9. Prior to the proposed development being brought into use, all remedial works to limit noise from the site shall be carried out, in accordance with the Noise Assessment by Miller Goodall dated January 2015.

REASON: To protect the amenities of occupiers of nearby properties from noise.

10. All fixed plant and equipment used within the development should be designed to give a rating level (as defined in BS4142:2014) no greater than 5dB above the night time LAF90(5min) or the daytime LAF90 (1 hour) whichever is the most appropriate, when measured 4 metres from the nearest residential properties. The plant noise emission limits shall not exceed:-

- Day: 48 dB LAeq
- Night: 33 dB LAeq

Following substantial completion of the development hereby approved or before 31 December 2018, whichever comes sooner, an assessment (including tonal assessment) of the operational noise levels shall be submitted to the Local Planning Authority with recommendations and a programme of works and timings to comply with the above limits

and attenuate any specific tones as identified. The approved recommendations shall be carried out within the approved timescale.

REASON: To protect the amenities of occupiers of nearby properties from noise and comply with Policy DMG1 of the Ribble Valley Core Strategy adopted version.

11. Only the approved external lighting details, included in Oldfield Lighting's report ref. 16.071.01 Rev B, may be used in the development.

REASON: To protect the amenities of occupiers of nearby properties from excessive light pollution and in the interest of visual amenity.

12. The drainage and surface water management system shall be implemented in accordance with the surface water management and maintenance plan dated July 2018 and Drainage plan 14/59 BR05 Rev B. Precise details of the Water butts shall be submitted to approved in writing by the Local Planning Authority within 1 month of the date of this permission and fully implemented within 3 months of this permission.

REASON: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development.

#### BACKGROUND PAPERS

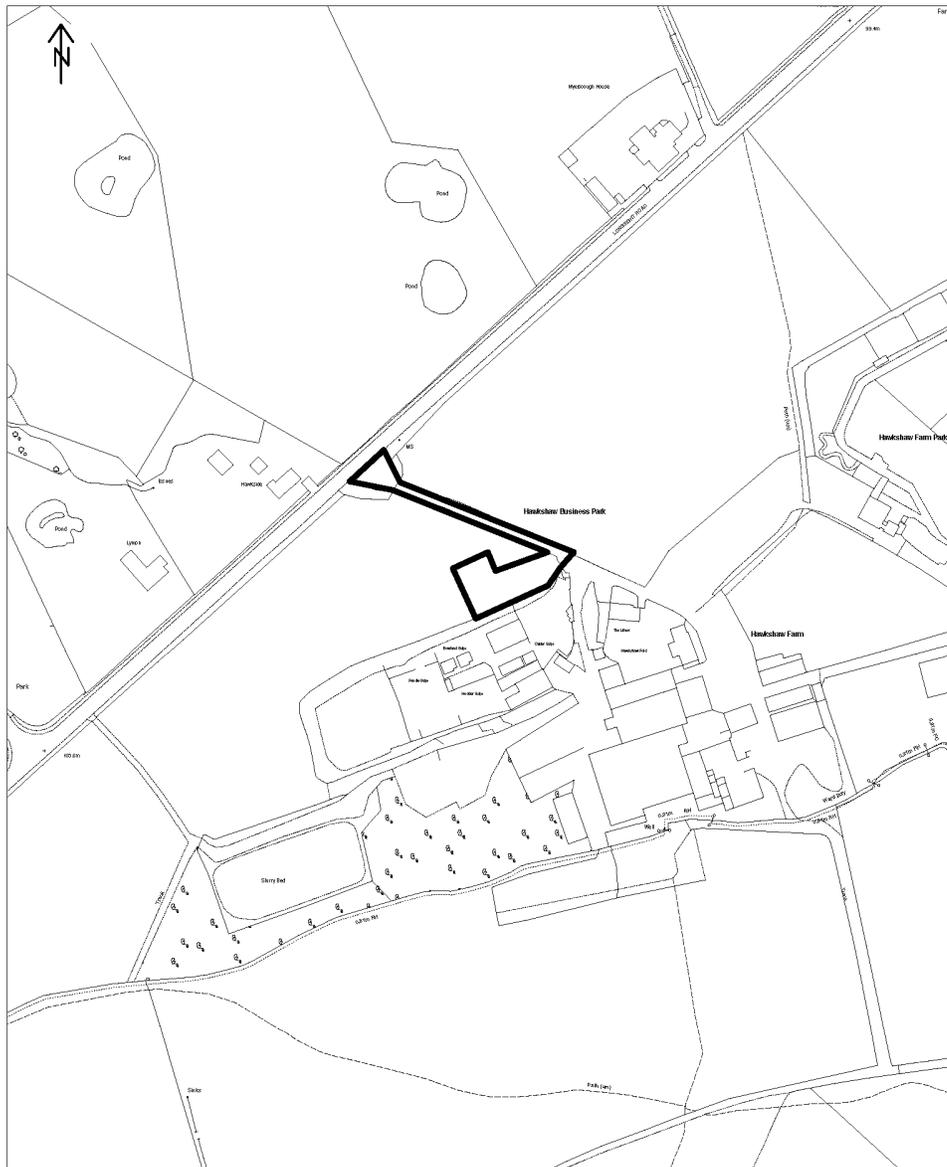
[https://www.ribbonvalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F1040](https://www.ribbonvalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F1040)

**APPLICATION REF: 3/2018/1134**

**GRID REF: SD 365531 432129**

**DEVELOPMENT DESCRIPTION:**

**TO CREATE AN ADDITIONAL FARM WORKERS DWELLING AT HAWKSHAW FARM,  
LONGSIGHT ROAD, CLAYTON LE DALE BB2 7JA**



3/2018/1134 Hawkshaw Farm, Longsight Road, Clayton le Dale BB2 7JA	
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## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

None received.

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

No objection.

### **UNITED UTILITIES:**

None received.

### **ADDITIONAL REPRESENTATIONS:**

No representations have been received.

#### **1. Site Description and Surrounding Area**

- 1.1 This application seeks planning permission for the erection of a new farm workers' dwelling at Hawkshaw Farm, Longsight Road, Clayton le Dale. Hawkshaw Farm is a 135 acres dairy farm owned by the applicant and his family and an additional 250 acres of rented land which is farmed as part of the business. The business comprises 220 dairy cattle with all replacements being reared on the farm; at any one time there are over 400 head of cattle present on the holding.
- 1.2 Hawkshaw Farm is located on Longsight Road (A59). There is a farmhouse and a range of traditional and modern farm buildings providing cattle housing, silage clamps, general storage and manure storage. There is also a bungalow that is owned and occupied by Mrs Dowson Senior.
- 1.3 A proportion of the milk produced at the farm is used to make ice cream. The farm and ice cream making enterprise currently employs 7 FTE staff. The farm also operates a visitor centre and café which is open to the public at weekends and through the school holidays. The farm business has diversified further with the creation of the Scare Kingdom visitor attraction with Halloween themed events taking place at the farm. Mr and Mrs Dowson live at the farmhouse but their son lives away from the farm and the applicant considers there is now a need for their son to live at the farm due to the number of cattle calving each week and the range of livestock kept within the visitor centre. This has led to a greater requirement for out-of-hours care for births and other medical emergencies.

#### **2. Proposed Development for which consent is sought**

- 2.1 The proposal seeks to build an additional agricultural dwelling at Hawkshaw Farm to enable an additional person to be available for out of hours duties such as calving cows and dealing with emergency health issues with livestock. The proposed dwelling would be located to the west of the farm track adjacent to the bund around existing buildings. The proposal is to develop a bungalow for Mr Dowson's son and partner. The accommodation would comprise of a kitchen, utility room, lounge, three bedrooms and a study. The proposed dwelling would have a ridge height of 6 metres and would be faced

with natural stone and grey slate with timber windows and doors. The proposed dwelling would have a footprint of 12m x12m and would have a modest residential curtilage.

### 3. **Relevant Planning History**

3/2018/0575 - Change of use of part of field to create tipi wedding venue to be used for half of each year. Approved with Conditions.

3/2017/0323 - Retention of unauthorised change of use of an agricultural building and storage containers for the operation of Scare Kingdom. Approved.

3/2014/1094 - Retrospective application for a visitor centre, comprising a car park, five livestock shelters, one storage building, one polytunnel and one childrens play area. Approved.

3/2014/1092 - Retrospective application for change of use of an agricultural storage building to Scare Kingdom visitor attraction, retention of temporary storage container building and car parking. Approved.

3/2009/0926 - Creation of a small light manufacturing unit and associated storage area for timber screen business located on what was agricultural land. Approved.

3/2006/0149 - Construction of farm shop and associated facilities including educational rooms and parking, and alterations to access. Re-submission. Approved.

### 4. **Relevant Policies**

#### **Ribble Valley Core Strategy**

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement H1 – Housing Provision

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME2 – Landscape and Townscape Protection

Policy DMH3 – Dwellings in the Open Countryside and AONB

National Planning Policy Framework (NPPF)

Cancelled PPS7 Annex A

### 5. **Assessment of Proposed Development**

5.1 The main considerations in determining this application are the principle of the development, the impact of the development on the visual appearance of the surrounding area, the ecological impact of the proposals and its effect on highway safety.

#### 5.2 **Principle of Development**

- 5.2.1 The application site lies in the open countryside along the A59 corridor. Policy DMH3 of the Ribble Valley Core Strategy states that within the Open Countryside and AONB, residential development will be limited to specific exceptions, one of which is where there is an essential need for an agricultural workers dwelling. Policy DMH3 states that resident development in the AONB and open countryside will be limited to, *“Development essential for the purposes of agriculture... In assessing any proposal for an agricultural, forestry or other essential workers dwelling, a functional and financial test will be applied”*. Paragraph 55 of the NPPF is also relevant and states that *“Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the Countryside”*.
- 5.2.2 In order to determine whether there is justification for an agricultural workers dwelling at Hawkshaw Farm it must be established that there is an existing functional and financial need for a rural worker to live permanently at or near the site. A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night: (i) in case animals or agricultural processes require essential care at short notice; (ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.
- 5.2.3 The dairy herd has grown in recent years and there are currently 220 cows in milk. In addition to this all heifers are retained on farm for breeding along with a small number of beef cattle. With this number of livestock on site it is not feasible for one person to deal with an emergency in the night without assistance. It is also commonplace to need two people to calf a cow if there are difficulties. In busier calving periods it has now reached a stage where somebody needs to be checking animals all through the night. An enclosed letter from the farm veterinary practise indicates the need for additional personnel out of hours for calving and to maintain animal welfare standards.
- 5.2.4 There is one traditional building capable of conversion and this is linked to two other cattle buildings so not fit for habitation. There are no affordable properties available in close proximity to Hawkshaw Farm and the functional need indicates a requirement for someone to be present on the site at all times.
- 5.2.5 New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. The applicant has provided management account from year ending 31 December 2017.
- 5.2.6 The Council's agricultural consultants, ADAS, have assessed the proposals and have made the following comments:-

***“Agricultural Appraisal***

*With a herd of 220 cows calving all the year round, there is a need for help to be continually available to assist with calvings and also in case there are any*

health problems e.g. mastitis, displaced abomasum, milk fever which rely on prompt intervention.

Mr and Mrs Dowson's son is called back to the farm if help is needed calving a cow at night.

The other consideration would be whether one of the traditional buildings could be converted into accommodation, however the design and access statement states that the only traditional building available for conversion is linked to two cattle buildings and is therefore not suitable.

#### Financial Viability

The past two years set of accounts have been made available which include the accounts for all 3 enterprises dairy, ice cream and the visitor centre. The business appears to be financially sound and viable.

#### Conclusion

There is a high demand for labour on this farm with the standard man days required calculated at 5.9.

There is a need for at least one person on site to deal with any animal health problems which is met by the current partner Mr Dowson, however it is accepted that more help needs to be readily available to provide relief and should more than 1 cow calve at the same time which requires additional assistance.”

#### **“Planning Appraisal**

...It has been identified through the course of the agricultural appraisal that there exists on site an essential need for an additional permanent presence that will be able to assist with calving's through the night, which is when animal welfare is most at risk (particularly when more than one is occurring simultaneously). Using the SMD calculation further support is given to the need of an additional dwelling with the calculation coming out to 5.9 workers required on the farm (however does not mean all must reside there).”

“Finally, the proposed dwelling is seen as commensurate with what is expected of an agricultural workers dwelling, the modest size building shows a side-door linked to a utility room with a connected cleaning room. A large utility with close by washroom is viewed as a functional element to a workers dwelling, work on farms tends to be dirty therefore cleaning and washing facilities at entrances to the domicile parts of home is often a good indicator for a workers dwelling.”

“Overall, it has been found that the dwelling is policy compliant in regards to the agricultural requirement for the dwelling. It is recommended that an agricultural occupancy planning condition be attached to any approval of the application”

- 5.2.7 Taking account of the above advice, it is considered that there is an essential functional need for the provision of a farm workers dwelling at the application site. The development would therefore accord with Policy DMH3 of the Ribble Valley Core Strategy.

### 5.3 Impact upon Visual Amenity

5.3.1 The proposed development is located in the open countryside. Key Statement EN2 of the Core Strategy requires development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials. Policy DMG1 places particular emphasis on the visual appearance on new development and the relationship to surroundings, including impact on landscape character.

5.3.2 The application site is located in the open countryside adjacent to the primary strategic route in the borough. The A59 corridor is well-settled and within the locality of the application site are a number of buildings including residential and commercial properties, Fairfield Business Park and the farm complex at Hawkshaw Farm itself. As such, the landscape is not especially sensitive to new built development subject to it being of a scale and style that respects the area.

5.3.3 The proposed dwelling has been kept to a single storey height and would be constructed using traditional materials of stone and slate with stone detailing. Window frames and doors would be timber and only fleeting views of the proposed new dwellinghouse would be seen from the public highway at the entrance point to Hawkshaw Farm. The remainder of the applicant's land at the point it bounds the A59 is treated with a roadside hedge for a distance of around 300 metres on both sides of the site entrance. The proposed dwellinghouse would be seen against the backdrop of the existing buildings at the site and would be commensurate in size and scale to the existing built development. The proposed residential plot would measure around 20m x 20m and would be bound by post and rail fencing with some perimeter landscaping. The size of the residential garden proposed is considered to proportionate for the dwellinghouse and it is considered that the proposed development would comply with the intentions of Key Statement EN2 and Policies DMG1, DMG2 and DMH3 with planning conditions imposed to enable the Local Planning Authority to exercise control over the development which is justified on the basis of the need for this type of accommodation.

### 5.4 Highway Safety

5.4.1 The County Surveyor does not raise any concerns relating to highway safety. The proposed dwelling would use the existing access track that serves the Hawkshaw Farm and its associated visitor attractions.

## 6. Conclusion

6.1 Having regard to the above, it is considered that the proposals for the erection of a farm workers dwelling would be acceptable. Accordingly it is recommended that the application be approved subject to conditions.

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

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

REASON: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall relate to the development as shown on:

Site Location Plan 1:2500  
Existing and Proposed Site Plan 1:500  
Elevations 1:100 + 1:200  
Plan (floor plans) 1:50

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

3. The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990 or in forestry, or a dependant of such a person residing with him or her or a widow or widower of such a person.

REASON: For the avoidance of doubt as permission has been granted for the dwelling on the basis of its occupation by an essential rural worker in a location where a dwelling for general occupation would not normally be permitted.

4. 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 by the Local Planning Authority before their use in the proposed works.

REASON: To ensure that the materials to be used are appropriate to the locality.

5. The dwelling hereby permitted shall not be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details.

REASON: To ensure a visually satisfactory form of development.

6. The proposed Velux roof lights shall be of Conservation Type, recessed with a flush fitting, and shall be retained as such in perpetuity.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality.

7. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

REASON: To secure proper drainage.

8. The parking associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with

the approved plan prior to the occupation of the dwelling; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

REASON: In the interests of visual amenity and to facilitate adequate vehicle parking and/or turning facilities to serve the site.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwelling(s), porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.

REASON: In the interests of visual amenity and to exercise control over the development which is justified on the basis of the need for this type of accommodation.

#### BACKGROUND PAPERS

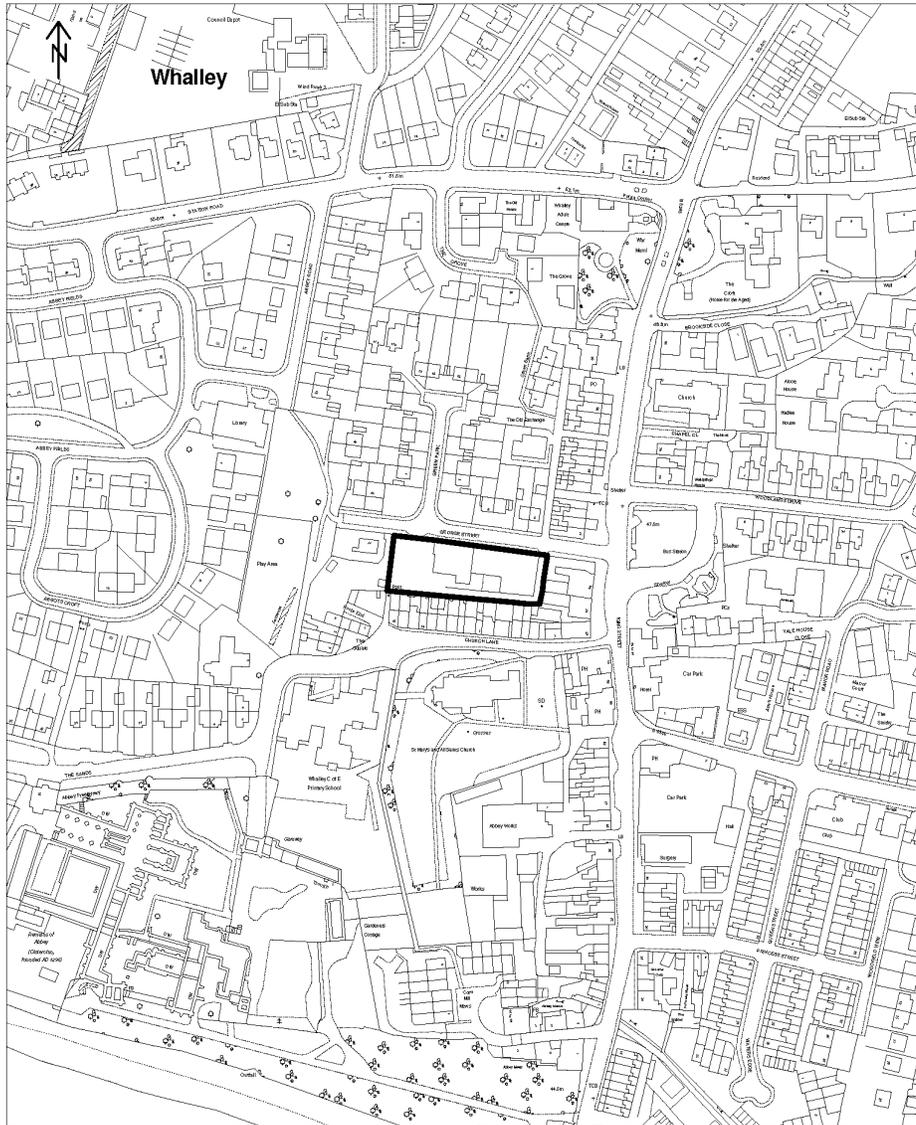
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F1134](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F1134)

**APPLICATION REF: 3/2018/1137**

**GRID REF: SD 373276 436247**

**DEVELOPMENT DESCRIPTION:**

**PROPOSED CHANGE OF USE OF FIRST FLOOR OF FORMER MAUREEN COOKSON BUILDING FROM RETAIL (A1) TO RESTAURANT (A3) AT 1 GEORGE STREET, WHALLEY (RESUBMISSION OF PLANNING APPLICATION 3/2018/0953)**



3/2018/1137 1 George Street, Whalley, BB7 9TH

Scale 1:2500

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## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

Object to the application on the following grounds:

- Although this application is for a restaurant only (does not include the previously applied for bar), the bar element will always be present and the application must be considered in that way;
- Noise from taxis and vehicles late at night in residential area;
- Too many licensed premises;
- Opening hours until 01:00 are not conducive to the residential character of the area;
- Impact/competition with existing ground floor café;
- Anti-social behaviour;
- An application for change of use a The Stables to change of use to a restaurant and retail was refused.

In addition to the above the Parish Council have commented that no objection is raised in respect of the creation of two retail units at ground floor.

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

Whilst there is no allocated off-street parking provision within this application, the adjacent car park states that the customers of the units within the application building have a right to park on this car parking area.

It is expected that the existing (and new) retail units within the building will generally take up this car parking allocation during the daytime hours and the proposed restaurant area will take up the allocation in the evening. Similarly, the existing waiting restricted spaces on George Street will be taken up in a similar way, with the addition of residents using these spaces in an evening.

In summary LCC Highways raised no objection to the application.

### **ADDITIONAL REPRESENTATIONS:**

In addition to the comments made by the Parish Council, seven letters of objection have been received with the following comments raised:

- Whalley has enough licensed premises;
- Anti-social behaviour and lack of police presence;
- Late night opening hours (09:00 – 01:00);
- Noise disturbance;
- Residential properties nearby;
- Lack of car parking in the area;
- Ambiguous submission and lack of information in respect of employment, drainage, waste management and the noise assessment;
- Additional vehicle movements from visitors and service vehicles, causing disturbance;
- Devaluation of properties;

## 1. **Site Description and Surrounding Area**

- 1.1 The application relates to a large former co-operative building situated on the south side of George Street in Whalley. The building is located just outside of the defined Whalley Town Centre boundary, however it is within the settlement boundary of Whalley and within the Whalley Town Centre Conservation Area. The building is designated as a building of Townscape Merit on the Townscape Appraisal Map.
- 1.2 The application building is two storey and constructed in red brick with stone detailing around the windows. The building was previously a retail store and café at ground floor, with the first floor also used as retail space. Currently the ground floor is occupied as a Café/Bistro and work has recently taken place to subdivide the ground floor retail area into two separate retail units, with one of these occupied. The first floor area is currently unoccupied. To the west of the original/former co-operative building is a red brick two storey extension which is currently occupied by Spar (retailer) and beyond this is a car parking area shared by all the units within this building.
- 1.3 As detailed above the application site is located just outside of the Whalley Town Centre and thus the area can be described as mixed use with retail/commercial buildings to the east, and residential uses to the north, south and west, with the application building having an established commercial use.
- 1.4 In October 2018 an application (3/2018/0953) was submitted to convert the first floor of the application building into a flexible planning use of either a restaurant (A3) or bar (A4). This application was withdrawn.

## 2. **Proposed Development for which consent is sought**

- 2.1 The application seeks consent to change the use of part (678 sqm) of the first floor of the application building from an A1 (retail) into an A3 (restaurant).
- 2.2 The application is accompanied by a floor plan showing that the proposed restaurant (A3 use) would provide 120 covers and a large waiting/seating area with a bar. The plans also show the proposed toilets, kitchen and storage areas.
- 2.3 The remainder of the first floor would be subdivided into two separate A1 retail units, however this does not require planning permission as the first floor has an established A1 use, and therefore this does not form part of the consideration of this application. Furthermore, the plans also show the subdivision of a section of the ground floor however for the same reason as above the subdivision of a larger retail unit into smaller retail units does not require consent provided no external alterations are proposed.
- 2.4 The submitted application shows that access to the proposed restaurant use would be via two existing internal staircases, and a lift, accessed off George Street. The submission proposes that the restaurant would open from 09:00 – 01:00 seven days a week.
- 2.5 The application does not propose any external alterations to the building and car parking would be via the existing car park to the west which is shared by the existing retail units. There is also some on street parking bays to the front of the unit, however these are waiting restricted during day.

### 3. **Relevant Planning History**

3/2018/0953 – Proposed change of use of part of former Maureen Cookson building from A1 to A3/A4 for flexible planning use - withdrawn

3/2015/0765 – Variation of Condition 2 of planning consent 3/2009/0956 to alter closing time from 7.30pm to 10pm Thursday to Saturday and 7.30pm to 8pm on Sundays – granted

3/2012/0721 – Application for the variation of condition no.3 of planning permission 3/2012/0535P to allow class A3 Cafe/Restaurant use to operate between the hours of 9 am to 7.30 pm seven days a week (current permitted hours of Benedicts - approval ref. 3/2009/0956P) – granted

3/2012/0535 – Proposed change of use from retail (A1) to mixed use classes A1 and A3 providing; kitchen store, coffee bar/lounge area/cafe/deli sales - granted

3/2009/0956 – Alteration to the existing premises to relocate 'Cookies' licensed cafe from the first to the ground floor - change of use from class A1 to A4 – granted

### 4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 – Landscape

Key Statement EC1 – Business and Employment Development

Key Statement EN5 – Heritage Assets

Key Statement EC3 – Visitor Economy

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport & Mobility

Policy DME4 – Protecting Heritage Assets

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMB3 – Recreation and Tourism Development

Policy DMR3 – Shopping I Longridge and Whalley

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

### 5. **Assessment of Proposed Development**

#### 5.1 **Principle of Development:**

5.1.1 The application seeks to convert part of the first floor of a building that has a long-established commercial use (retail) into a restaurant. The application site is located within the settlement boundary of Whalley, and directly adjacent to the

defined Whalley Town Centre. Key Statement DS1 of the Ribble Valley Core Strategy sets out that new retail and leisure development will be directed towards the centres of Clitheroe, Longridge and Whalley, with Annex 2 of the NPPF confirming that restaurants are a main town centre use. Policy DMR2 relates to retail uses within the town centre of Whalley, and states that “...developments including existing facilities will be approved on sites which are physically closely related to existing shopping facilities”. In view of this, and given that the application relates to an existing/established retail unit directly adjacent to the town centre, it is not considered that a sequential test is required and the broad principle of the continued commercial use of the building is acceptable in this location.

- 5.1.2 Key Statement EC3 relates specifically to the visitor economy stating that proposals that contribute to and strengthen the visitor economy of Ribble Valley will be encouraged and that new attractions will be supported in circumstances where they will deliver overall improvements to the environment and benefits to local communities and employment opportunities. The proposed restaurant use is considered to be an attraction/use that will potentially encourage people to visit Whalley and thus would contribute to the tourism economy in accordance with Key Statement EC3. Furthermore, the proposal would bring a vacant section of a commercial building back into use and would provide employment opportunities to the likely benefit of the local community (other impacts of the proposal will be considered later in this report).
- 5.1.3 As mentioned above it is considered that the proposed restaurant use would potentially be an attraction and Policy DMB3 relates specifically to recreation and tourism development in the Borough. Tourism and visitor attractions are generally supported subject to the following criteria being met:
- i. The proposal must not conflict with other policies of this plan;*
  - ii. The proposal must be physically well related to an existing main settlement or village or to an existing group of buildings, except where the proposed facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available;*
  - iii. The development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design;*
  - iv. The proposals should be well related to the existing highway network. It should not generate additional traffic movements of a scale and type likely to cause undue problems or disturbance. Where possible the proposals should be well related to the public transport network;*
  - v. The site should be large enough to accommodate the necessary car parking, service areas and appropriate landscaped areas; and*
  - vi. The proposal must take into account any nature conservation impacts using suitable survey information and where possible seek to incorporate*

*any important existing associations within the development. Failing this then adequate mitigation will be sought.*

- 5.1.4 With regard to the above, the application site is within the settlement of Whalley, directly adjacent to the town centre boundary, and therefore represents a sustainable location for the proposed use. The application does not include any external alterations to the building and thus the visual impacts of the proposed development are considered to be neutral. The highway implications of the proposal are discussed in more detail later within this report.
- 5.1.5 Additionally, Policy DMB1 (Supporting Business Growth and the Local Economy) states that “*Proposals that are intended to support business growth and the local economy will be supported in principle.*” The application is not accompanied by a financial justification or specific business case, however this section of the application building is currently vacant and therefore bringing it back into a commercial use can only be of benefit to economy.
- 5.1.6 In view of the above, as a broad principle the Council seeks to encourage new development that contributes to the local economy and thus the principle of the development is considered to be acceptable, subject to compliance with other relevant policies within the Core Strategy.
- 5.1.7 It is noted that the Parish Council and a number of objectors have raised concerns in respect of the number of licensed premises in Whalley Town Centre, however there is no policy restriction and thus there is no planning justification to refuse the application on these grounds. The Parish have also raised a concern in respect of the impact (competition) the proposed use would have upon the existing ground floor café, however competition is not a justifiable reason for refusal. A reference has also been made to the bar area within the proposed restaurant, however it is not uncommon for a restaurant to have a bar/waiting area.

## 5.2 Impact upon Residential Amenity:

- 5.2.1 Whilst the application building has a long-established commercial use and the site is located on the edge of the Whalley Town Centre, the surrounding area can be described as mixed use, consisting of both residential and commercial uses.
- 5.2.2 A number of objectors have raised concerns in respect of noise disturbance from the proposed use, both inside and outside the building, as well as noise disturbance associated with the additional vehicle movements, the proposed hours of operation and general concerns in respect of anti-social behaviour.
- 5.2.3 The application proposes a restaurant use (A3), which will include a bar area, and the LPA acknowledges the concerns raised by the objectors. It is for this reason that the LPA requested a noise assessment be submitted with the application and this, along with the application as a whole, has been carefully considered by the Council’s Environmental Health Officer (EHO).
- 5.2.4 The EHO has raised no objection to the principle of the proposed use in this location, however has suggested a number of conditions in order to protect neighbouring residential amenity, which have been attached to the

recommendation. These conditions include the restriction of the hours of opening to 09:00 – 23:00 Monday to Saturday and 10:00 – 22:30 on Sundays and Bank Holidays (as opposed to the 09:00 – 01:00 requested within the submission), a condition which restricts any amplified music played to “low-level background music” only, with no amplified live music being played. Other conditions requiring details of the proposed extraction system to be provided and agreed with the LPA prior to their installation, and a restriction of delivery and waste collection times have also been attached.

5.2.5 In respect of noise and disturbance associated with customers outside the premise, this is somewhat more difficult to control and anti-social behaviour is a matter for the police, and potentially licensing, rather than something that can be controlled through the planning process. Notwithstanding this, it is considered that a restaurant use would not be likely to attract such anti-social behaviour and the conditions attached in respect of the opening hours should further reduce the likelihood of anti-social behaviour outside the premise.

5.2.6 In view of the above it is considered that the relationship the proposed development would share with neighbouring properties is acceptable in accordance with Core Strategy Policy DMG1 which states that new development must:

- *not adversely affect the amenities of the surrounding area;*

### 5.3 Visual Amenity/External Appearance/Conservation Area:

5.3.1 The application site is located within the Whalley Conservation Area and the building identified as a Building of Townscape Merit, however the application includes no external alterations to the building and thus would have no negative impact on the visual character of the area. A separate application would likely be required for advertisements/signs and the visual impact of these would be considered at such a time.

5.3.2 It is acknowledged that the application does not include precise details of the proposed extraction system and its location on the building, however a condition has been attached requiring details of this to be provided in order to ensure that it is both visually acceptable in the Conservation Area and does not impact upon nearby residential amenity. In respect of visual impact, with the proposed kitchen area being positioned at the rear of the property it is considered that a visually acceptable extraction system can be provided, and the Council’s EHO has commented that modern technology in respect of extraction systems should allow a system to be provided that has a minimal visual impact. In addition to this the existing A3 café/bistro use at ground floor already has an extraction system at the rear of the property and thus such a feature is not uncommon on this building or within the Conservation Area.

5.3.3 The application is accompanied by a relatively basic heritage statement, however as detailed above the application includes no external alterations to the building. In respect of the use, the building has a long established commercial use, mainly retail but also café/restaurant at ground floor, and it is considered that the continued commercial use of the building (as a restaurant at first floor) is acceptable.

#### 5.4 Highway Safety and Accessibility:

5.4.1 Despite the comments received from the Parish Council and a number of objectors, the LCC Highway Officer has raised no objection to this application or concerns in relation to the levels of car parking provision at the site.

5.4.2 The building has a long-established commercial use and the Highway Officer has commented that customers of the proposed restaurant will likely utilise the existing car parking area to the west and the parking bays to the front on George Street. Whilst it is accepted that this car park and these bays are shared by a number of units within the application building, the Highway Officer is of the opinion that the retail units will likely utilise these spaces during the day, and the proposed restaurant use in the evening. It is acknowledged that the proposed restaurant will be open during the day, but its likely busiest time will be in the evening. Furthermore, the application site is located within the settlement of Whalley, adjacent to the town centre and therefore represents a sustainable location with good access to public transport links.

#### 5.5 Other issues:

5.5.1 An objector has commented that the submission lacks information, particularly in respect of foul water disposal and waste management. In terms of waste water, the application relates to an existing commercial building and foul water will be disposed of into the public sewer as it currently does. United Utilities have not provided the LPA with any comments on this application, nor would the LPA have expected any. Similarly, surface water will drain from the building as existing. In respect of waste management, how food/waste is managed would be a matter for the Council's Environmental Health Department once the business is operational, however a condition has been attached which restricts the times at which deliveries and collections (including waste) can take place.

5.5.2 Additionally an objector has raised a concern that the proposed change of use will devalue their property, however this is not a valid reason to refuse a planning application.

5.5.3 The Parish have referred to a refused application for a restaurant use at the Stables in Whalley. Whilst each application is judged on its own merits the application at the Stables was refused on the grounds that the proposed alterations would have a harmful impact upon the Conservation Area and the adjacent Listed Buildings, and that a lack of information had been provided in respect of the impact upon residential amenity. It is considered that this proposal would not have a harmful impact on the Conservation Area and information has been provided to the satisfaction of the EHO to demonstrate that the proposal would not have a detrimental impact upon residential amenity, subject to conditions.

#### 6. Observations/Consideration of Matters Raised/Conclusion

6.1 Considering all of the above and having regard to all material considerations and matters raised, the proposed restaurant use would share an acceptable relationship with the surrounding area in terms of both residential and visual amenity, and subsequently the application is recommended for approval, subject to conditions.

**RECOMMENDATION:** That the application be APPROVED subject to the imposition of the following condition(s):

*Time limit*

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

REASON: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

*Details*

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

18 – 304 001

18 – 304 101

18 – 304 102 Rev B (amended plan received 20/02/19)

18 – 304 103 Rev B (amended plan received 20/02/19)

18 – 304 104

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

*Amenity*

3. The use of the restaurant hereby approved shall be restricted to the hours between 09:00 – 23:00 Monday to Saturday (inclusive) and between 09:00 – 22:30 on Sundays and Bank Holidays.

REASON: In order to protect the residential amenities of the occupiers of the nearby properties

4. There shall be no deliveries to the site or collections from the site, including waste/recycling collections, outside the hours of 08:00 – 18:00 on any day.

REASON: In order to protect the residential amenities of the occupiers of the nearby properties

5. Prior to the restaurant hereby approved being brought into use, details of the appearance, siting and technical specification of any external ventilation ducting and/or plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and the ducting/plant shall be in place and in full working order prior to the first use of the restaurant hereby approved and shall be maintained and retained in accordance with the approved details.

REASON: To safeguard the living conditions of the occupants of nearby residential premises and in the interest of visual amenity in the Whalley Town Centre Conservation Area.

6. The development hereby permitted shall be designed so that the Rating Levels for cumulative noise from all plant and machinery associated with the development shall not exceed the existing background noise level (LA90) at the external façade of the nearest noise sensitive premises as assessed in accordance with British Standard 4142 (2014) or any subsequent replacement national standards.

REASON: To minimise the risk of noise pollution that may cause nuisance and harm to the amenity and/or health of occupiers of the nearby buildings.

7. Noise from any amplified music played at the development hereby permitted shall not exceed the background noise level when measured as an LAeq 15min in any one third octave band at the nearest noise sensitive premises.

REASON: To minimise the risk of noise pollution that may cause nuisance and harm to the amenity and/or health of occupiers of the nearby buildings.

#### *Drainage*

8. The site shall be drained via separate systems for the disposal of foul and surface water.

REASON: To secure a satisfactory system of drainage and to prevent pollution of the water environment.

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F1137](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F1137)

**APPLICATION REF: 3/2019/0004**

GRID REF: SD 372842 437585

**DEVELOPMENT DESCRIPTION:**

VARIATION OF CONDITIONS 2 (APPROVED PLANS) 5 (ENTRANCE ARRANGEMENTS) 8 (TREE PROTECTION) AND 9 (LANDSCAPING SCHEME) OF PLANNING PERMISSION 3/2017/0095 (WHICH WAS FOR VARIATION OF CONDITION 2 OF 3/2015/0024 FOR PROPOSED ERECTION OF BUILDING FOR USE AS A CREMATORIUM AND FUNERAL CHAPEL WITH ASSOCIATED CONSTRUCTION OF A CAR PARK) AT RIBBLE VALLEY REMEMBRANCE PARK, MITTON ROAD, WHALLEY



3/2019/0004 Ribble Valley Remembrance Park, Mitton Road, Whalley BB7 9JY

Scale 1:2500

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## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

The Parish Council believes that the GPS survey provides no further assurances as to the whereabouts of grave sites. The Parish Council's comments from the previous planning application, Ribble Valley Remembrance Garden – Variation of conditions 3/2018/0640 are still relevant and are quoted below;

*“The Parish Council objects to the Variation of Conditions. It has been established that, subsequent to the granting of planning permission in 2015, the Remembrance Park is on consecrated ground. The Bishop of Blackburn has specifically instructed that the application to deconsecrate a section of the Remembrance Park be withdrawn. A legal process needs to be followed. This will involve the Blackburn Diocese, the Consistory Court and the Ministry of Justice but until the Developer addresses this problem the Parish Council recommends no further development takes place on the Remembrance Park.”*

A constructive comment that the Council would wish to add is that in this new application the developer makes reference to having consulted with the Archdeacon. It would seem prudent on such a sensitive issue, that the Archdeacon is asked for his written comments regarding this application.

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

No objection.

### **COMMON WEALTH WAR GRAVES COMMISSION:**

None received.

### **ADDITIONAL REPRESENTATIONS:**

Eight letters of objection have been received and raise concerns relating to the following:

- A condition should be imposed stating that no works shall commence until all legal conditions of the Cremation Act, the Disused Burial Acts, and appropriate burial acts have been met.
- Whilst the site remains consecrated, and near neighbours do not consent, any building of the crematorium is illegal.
- NFCF have received evidence from the Ministry of Justice that the whole site was consecrated for the burial of patients, officers and servants soldiers of Calderstones hospital by the Diocese of Manchester in 1916.
- The exact locations of remains at the site remain contentious.
- The site is of great historical importance.
- Multiple applications at the site have made it difficult to understand what has been permitted.
- Developers have desecrated much of the consecrated ground.
- The developers have moved disused soil – was this checked properly for contamination.
- The development has not been planned in accordance with guidance on the siting and planning of crematoria.
- No separate access for service vehicles and storage for equipment e.g. gardening.
- No offices to administer the funeral services.

- No traffic consultation or survey undertaken – parking provided is inadequate.
- Has RVBC put in place a forward strategy for a crematorium?
- Lack of consultation by developer.
- Location of Garden of Remembrance questionable – not satisfied that the surveys show its full extent.
- The effect on graves is a planning matter to be considered in the determination of the application.
- Remains should be respected.

## 1. **Site Description and Surrounding Area**

- 1.1 The application site is located on the east side of Mitton Road to the north of the main settlement of Whalley and east of the Calderstones Park housing development. The application site is highly sensitive given the siting of human remains within a ‘Garden of Remembrance’ following the sites historical use as a cemetery for Calderstones Hospital.
- 1.2 The site has longstanding planning consent for the erection of buildings for use as a crematorium and funeral chapel with associated car parking. As such the principle of the development has been established.

## 2. **Proposed Development for which consent is sought**

- 2.1 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission which enables minor material amendments to the approved development. This application seeks to vary conditions 2 (approved plans), 5 (entrance arrangements), 8 (tree protection) and 9 (landscaping scheme) of planning permission 3/2017/0095 which granted full planning permission for the erection of building for use as a crematorium and funeral chapel with associated construction of a car park.
- 2.2 The minor material amendments sought as part of this application relate to the internal road and parking layout to ensure that any buried remains at the site are not disturbed and a revision of the previously approved entrance gates and wall to reflect their position on-site given that work on them has already commenced. The application also proposes a woodland footpath constructed using a ‘CellWeb’ sub base which has been provided within the woodland area at the front of the site.
- 2.3 The road layout proposed is a one-way system. A short section of road is required to be re-located in order to preserve a ‘Garden of Remembrance’ which is clearly denoted on ground-penetrating radar (GPR) survey maps that have been submitted with the application. The parking layout has also been amended to take account of the revised road layout.

## 3. **Relevant Planning History**

3/2018/0869 – Certificate of lawfulness application to confirm the start of works approved by application.

3/2017/0095. Works have been undertaken to provide an enlarged entrance and the sub-base for the road has been provided along with preliminary drainage layout, spoil clearance and non-native species removal. Confirmation is required because a radar

survey is being undertaken to identify unrecorded burials, and this will delay further activity on the site. Approved.

3/2018/0640 - Variation of Condition 2 (approved plans), Condition 3 (materials), Condition 6 (site access), Condition 7 (car parking), Condition 8 (tree protection), Condition 9 (landscaping), Condition 10 (earth removal), Condition 11 (non-native species removal), Condition 12 (ecology assessment) and Condition 13 (protected species license) from planning permission 3/2015/0024. Withdrawn.

3/2017/0095 - Variation of condition 2 of planning permission 3/2015/0024 proposed erection of building for use as a crematorium and funeral chapel with associated construction of a car park. Approved.

3/2015/0024 - Proposed erection of building for use as a crematorium and funeral chapel with associated construction of a car park. Approved.

3/2014/0676 - Variation of Condition 2 - drawings amended of planning consent 3/2011/0746. Approved.

3/2011/0746 - Application for renewal of planning permission 3/2008/0832P for erection of building for use as a crematorium and funeral chapel, and construction of a car park. Approved.

3/2008/0832 - Erection of a building for use as a crematorium and funeral chapel, and construction of a car park. Approved.

#### 4. **Relevant Policies**

##### **Ribble Valley Core Strategy**

Key Statement EN2 – Landscape

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement EC1 – Business and Employment Development

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME1 – Protecting Trees and Woodlands

Policy DME2 – Landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DMB1 – Supporting Business Growth and the Local Economy

##### **National Planning Policy Framework (NPPF)**

##### **National Planning Practice Guidance (NPPG)**

#### 5. **Assessment of Proposed Development**

- 5.1 The principle of development is not for consideration; in determining this application consideration must only be given to the impact of the amendment that is being sought. In this case, consideration must be given only to whether the revision of the access road and parking areas are acceptable. It is important to note that a Certificate of Lawfulness issued by the Local Planning Authority in November 2018 provides legal confirmation that development approved by planning application 3/2017/0095 had lawfully commenced at the site and therefore there is extant planning consent for development of the site.

- 5.2 The design and siting of the crematorium and funeral chapel building would remain as approved under permission 3/2017/0095. The proposed minor amendments to the internal layout of the site would not result in a loss of on-site parking provision. There would remain 43 vehicular parking spaces at the site and the County Surveyor has raised no objections to the amended layout. The proposed amendments to roads within the site would not impact adversely on trees or ecology when compared with previously approved scheme(s) of development.
- 5.3 The front boundary wall facing Mitton Road has been demolished and re-built with blockwork faced with natural stone. This results in an acceptable visual appearance and raises no design or highway safety concerns. Woodland pathways have also been implemented and traverse the woodland area passing through the root protection area (RPA) of a number of trees. It is stated that the pathways have been constructed using compacted gravel over a Cellweb sub-base in such a way that it would avoid any damage to tree roots.
- 5.4 The existing woodland provides a natural screen between the development and the adjacent highway and also contributes to the tranquillity of the site and therefore it is important that it is protected and enhanced. The tree planting that has been undertaken at the site to date fails to comply with details previously approved by the Local Planning Authority, including the planting of a number of ornamental trees that are not reflective of the woodland species that would generally be found in this area. As such a new landscaping scheme has been submitted and includes the removal of the ornamental tree species, the retention of all remaining native trees and new planting to supplement the existing woodland. The Council's Countryside Officer considers the revised landscaping scheme acceptable.
- 5.5 In terms of its impact on ecology, the application 3/2017/0095 included an Ecological Impact Assessment (dated March 2017) of the site which assessed the presence of habitats and wildlife at the site. The woodland and scattered trees on site provide nesting and foraging habitat for breeding birds and the buildings also have potential to be used by birds. Any removal of trees would result in the loss of habitat for nesting birds and the conversion/restoration of the buildings may result in disturbance to breeding birds if works are completed with the breeding bird season (March-September).
- 5.6 The assessment acknowledges that the existing chapel and lych gate buildings were also being used by roosting bats at the time of the survey and conversion/renovation could lead to the loss of roosting habitat and potential disturbance. Seven trees were noted on site with the potential for roosting bats that are identified for removal (T24, T29, G8, T37, T36 and T6). Unmitigated, the removal of these trees could cause disturbance or harm to bats and there is a requirement for advice to be sought from a qualified ecologist prior to their removal.
- 5.7 In terms of mitigation for nesting birds, the ecological impact assessment states that renovation works to the buildings would be undertaken outside of the breeding bird season and that removal of trees would only take place outside of the breeding bird season and following inspection by an ecologist. Any loss of habitat would be compensated for by planting native species of trees, shrubs and hedgerows and installing a minimum of eight standard bird boxes within the woodland.
- 5.8 Two dusk emergence bat surveys in May and June 2018 recorded the same bat species as previously detected in the chapel and lych buildings. In October 2018 a mitigation license was granted for the site by Natural England. The license requires the provision of

a roost loft space and access points in one of the buildings and crevice roosts in a second. It also requires the provision of 6 timber hibernation boxes. These features are to be retained for a minimum period and follow up surveys to be undertaken at the site. As such, subject to appropriate conditions there should be no harm to species of conservation concern or habitat features as a result of the development.

## 6. **Other Considerations**

- 6.1 A letter of objection has been received from the Friends of Calderstones Cemetery group along with comments from the National Federation of Cemetery Friends (NFCF) contending that any effect on buried remains is a matter relevant to planning and should be taken into account in the determination of this application. The NFCF considers that no works should commence until all legal conditions of the Cremation Act, the Disused Burial Acts, and appropriate burial acts have been met and this should be secured by condition. The correspondence from NFCF states that the whole site was consecrated for the burial of patients, officers and servants soldiers of Calderstones hospital by the Diocese of Manchester in 1916.
- 6.2 In England if land to be developed is consecrated ground it comes under the jurisdiction of the Church of England. An application for the granting of a faculty from the Church, allowing the disturbance of human remains, would be required. The Chancellor of Blackburn, who now has spiritual authority over the site, refused an application by the developer to remove the legal effects of consecration in 2018 and as such the site remains consecrated.
- 6.3 Under the Burial Act 1857, once a person has been buried it is unlawful to disturb or remove the body without lawful authority. The exhumation of cremation ashes on consecrated ground can only be authorised by a Faculty from the local Diocese.
- 6.4 This planning application is supported by a ground-penetrating radar (GPR) survey which was commissioned by the site owner to determine the location of buried remains at the site. Members should note that this information was not required in order to validate the planning application nor did Council Officers request this information be submitted as it is the view of Officers that buried remains are not a matter relevant to planning.
- 6.5 The GPR survey confirms the presence of a Garden of Remembrance at the site and establishes the existence of 223 buried urns. It also highlights the location of probable and possible burials at the site. The developer seeks the minor amendment to the scheme in advance of a further application to the Chancellor of Blackburn to deconsecrate land within the site. Based on the findings of the GPR survey, the layout proposed would not impact upon buried remains at the site.
- 6.6 The siting of any crematorium is covered by Section 5 of the Cremation Act 1902. The effect of this Act is that a crematorium can neither be constructed within 200 yards of a dwelling house, without the occupants' approval, nor on consecrated ground.
- 6.7 The submitted correspondence from NFCF states that some authorities impose planning conditions relevant to the matters raised both the Friends and the NFCF. The example cited is Houndwood Crematorium and whilst this is covered by Scottish planning legislation (which differs to the English planning system) on review of this decision no such condition was attached. In this example the officer's report also concludes that such constraints are covered by other legislation and are not material planning

considerations. The decision notice does include the following informative for the applicants but this is not a planning condition:

*“N.B. This permission does not include any consent, approval or licence necessary for the proposed development under the building regulation or any other statutory enactment and the development should not be commenced until all consents are obtained.”*

- 6.8 Whilst comments from the Friends and the NCF have been noted, matters which are covered by and are able to be enforced by separate legislation are not material planning considerations. Since the site obtained planning permission for a crematorium concerns have been raised that this other legislation is being disregarded. This is a matter for the applicant to address, however an informative advising on this requirement is proposed to be attached to any positive decision in respect of this current application for clarification purposes only.

## 7. Conclusion

In conclusion, there have been considerable objections to the proposed development as a result of its potential to affect buried remains. Notwithstanding the fact that such considerations are not material to the determination of the planning application the applicants have provided survey reports to show that the revised site layout would not require disturbance of burials in an attempt to allay the fears of objectors. Refusal of the planning application for this reason would be unreasonable and unjustified.

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

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Existing & Proposed Soft Landscape (MR18-012/103D) received 01.03.2019  
Proposed Plans and Elevations (P201A)  
As built access gates (1735.03.06)

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

2. Precise specifications or samples of external materials to be used in the construction of the canopy including their colour and texture shall have been submitted to and approved 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.

3. The building hereby approved shall be faced with natural sandstone, reconstituted slate tile roof and aluminium window frames and doors (finish to RAL 7011/12) as contained within the supporting information.

REASON: To ensure that the materials to be used are appropriate to the locality.

4. Prior to the first use of the building hereby permitted, the existing entrance into the site shall be amended in accordance with the details shown on Drawing Number 1735.03.06, and that the part of the access between the highway boundary and the entrance gates shall be appropriately surfaced in tarmacadam, concrete block pavements or other approved material.

REASON: To avoid loose surface material from spreading onto the highway in the interests of highway safety.

5. Full details of the colour, form and texture of all hard landscaping (ground surfacing materials) shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.

REASON: To ensure a satisfactory form of development in the interest of the visual amenity of the area.

6. The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

REASON: In the interests of highway safety.

7. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all existing trees shown to be retained on drawing MR18-012/103D shall be protected in accordance with the BS5837 2012 [Trees in Relation to Demolition, Design & Construction] the details of which shall be implemented in full under the supervision of a qualified arboriculturalist and in liaison with the Countryside/Tree Officer. The tree protection measures shall be inspected by the local planning authority before any site works are begun in accordance with the Tree Protection Monitoring Schedule.

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 felling 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 ensure that any trees affected by development and considered to be of visual, historic or botanical value are afforded maximum physical protection from the potential adverse effects of development.

8. The approved landscaping scheme (dwg no. MR18-012/103D) shall be implemented in the first planting season following the occupation or use of the development (whichever

is the earliest) and shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority and in accordance with the Landscape and Habitat Management Plan. 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.

9. Notwithstanding the submitted details, section details at a scale of not less than 1:20 of the proposed boundary treatments/fencing, walling including any coping details shall have been submitted to and approved by the Local Planning Authority before their use in the proposed works. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality.

10. The existing earth mound within the site must not be spread within the woodland area beneath the trees. If this earth is not to be used on the site, then it should be removed from the site prior to the first use of the building hereby approved.

REASON: To ensure that this soil is not distributed within the site in a manner that could be detrimental to the long term health and stability of existing trees, in the interests of visual amenity.

11. The control of non-native species shall be carried out in accordance with the approved method statement produced by Bowland Ecology dated January 2016 to the satisfaction of the Local Planning Authority.

REASON: To ensure that there is no risk of further spread of a non-native plant species and to ensure that there are no residue non-native plant species parts remaining on the site, in the interests of protecting the native ecology of the site.

12. The development hereby permitted shall be carried out in full compliance with the submitted Ecological Impact Assessment dated March 2017. In particular, the recommendations and mitigation measures detailed in Section 5 of the Assessment shall be carried out in their entirety to the satisfaction of the Local Planning Authority.

REASON: In the interests of preserving and enhancing the ecology, flora and fauna of the site including a European Protected Species (Bats).

13. The actions, methods & timings included in the mitigation measures identified and the conditions of the Natural England Licence (numbered 2018-37009-EPS-MIT) submitted with discharge of condition application 3/2018/1145 shall be fully implemented and adhered to throughout the lifetime of the development

REASON: To ensure the protection of species protected by the Wildlife and Countryside Act 1981 (as Amended) and in the interests of biodiversity and to enhance habitat opportunities for species of conservation concern/protected species and to minimise/mitigate the potential impacts upon protected species resultant from the development.

14. The development hereby approved shall be carried out in accordance with the Drainage Strategy (Rev B) dated March 2017 subject to approval by United Utilities.

In the event that the submitted drainage scheme is considered unacceptable, an amended foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development and shall be maintained and managed in accordance with the approved details in perpetuity.

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

#### BACKGROUND PAPERS

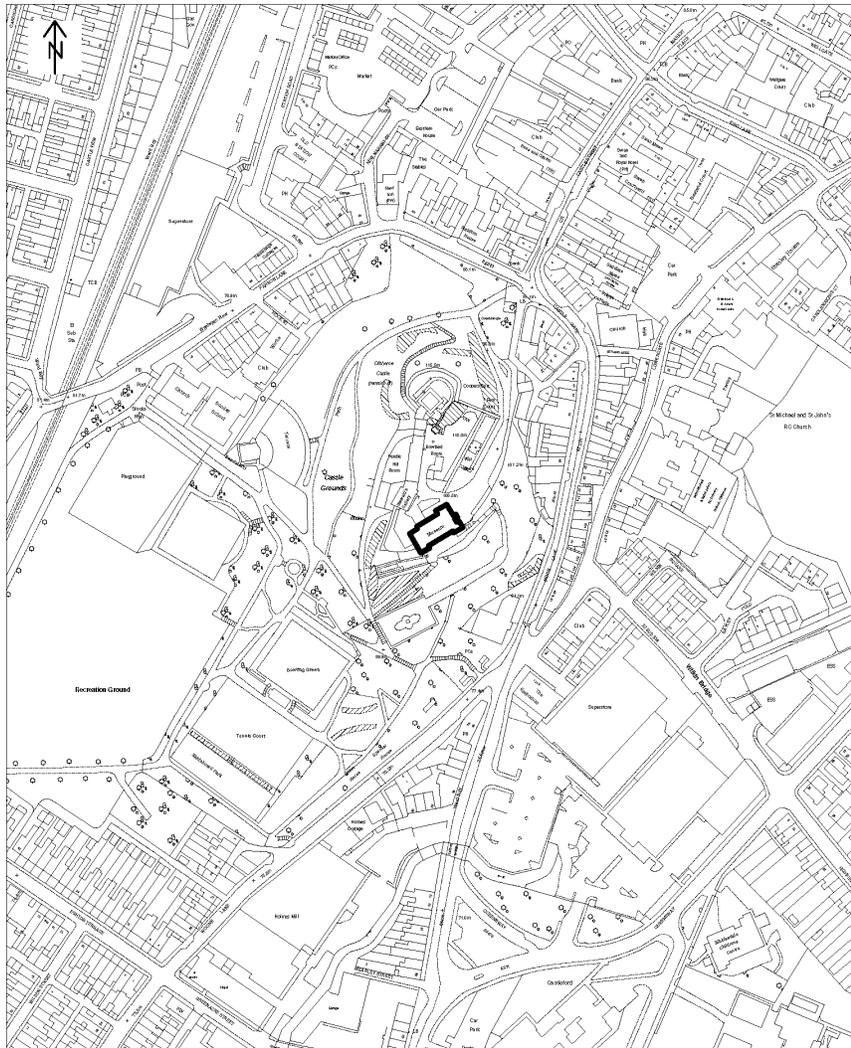
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2019%2F0004](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0004)

**APPLICATION REF: 3/2019/0014 (LBC)**

GRID REF: SD 374247 441621

**DEVELOPMENT DESCRIPTION:**

REPLACEMENT OF TWO STONE LINTELS THAT ARE DAMAGED BEYOND REPAIR AND TO REPLACE THEM WITH WADDINGTON FELL GRITSTONE LINTELS AT CASTLE MUSEUM, CLITHEROE CASTLE, CASTLEGATE, CLITHEROE.



3/2019/0014 Castle Museum, Clitheroe Castle, Castlegate, Clitheroe BB7 1AZ

Scale 1:2500

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## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

No objections.

### **LAAS:**

Do not consider that there will be any significant impacts on the archaeology of the site. Content to leave consideration of the details of the work to the RVBC conservation specialist.

### **HISTORIC AMENITY SOCIETIES:**

Consulted, no comments received at the time of report writing.

### **THE GARDENS TRUST:**

Do not wish to comment.

### **HISTORIC ENGLAND:**

Consulted, no comments received at the time of report writing.

### **ADDITIONAL REPRESENTATIONS:**

None received at the time of report writing.

#### **1. Site Description and Surrounding Area**

- 1.1 The building is Grade II listed (30 September 1976) as 'Premises occupied by Ribble Valley Borough Council in grounds of Clitheroe Castle'. It is prominently sited within the Clitheroe Castle Historic Park and Garden (Grade II), Clitheroe Conservation Area and the setting of Clitheroe Castle Keep and Curtain Walls (scheduled monument; Grade I listed) and 'Outbuilding and Stable block to Clitheroe Castle and premises occupied by Ribble Valley Borough Council' (Grade II). The list descriptions identify "*Clitheroe Castle, Premises occupied by Ribble Valley Borough Council and Outbuilding and Stable block form a group*".

The list description for the museum building identifies:

"Early-mid C19. 3 storeys in coursed stone with ashlar dressings. Gothic style ... Included as part of a group".

A significance assessment undertaken in 2008 (Oxford Archaeology North) identifies:

*"some of the window surrounds exhibit weathered furrow tool marks ... The Museum building probably dates to the late eighteenth century gothic or 'gothick' revival"*.

#### **2. Proposed Development for which consent is sought**

- 2.1 Listed building consent is sought for the replacement of two cracked window stone lintels/cills at the first floor of the side elevation (North-West) of the Castle Museum.

- 2.2 The submitted Heritage Statement identifies that both lintels have deteriorated to a point beyond repair. There is concern that cracks could retain water and be of detriment to timber windows and internal plasterwork. The agent has confirmed that pinning or other repairs are not an option.
- 2.3 The agent has confirmed that the stone mason will supply a like for like (same size and profile) Waddington Fell Gritstone. This is the same stone that was recently used in works at the front elevation of the building (3/2017/1176).

3. **Relevant Planning History**

3/2018/0950 - Removal of four existing steel casement windows (in one opening) and pinning of damaged mullion. Replacement of existing windows with new electroplated and powder coated steel casement windows. LBC granted 30 November 2018.

3/2018/0886 - Re-slating of pitched roof section lower tiers using TAPCO Shake tiles to provide a walkway behind the parapet in order to provide access to the CCTV equipment and for cleaning gutters. Over the years the existing roof finish has been damaged owing to access problems at Castle Museum. LBC granted 30 November 2018.

3/2017/1176 - Remedial works to replace defective stone lintels and repair stone lintels where possible and necessary. LBC granted 9 March 2018.

3/2017/0495 - Re-slating of pitched roof area behind parapet wall at Castle Museum. LBC granted 1 September 2017.

4. **Relevant Policies**

Planning (Listed Buildings and Conservation Areas) Act 1990  
'Preservation' in the duties at sections 16, 66 and 72 of the Act means "doing no harm to" (*South Lakeland DC v. Secretary of State for the Environment* [1992]).  
Clitheroe Conservation Area Appraisal

NPPF  
NPPG

Ribble Valley Core Strategy:  
Key Statement EN5– Heritage Assets  
Policy DMG1– General Considerations  
Policy DME4– Protecting Heritage Assets

5. **Assessment of Proposed Development**

- 5.1 Impact upon the special architectural and historic interest of the listed building (section 66 of the Act), the setting of listed buildings (section 16 of the Act) and the scheduled monument, the character and appearance of Clitheroe Conservation Area (section 72 of the Act) and the character of Clitheroe Castle historic park and garden.
- 5.2 The technical advice below indicates that the proposed works have been carefully considered and are essential to ensure the proper preservation of the listed building.

5.3 The proposed works are essential to the preservation of the Listed Building. As such taking into consideration the impact upon the special architectural; and historic interest of the Listed Building (Section 66 of the Act and the local environment, the development is considered acceptable.

6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 In giving considerable importance and weight to the duties at section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in giving 'great weight' to the conservation of the designated heritage assets (NPPF paragraph 132) and in consideration to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy, it is recommended that listed building consent be granted conditionally.

**RECOMMENDATION:** That listed building consent is granted subject to the imposition of the following condition(s):

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

REASON: Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

BACKGROUND PAPERS

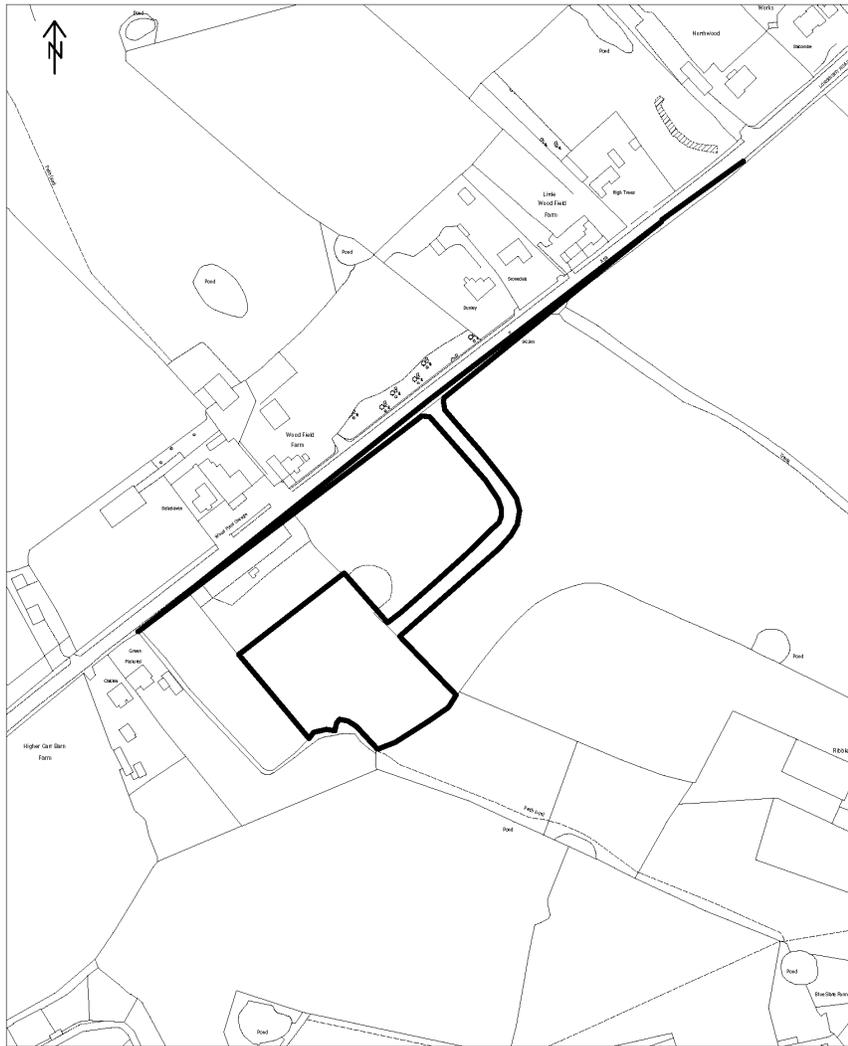
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2019%2F0014](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0014)

**APPLICATION REF: 3/2019/0064**

GRID REF: SD 365789 432677

**DEVELOPMENT DESCRIPTION:**

USE OF LAND AS STORAGE COMPOUND AND CONSTRUCTION OF BUILDING FOR VEHICLE SERVICING, WORKSHOP, TOOL STORE, OFFICES AND ANCILLARY ACCOMMODATION FOR A CIVIL ENGINEERING COMPANY (AMENDMENTS TO PLANNING PERMISSION 3/2018/0309 INCLUDING REVISED SITE BOUNDARIES AND NEW ACCESS IN THE ADJACENT FIELD) AT LAND OPPOSITE WOODFIELD GARAGE, LONGSIGHT ROAD, CLAYTON-LE-DALE



3/2019/0064 Land opposite Woodfield Garage, Longsight Road,  
Clayton le Dale BB2 7JA

Scale 1:2500

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## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

No objection to the original application and continue to raise no objection to this application

### **LCC HIGHWAYS:**

No objection subject to conditions

### **ENVIRONMENT AGENCY:**

No comments received

### **LEAD LOCAL FLOOD AUTHORITY:**

No comments received

### **UNITED UTILITIES:**

No objection subject to a condition which requires the development to be carried out in accordance submitted drainage strategy.

### **ADDITIONAL REPRESENTATIONS:**

Three letters of representation have been received, raising the following concerns:

- Increase in traffic;
- Noise and air pollution;
- Why is the new roadway needed?;
- Drainage;
- Future application for expansion of business;
- Concern over extended hours of operation from previous approval;
- Loss of hedgerow and section of field for new access road;

#### **1. Site Description and Surrounding Area**

- 1.1 The application relates to a plot of land measuring 0.8 hectares on the southern side the A59, opposite Woodfield Garage in Clayton-le-Dale. The site forms part of a field that was located to the rear of a former petrol filling station which fronted onto the A59, and therefore the application site is set back approximately 40m from the A59. The hard surface from the former petrol station still exists adjacent to the A59, however this is not part of the application site.
- 1.2 In 2018 the applicant obtained consent for the use of the former petrol filling station site, including the hard surfaced area adjacent to the A59, as a storage compound, including the construction of building for vehicle servicing, workshop, tool store, offices and ancillary accommodation (3/2018/0309). This application however relates to land to the south (rear) of this previously approved site, although part of the previously approved site does also form part of the current application site.

- 1.3 The site is located within the open countryside, approximately 700m south west of the settlement boundary of Clayton-le-Dale. To the north is the former petrol station site which is currently used as a storage yard, beyond this, on the opposite side of the highway are the commercial business at Woodfield Garage and the Energy Centre, as well as a cluster of dwellings. To the west is a section of land/field owned by the applicant and beyond this are the residential dwellings at Green Pastures and Oak Lee. To the south and east are open fields.
- 1.4 To the west runs Public Right of Way (3-13-FP12), however this is outside the application site and continues to run to the south. Adjoining the eastern boundary of the site is a pond, within the adjacent field that is also owned by the applicant.

## 2. **Proposed Development for which consent is sought**

- 2.1 The application seeks consent for change of use of the land to a storage compound, including the construction of a building to be used for vehicle servicing, workshop, tool store, offices and ancillary accommodation (staff kitchen/toilets etc...) for a civil engineering company (mixed B1 and B2 use). The application also seeks consent to create a new access point off the A59, with an access track leading from this new access point, through the adjacent field to the east into the site.
- 2.2 The proposed building would be situated on the northern section of the site, in exactly the same location as the previous approval (3/2018/0309). The proposed building would also be the exact same size/design and propose the same use as the previous approval.
- 2.3 In terms of size/design, the proposed industrial style building would have a footprint measuring 24m x 12.5m and a pitched roof design measuring 5.5m high to the eaves and 6.65m to the ridge. The building would contain two large industrial style roller shutter doors in the southeast facing elevation (away from the A59) as well as three pedestrian doors and a number of window openings in the other elevations. The building would be constructed with a natural stone plinth at the base and vertical timber boarding above, with a grey profile sheet roof.
- 2.4 With regard to use, approximately half of the building would be used as servicing area for vehicles, with the remainder used as a workshop, tool storage area, offices and ancillary uses including a staff kitchen, toilets, meeting room etc...
- 2.5 The remainder of the site would be used for storage and includes a large (26m x 26m) Geo-cellular storage area for drainage, including a foul package treatment plant and a hydro brake which would control the release of surface water into the adjacent culvert.
- 2.6 Along the perimeter of the site is the application proposes a 1.8m high bund for screening and the submission shows existing trees to be retained where possible along with new areas of tree planting for screening.
- 2.7 The application also includes the creation of a new access point off the A59, from within the adjacent field to the east. The previous approval did not require a completely new access as it would have utilised the existing access point that served the former petrol fillings station and currently serves the storage yard to the north. However this application does not include the land that was the former petrol filling station, or the area currently used as a storage yard, and thus requires its own access point onto the A59. The proposed access point would be situated some 100m to the east of the site and

therefore requires the laying of a substantial new tarmac access road which will connect this new access to the application site.

- 2.8 In order to facilitate the new access, a section of the existing hedgerow fronting the A59 would need to be removed, both for the new access and potentially to provide visibility splays, however the plans state that where the hedgerow needs to be removed for visibility it will be relocated/trimmed back behind the visibility splay, and additional hedgerow planting will be provided along a section of the new access road.
- 2.9 The submitted application form proposes 07:00 – 20:00 (Monday to Saturday) operational hours for the site and this is in line with the previous approval.

### 3. **Relevant Planning History**

- 3.1 3/2018/0309 - *Use of land as storage compound and construction of building for vehicle servicing, workshop, tool store, offices and ancillary accommodation for a civil engineering company* – granted subject to conditions
- 3.2 3/2001/0497 – *Use of land for the storage of motor vehicle* – refused

### 4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy  
Key Statement DS2 – Sustainable Development  
Key Statement DMI2 – Transport Considerations  
Key Statement EC1 – Business and Employment Development

Policy DMG1 – General Considerations  
Policy DMG2 – Strategic Considerations  
Policy DME1 – Protecting Trees and Woodlands  
Policy DME3 – Site and Species Protection and Conservation  
Policy DME6 – Water Management  
Policy DMG3 – Transport & Mobility  
Policy DME2 – Landscape & Townscape Protection  
Policy DMB1 – Supporting Business Growth and Local Economy  
Policy DMB5 – Footpaths and Bridleways

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

### 5. **Assessment of Proposed Development**

#### 5.1 **Principle of development**

5.1.1 The Ribble Valley Core strategy seeks to support business growth and the local economy. Key Statement EC1 states that “*Employment development will be directed towards the main settlements of Clitheroe, Whalley and Longridge as the preferred locations to accommodate employment growth together with land at Barrow Enterprise Site, the Lancashire Enterprise Site at Samlesbury and locations well related to the A59 corridor*”. The application site is located to the

south of the A59 (Longsight Road), and will be accessed directly from this highway, and thus is considered to be well-related to the A59 corridor in accordance with Key Statement EC1.

- 5.1.2 Policy DMB1 also supports proposals that are intended to support business growth and the local economy. This includes “*The expansion of established firms on land outside settlements will be allowed provided it is essential to maintain the existing source of employment and can be assimilated within the local landscape*”. The submission details how the applicant’s Civil Engineering business currently operates from the nearby Fairfield Business Park, however this site is no longer large enough to meet the expanding needs of the business/company and thus the applicant is looking to re-locate to a more suitable site within the vicinity.
- 5.1.3 Part of the application site is already in use as a storage yard, and the proposal seeks to utilise this area, and extend into the land to the south. The proposal would provide a new workshop/office building and storage yard, and will allow an existing business to continue to prosper/grow to the benefit of the local economy. The application states that the company employs 35 staff, of which 10 are based at the existing workshop at Fairfield Business Park, and the remainder go straight on site from home. The proposed development/relocation would increase the number of staff employed at the workshop/office to 12, but as equally as important would continue to provide jobs for all 35 employees of the company. The submission details that the existing staff live in the local area (Clitheroe, Whalley, Mellor, Blackburn, Penwortham etc...), with approximately 50% currently residing in the Ribble Valley, hence why the applicant is keen to keep the business in the area and on the A59 with good transport links to the wider area.
- 5.1.4 In addition, the principle of the development in this locality has already been established by the recent approval (3/2018/0309), and the application is very similar to this previous approval with the exception of the slight re-siting of the site into the adjacent field to the south and the creation of a new access point on to the A59 (discussed in more detail later in this report).
- 5.1.5 In view of the above, the principle of the development of this site for an employment generating use, adjacent to the A59, is considered to be acceptable, subject to other considerations and compliance with Council Policies detailed below.

## 5.2 Impact Upon Residential Amenity

### *Visual impact*

- 5.2.1 The dwellings on the opposite side of the A59, within the former Woodfield Farm complex, are situated more than 60m from the proposed development site and the proposed new building. To the south west the nearest property is Green Pastures and this is situated approximately 40m from the application site, and 80m from the proposed building. The application seeks to retain the existing trees/hedging along the northern boundary, as well as implementing a 1.8m high earth bund and new tree planting along the south western boundary to screen the site from these nearest residential properties.

- 5.2.2 At the above mentioned separation distances, and with the proposed screening works to be undertaken along the boundaries, it is not considered that the proposed development would have any undue visual impact upon neighbouring amenity.

#### *Noise and disturbance*

- 5.2.3 The land to the north of the application site was previously a petrol filling station and has more recently been utilised as a storage yard. In 2018 planning permission was granted for this proposed development on this land directly to the north. This application seeks to obtain the same consent as previously granted, however on adjacent land to the south (as well as a new access point onto the A59).
- 5.2.4 Whilst the proposed building would still be sited in the same place as previously approved, the proposed yard area would be situated to the south of the proposed building rather than the north, and this has moved the yard area further away from the nearest residential properties.
- 5.2.5 A noise assessment was submitted with the previous application and this was considered acceptable by the Council's Environmental Health Officer, subject to the imposition of conditions. As mentioned above, this application seeks permission for the same use as the previous, but further from the nearest residential properties and therefore it is considered that the revised siting of the yard area would have no greater impact upon neighbouring residential amenity than what has recently been approved on the adjacent land. A new noise survey has been provided with this application and the same conditions that were attached to the previous approval (in respect of noise and disturbance) have been attached to this recommendation.
- 5.2.6 An objector has raised concerns in respect of the additional noise created by vehicle movements associated with the new access. In response to this the A59 is a busy classified road and the additional vehicle movements that would be generated by this development would not be excessive in comparison to the amount of existing vehicle movements along this part of the highway. An objection has also been raised to the proposed hours of operation (07:00 – 20:00 Monday to Saturday and none at all on Sunday), however these are the same hours that were granted consent for the proposal in 2018.
- 5.2.7 Considering all of the above, subject to the imposition of conditions it is considered that the proposed development will share an acceptable relationship with neighbouring uses in accordance with the amenity requirements of Policy DMG1.

### 5.3 **Visual Impact and design**

- 5.3.1 As mentioned above the proposed new building would be located in exactly the same place, and have exactly the same design as the 2018 approval, the only difference with this current application is the storage yard would be situated to the south of this building, as opposed to the north, and the new access point to be created off the A59.

- 5.3.2 In terms of the yard area, it is accepted that this would result in the loss of part of an existing field, however being to the south of the proposed building it would be set further back from the A59 and therefore would be less visible from the highway (A59) than the previous approval. The proposed yard would be visible from the Public Right of Way which runs directly to the west of the site, however the previously approved yard area would also have been visible from the RoW. Furthermore the application seeks to reduce the visual impact of the proposal by installation of a 1.8m high earth bund and new tree planting along the perimeters of the site.
- 5.3.3 The design of the building is identical to the previous approval, being constructed with a natural stone plinth and vertical timber boarding above to reflect the rural character of the area.
- 5.3.4 With regard to the new access, it is accepted that this will have a greater visual impact on the visual character of the area than the previous approval which sought to access the site through the existing access that previously served the petrol filling station. However it would appear from the submitted site edged red that the previously approved access point was not situated on land that is owned by the applicant and therefore a new access is required on the applicant's own land.
- 5.3.5 The proposed new access would require the removal of a section of hedgerow, both to allow for the access itself but also to provide the required visibility splays when leaving the access, however the application states that new hedgerow will be planted behind the visibility splay, and along a section of the new access through the field, to mitigate for this loss.
- 5.3.6 In summary of the above, the new access is required in order to allow access into the proposed development site and the application includes mitigation measures (new planting) to compensate for the visual impact this will have. Furthermore, it is not uncommon for this section of the A59 to have vehicle access points, as each business and dwelling has an access onto this highway. It is therefore considered that the visual impact of the new access would not be detrimental to the visual amenity of the area, and the slight visual harm caused is outweighed by the economic benefits detailed earlier in this report.

#### 5.4 **Landscape and Ecology**

- 5.4.1 The application is accompanied by an Arboricultural Survey and an Ecological Appraisal. The submitted Arboricultural Survey details all the trees on and adjacent to the site and shows which trees/hedges will be retained and protected during the application process, which trees/hedges will be removed and which will not be affected/altered by the proposal.
- 5.4.2 The Council's Countryside Officer has reviewed the submission, and visited the site and raises no objection to the proposal, subject to the development being carried out in accordance with the submitted Arboricultural Survey and a landscaping scheme being submitted to the LPA specifying the type and location of the replacement trees/hedge to be planted, and a timetable for the proposed planting works.

5.4.3 The Ecological Appraisal comments that protected species are known to exist within the local area, however no evidence of these species was found at the application site. Nevertheless the Ecology Report recommends a number of mitigation measures to be undertaken to ensure that the proposal does not impact upon protected species and this has been secured by condition.

5.4.4 Additionally, a condition has been attached stating that no vegetation clearance works can take place within bird breeding season, unless a further survey is undertaken, and a further condition requiring bat and bird boxes to be provided on the site to mitigate for any loss in habitat resultant from the development. In this case, due to the industrial/commercial nature of the use, these bat/bird boxes could be positioned on the building, or within the trees/vegetation furthest from the most active parts of the site.

## 5.5 **Highways**

5.5.1 The Highway Officer has raised no objection to the application, subject to the imposition of conditions requiring a scheme for the construction of the site access and a construction management plan to be submitted to the LPA. As well as conditions requiring wheel washing facilities to be provided on site during the construction process and the required visibility splays at the access be provided and retained.

5.5.2 An objector has questioned why the access is needed and why the site cannot be access via the existing access point (as per the previous approval). The reason why the new access is required is not specifically detailed within the submission, however as mentioned earlier in this report the previous access point does not appear to have been within the applicant's ownership, whereas the new access would be sited within land owned by the applicant (according to the site edged red). With regard to why the access is being proposed in this location, the applicant's agent has confirmed that this is to provide the required visibility splay/sight lines.

## 5.6 **Drainage**

5.6.1 The application is accompanied by a drainage strategy which, along with the proposed site plan, details how both surface and foul water will be drained on the site. Surface water will drain into the Geo-cellular storage area where it will be discharged at greenfield run off rate into an existing stone culvert which runs through the site. This culvert continues to the north where it eventually connects to a stream situated within Mire Wood, which itself is a tributary to the River Ribble. Foul water from the building will go into a new foul package treatment plant before also discharging into the existing culvert.

5.6.2 The LPA have consulted with the Lead Local Flood Authority (LLFA), the Environment Agency (EA), and United Utilities (UU) on this application, however as it is not a major development both the LLFA and EA have not provide any comments. UU have reviewed the submission and raise no objection, subject to a condition requiring the development to be carried out in accordance with the submitted drainage strategy.

## 6. **Conclusion**

- 6.1 The principal of the development in this location has been established by previous approval (3/2018/0309) and it is considered that the proposal would not have any greater impact upon neighbouring land uses than the extant permission. It is accepted that the proposed developments would have some impact on the visual character of the area, however this impact has been mitigated by the design of the proposed building and the new landscaping. Furthermore, the proposal would clearly bring economic benefits by allowing a successful and local business to relocate within the borough, thus encouraging economic development in this area.

**RECOMMENDATION:** That the application be APPROVED subject to the imposition of the following condition(s):

### *Time Limit*

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

REASON: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004

### *Plans*

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

5365 – 01 D – Location Plan

5365 – 03 B – Proposed Plans and Elevations

5365 – 05 E – Proposed Site Plan (amended plan received 05/02/19)

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

### *Amenity*

3. Noise limits from the site shall not exceed the World Health Organisation recommendation of 30dB LAeq at night time within the internal areas of the nearest noise sensitive premises, and 50dB LAeq at the external patio and garden areas of the nearest noise sensitive premises.

REASON: To protect the amenities of occupiers of nearby properties.

4. The use of the land and the building hereby approved shall be restricted to the hours between 07:00 – 20:00 Monday to Saturday inclusive, and not at all on Sundays and Bank Holidays.

REASON: To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance

5. No building or engineering operations within the site or deliveries to and from the site, in conjunction to the construction process, shall take place other than between 07:30 hours and 18:00 hours Monday to Friday and between 08:30 hours and 14:00 hours on Saturdays, and not at all on Sundays or Bank Holidays.

REASON: To protect the amenities of occupiers of nearby properties.

6. No external lighting shall be installed on the building hereby approved, or elsewhere within the site, without the prior written approval of the Local Planning Authority. Details of any such lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Only the duly approved lighting shall be installed on the buildings hereby approved.

REASON: In order to ensure a satisfactory appearance in the interests of visual amenity and to prevent nuisance arising.

### *Landscaping/Ecology*

7. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird breeding season (March - August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird breeding season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds and to protect the bird population from damaging activities and reduce or remove the impact of development.

8. Unless otherwise agreed in writing with the Local Planning Authority, all trees and hedges shall be retained on site as detailed within the submitted Arboricultural Impact Assessment (project ref: BTC1692). No development shall take place until all the existing trees and hedges within, or directly adjacent to, the site (other than those shown to be removed on the approved documents) have been enclosed with temporary protective fencing in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations. The fencing shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place within such protective fencing during the construction period.

REASON: To protect the existing vegetation in the interest of visual amenity.

9. Notwithstanding the landscaping details shown on approved plan ref 5365 – 05 E (amended plan received 05/02/19), within three months of commencement of development on site, a detailed scheme showing all new tree/hedge planting shall have been submitted for the written approval of the Local Planning Authority. The submitted scheme shall include the type/species, number, locations and a timetable for implementation of all the new trees/hedges to be planted and the development shall be carried out in strict accordance with the duly approved details and timings, with the areas shown to be landscaped retained as such thereafter. Any trees or hedging removed,

dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

REASON: To ensure the proposed landscaped areas are provided to an acceptable level and within a suitable timescale.

10. The proposed 1.8m high earth bund, shown on approved drawing 5365 – 05 E (amended plan received 05/02/19), shall have been provided on site prior to the building or storage/yard area hereby approved being first brought into use. The earth bund shall be retained as approved thereafter.

REASON in the interest of visual amenity and to protect the amenity of neighbouring residents.

11. The development hereby approved shall be carried out in complete accordance with the recommendations and ecological enhancement measures detailed within section 7 of the submitted Ecological Appraisal (Ref: 5046 20th December 2018).

REASON: In the interests of biodiversity and to enhance opportunities for species of conservation concern and reduce the impact of development.

12. No above ground level works shall commence or be undertaken on site until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites have been submitted to, and approved in writing by the Local Planning Authority.

For the avoidance of doubt the details shall be submitted on a bird/bat species site plan and include the exact locations of the artificial bird nesting boxes and artificial bat roosting boxes, as well as the type/design of boxes to be installed.

The artificial bird/bat boxes shall be installed and made available for use before the building/use of the site (whichever is sooner) hereby permitted becomes operative and thereafter retained. The development shall be carried out in strict accordance with the approved details.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and protected species.

### *Highways*

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or amending that Order) 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 over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed access/entrance from the continuation of the nearer edge of the carriageway of Longsight Road to points measured 215m in each direction along the nearer edge of the carriageway of Longsight Road, from the centre line of the access.

REASON: To ensure adequate visibility at the site access.

14. No part of the development hereby approved shall commence until a scheme for the construction of the site access has been submitted to, and approved by, the Local Planning Authority. The access shall be constructed in accordance with the approved details and shall be available for use prior to the land or building (whichever is sooner) hereby approved being first brought into use.

REASON: In order to satisfy the Local Planning Authority that the details of the access are acceptable before work commences on site.

15. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

REASON: To prevent stones and mud being carried onto the public highway to the detriment of road safety

16. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall include the following details:-

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials used in the construction of the development;
- Storage of such plant and materials used in constructing the development;
- The erection and maintenance of security hoardings;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from construction works.

REASON: To protect existing road users in the interest of highway safety in accordance with Ribble Valley Core Strategy Policies DMG1 and DMG3.

#### *Drainage*

17. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Strategy, BEK/18385/181218/1/OCCE Rev A- Dated 18 December 2018 (prepared by BEK). The development shall be completed in accordance with the approved details and for the avoidance of doubt, no surface water will be permitted to drain directly or indirectly into the public sewer.

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

#### INFORMATIVE:

- The developer should be aware that the any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to

arrange the necessary permits. They can be contacted on [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk) or on 01772 533433

- Alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
- The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. 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 is advised to contact the Community Services before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for "278 Agreement".
- This consent does not give approval to a connection being made to the County Council's highway drainage system.

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2019%2F0064](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0064)

**APPLICATION REF: 3/2019/0088 (LBC)**

GRID REF: SD 374247 441621

**DEVELOPMENT DESCRIPTION:**

REPLACEMENT OF ONE STONE MULLION THAT IS DAMAGED BEYOND REPAIR. REPLACEMENT WITH WADDINGTON FELL GRITSTONE MULLION TO THE SAME PROFILE AND SIZE AS EXISTING AT CASTLE MUSEUM, CLITHEROE CASTLE, CASTLEGATE, CLITHEROE



3/2019/0088 Castle Museum, Clitheroe Castle, Castlegate, Clitheroe BB7 1AZ

Scale 1:2500

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## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

No objections.

### **HISTORIC AMENITY SOCIETIES:**

Consulted, no comments received at the time of report writing.

### **HISTORIC ENGLAND:**

Do not wish to comment. Suggest seeking the views of the RVBC specialist conservation adviser.

### **ADDITIONAL REPRESENTATIONS:**

None received at the time of report writing.

#### **1. Site Description and Surrounding Area**

1.1 The building is Grade II listed (30 September 1976) as 'Outbuilding and Stable block to Clitheroe Castle and premises occupied by Ribble Valley Borough Council'. It is prominently sited within the Clitheroe Castle Historic Park and Garden (Grade II), Clitheroe Conservation Area and the setting of Clitheroe Castle Keep and Curtain Walls (scheduled monument; Grade I listed) and 'Premises occupied by Ribble Valley Borough Council in grounds of Clitheroe Castle' (Grade II). The list descriptions identify "*Clitheroe Castle, Premises occupied by Ribble Valley Borough Council and Outbuilding and Stable block form a group*".

1.2 The list description identifies the element (but not elevation) subject to proposed works:

*"Mid C19, Gothic, incorporating fragments of old stone. Mid C19 coursed stone with Welsh slate roofs. 2 storeys. Outbuilding to left has mullion and transom windows beneath rectangular drip moulds"*.

1.3 The agent has considered the Archaeological Building Investigation commissioned by Turner and Townsend and English Heritage (3/2007/0039) and there is no reference to these windows or their significance.

#### **2. Proposed Development for which consent is sought**

2.1 Listed building consent was granted in November 2018 for the replacement of four window lights (metal framed) to a first floor cruciform window opening at the west elevation of the former Old Courthouse/Stewards Gallery. The agent identified that historic fabric was to be retained in situ by the undertaking of a stitch repair to a cracked stone mullion. However, the mullion has now been found to have deteriorated beyond repair and requires replacement to maintain the integrity of the window.

2.2 The mullion is to be replaced with new Waddington Fell Gritstone cut to the same profile and size as the existing stone section. The agent confirms (in respect to questions of proposed stone compatibility and intentions for replication of the original striated

appearance left by mason's tools) that the stone mason has been instructed to provide a like for like replacement.

### 3. **Relevant Planning History**

3/2018/0950 - Removal of four existing steel casement windows (in one opening) and pinning of damaged mullion. Replacement of existing windows with new electroplated and powder coated steel casement windows. LBC granted 30 November 2018.

3/2018/0886 - Re-slating of pitched roof section lower tiers using TAPCO Shake tiles to provide a walkway behind the parapet in order to provide access to the CCTV equipment and for cleaning gutters. Over the years the existing roof finish has been damaged owing to access problems at Castle Museum. LBC granted 30 November 2018.

3/2017/1176 - Remedial works to replace defective stone lintels and repair stone lintels where possible and necessary. LBC granted 9 March 2018.

3/2017/0495 - Re-slating of pitched roof area behind parapet wall at Castle Museum. LBC granted 1 September 2017.

### 4. **Relevant Policies**

Planning (Listed Buildings and Conservation Areas) Act 1990

'Preservation' in the duties at sections 16, 66 and 72 of the Act means "doing no harm to" (*South Lakeland DC v. Secretary of State for the Environment* [1992]).

Clitheroe Conservation Area Appraisal

NPPF

NPPG

Ribble Valley Core Strategy:

Key Statement EN5– Heritage Assets

Policy DMG1– General Considerations

Policy DME4– Protecting Heritage Assets

### 5. **Assessment of Proposed Development**

5.1 Impact upon the special architectural and historic interest of the listed building (section 66 of the Act), the setting of listed buildings (section 16 of the Act) and the scheduled monument, the character and appearance of Clitheroe Conservation Area (section 72 of the Act) and the character of Clitheroe Castle historic park and garden.

5.2 The technical advice below indicates that the proposed works have been carefully considered and are essential to ensure the proper preservation of the listed building.

5.3 The proposed works are essential to the preservation of the Listed Building. As such taking into consideration the impact upon the special architectural; and historic interest of the Listed Building (Section 66 of the Act and the local environment, the development is considered acceptable.

### 6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 In giving considerable importance and weight to the duties at section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in giving 'great weight'

to the conservation of the designated heritage assets (NPPF paragraph 132) and in consideration to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy, it is recommended that listed building consent be granted conditionally.

**RECOMMENDATION:** That listed building consent is granted subject to the imposition of the following condition(s):

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

**REASON:** Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### BACKGROUND PAPERS

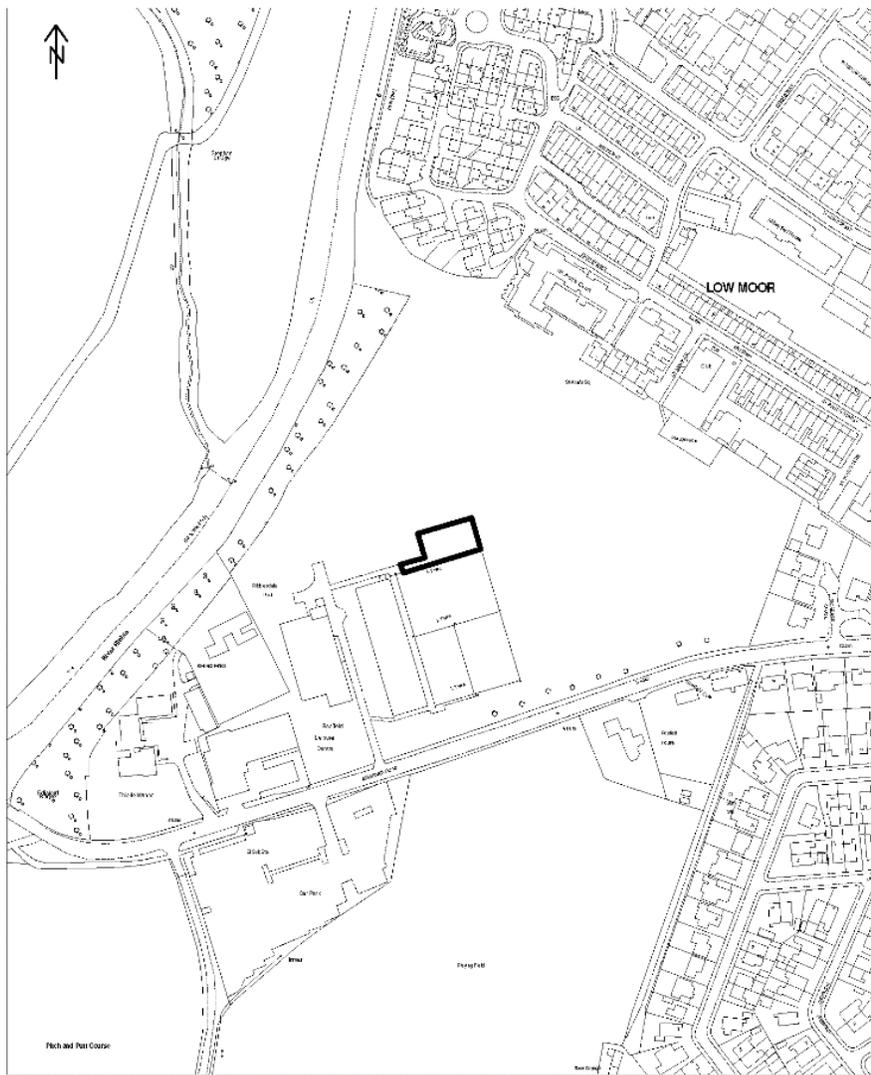
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2019%2F0088](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0088)

**APPLICATION REF: 3/2019/0097**

GRID REF: SD 372904 441529

**DEVELOPMENT DESCRIPTION:**

CONSTRUCTION OF ONE NEW SINGLE STOREY, PITCHED-ROOF CLASSROOM/STORAGE/TOILET BUILDING TO THE REAR OF THE EXISTING FOOTBALL PITCH. ADDITIONAL BALL STOP NETTING TO BE ADDED TO THE TOP OF THE PREVIOUSLY APPROVED FENCING TO AN OVERALL HEIGHT OF 6 M ON THE EDISFORD ROAD SIDE OF BOTH FOOTBALL PITCHES AT PLAYING FIELD EDISFORD ROAD CLITHEROE BB7 3LA



3/2019/0097 Playing Field, Edisford Road, Clitheroe BB7 3LA

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## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **TOWN COUNCIL:**

No objections.

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

No objections.

### **SPORT ENGLAND:**

No observations received at the time of preparing this report.

### **ADDITIONAL REPRESENTATIONS:**

No representations received at time of preparing this report

#### **1. Site Description and Surrounding Area**

1.1 The land in question is currently used for recreational purposes. The site itself is situated between the existing tennis dome, Edisford road and would adjoin the new residential development of Vicarage Close and Low Moor.

#### **2. Proposed Development for which consent is sought**

2.1 The application seeks consent for the erection of a storage building and classroom with toilets and additional ball stop netting on the Edisford Road boundary. The building measures approximately 19m x 10m and is a pitched roof design with maximum height of 4.9m. The building is on the northern part of the site.

2.2 The ball stop netting is to be erected above the fence and would add 1.5m to the fence making the overall height of 6m.

#### **3. Relevant Planning History**

3/2018/0372 - Creation of new artificial grass pitch (AGP) and refurbishment of existing multi use sports area with associated fencing, floodlighting, access pathways and storage units. Approved with conditions

#### **4. Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMB3 – Recreation and Tourism Development

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

## 5. **Assessment of Proposed Development**

### 5.1 **Principle of Development:**

5.1.1 The application seeks consent for the erection of a storage building and classroom with toilets and additional ball stop netting. The principle of recreational use has been established.

5.1.2 Core Strategy Policy DMB3 relates specifically to the recreation and tourism. The application site is located on the edge of a principal settlement. It is considered that the proposal is in accordance with the fundamental requirements of the Policy. Other aspects such as highway, residential amenity and visual elements of this Policy are dealt with in subsequent sections.

### 5.2 **Impact upon Residential Amenity:**

5.2.1 In relation to the proposal the use of the building as a classroom and storage building may generate some activity and associated noise but given the distances from residential properties and the existing activities it is not considered to have a harmful impact. The additional ball stop netting would not have a residential impact on properties that have a frontage onto Edisford road.

### 5.3 **Visual Amenity/External Appearance:**

5.3.1 The proposed building is of a modest size and would 'read' as part of the wider leisure complex at this site. The additional height of ball stop netting would not have a harmful visual impact and would be partly screened from Edisford Road by existing tree cover.

5.3.2 In view of the above, it is considered that the proposed developments, would be sympathetic and in keeping with the surrounding landscape and buildings in accordance with Key Statement EN2 and Policy DMG1 of the Core Strategy.

### 5.4 **Highway Safety and Accessibility:**

5.4.1 No objection has been received from the highway authority and as such it is not considered that the proposed development would adversely impact on highway safety.

## 6 **Observations/Consideration of Matters Raised/Conclusion**

6.1 Considering all of the above and having regard to all material considerations and matters raised, the proposed pitches and associated works would have an acceptable relationship with the surrounding area in terms of both residential and visual amenity, and subsequently the application is recommended for approval, subject to conditions.

**RECOMMENDATION:** That the application be APPROVED subject to the imposition of the following condition(s):

*Time*

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

*Plan related*

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Elevations and Location Plan	ESCP-002 Rev A
Floor Plan	ESCP-003
Ball stop Netting Plan	RVBCR019-5

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

*Materials*

3. Notwithstanding the submitted information full details of all materials to be used on the external surfaces of the building hereby approved shall have been submitted to and approved in writing by the Local Planning Authority prior to their use on site. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality.

BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2019%2F0097](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0097)

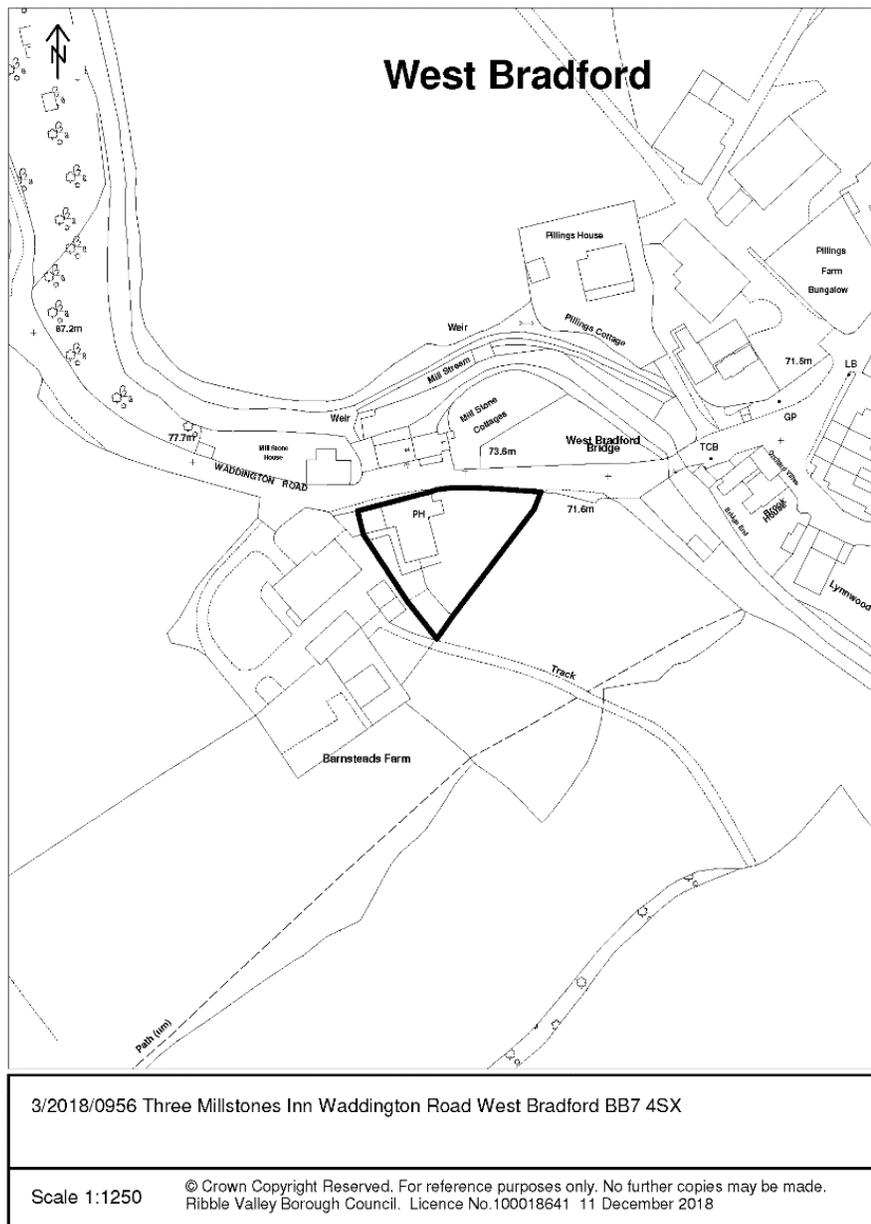
**C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL**

**APPLICATION REF:** 3/2018/0956

**GRID REF:** 374153 444412

**DEVELOPMENT DESCRIPTION:**

APPLICATION FOR RETENTION OF UNAUTHORISED ALTERATIONS AND NEW WORKS AT FIRST FLOOR TO CREATE FIVE GUEST BEDROOMS AT 3 MILLSTONES INN WADDINGTON ROAD, WEST BRADFORD BB7 4SX.



## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

No observations received.

### **LCC HIGHWAYS:**

Object on the basis of insufficient parking that would lead to reliance for on street parking to the detriment of highway safety and residential amenity. The proposal and existing use would require a minimum of 24 spaces.

### **LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE (LAAS):**

Originally raised concern but following additional information in a revised heritage statement accept the findings and consider the impact on the historic fabric to be minor and that no archaeological recording is required.

#### **1. Site Description and Surrounding Area**

- 1.1 The site is within the settlement boundary of West Bradford and on the edge of boundary and a Grade II Listed Building. The building itself has a direct road frontage on to Waddington Road and it has car park at the rear and side. A new build holiday accommodation block is at the rear of the main public house.

#### **2. Proposed Development for which consent is sought**

- 2.1 The application seeks consent to utilise the first floor of the public house to create 5 letting rooms associated with the existing business as well as two new rooflights.

#### **3. Relevant Planning History**

3/2-014/0614 Erection of 2 Storey holiday let/hotel accommodation block comprising 5 ensuite bedrooms to the rear. Approved

#### **4. Relevant Policies**

Ribble Valley Core Strategy:  
Key Statement EN5 – Heritage Assets

Policy DMG1 – General Considerations  
Policy DME4 – Protecting Heritage Assets  
Policy DMB1 – Supporting Business Growth and Local Economy

National Planning Policy Framework (NPPF) (July 2018)  
National Planning Practice Guidance (NPPG)  
Planning (Listed Building and Conservation Areas) Act 1990

#### **5. Assessment of Proposed Development**

##### **5.1 Principle**

5.1.1 It is considered that the principle of allowing an existing business in a location within the settlement boundary of a Tier 2 settlement such as West Bradford is acceptable and compliant with key Statements EC1 and EC3 which generally seek to support business growth and Policies DMB1 and DMB3 which support schemes that boost the local economy.

## 5.2 Visual

5.2.1 In relation to visual impact it is considered that the introduction of the new rooflights to replace the existing ones would not have a harmful impact to the building or the wider locality.

## 5.3 Highway

5.3.1 In considering the highway implications it is important to have regard to the observations of LCC as the Local Highway Authority. Following clarification it is evident that the proposal would result in a lack of dedicated off street parking spaces. The site provides for 17 spaces whereas the requirement should be 24 spaces.

5.3.2 Further clarification has been sought from LCC on this matter on the basis that this would be the only reason for refusal and it has been confirmed that the lack of off street parking would warrant refusal of the application in this case.

## 5.4 Amenity

5.4.1 The amenity issues to consider relate to the possible burden of on street parking in the locality and its impact on local residents. It is accepted that this may arise but it is more appropriately considered as a highway concern that would lead to driver frustration.

## 5.5 Other Matters:

5.5.1 It is acknowledged that it important to consider the economic benefits associated with the proposal. A supporting letter has been included with the application which suggests that the proposal may result in further employment at the site. It would also add to the range of tourism facilities to the borough and the resultant expenditure. Furthermore it would help retain the existing business and enable the Public House to retain open which is a challenge within rural areas.

## 6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 In accordance with s.38(6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Adopted Core Strategy), unless material considerations indicate otherwise.

6.2 The development would have associated economic and tourism benefits however within this location the lack of on-site parking facilities would lead to on-street parking on narrow streets within a village environment which is not considered acceptable from a highway safety perspective. As such the associated benefits of this scheme do not outweigh the relevant planning policies in this case.

**RECOMMENDATION:** That Planning permission be REFUSED for the following reason:

1. The proposal would result in on-street parking to the detriment of both highway safety and residential amenity and as such be contrary to Policy DMG1 of the Core Strategy.

INFORMATIVE: This refusal relates to Plan references PHA/3M/1000A received 18/01/19 and Location Plan submitted with the application.

### **Update following 7 February Planning and Development Meeting**

On the 7 February 2019 Committee were Minded to Approve the application on the basis that any highway harm is outweighed by the economic and public benefit resulting from the development. Should this remain the wish of the Committee the following conditions are suggested.

1. The works to which this application relates shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:

- Proposed First Floor Plan PHA/3M/1000A received on 18/01/19
- Site Layout Plan Drwg No 103
- Site Location Plan

REASON: To ensure that the development as carried out does not vary from the approved plans.

3. Precise specifications of proposed rooflights, internal doors and partitions shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed development. The approved details shall be implemented within the development in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal safeguards the special architectural and historic interest of the listed buildings.

4. Prior to the first use of the five guest bedrooms shall be laid out in accordance with site layout plan Drwg No 103 and made available in all respects prior to the first use of the five guest bedrooms and thereafter retained (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

REASON: Concerns have been raised in respect of the level of parking at the property and the details are required to ensure that off-street parking provision is maximised within the site.

### **BACKGROUND PAPERS**

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0958](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0958)

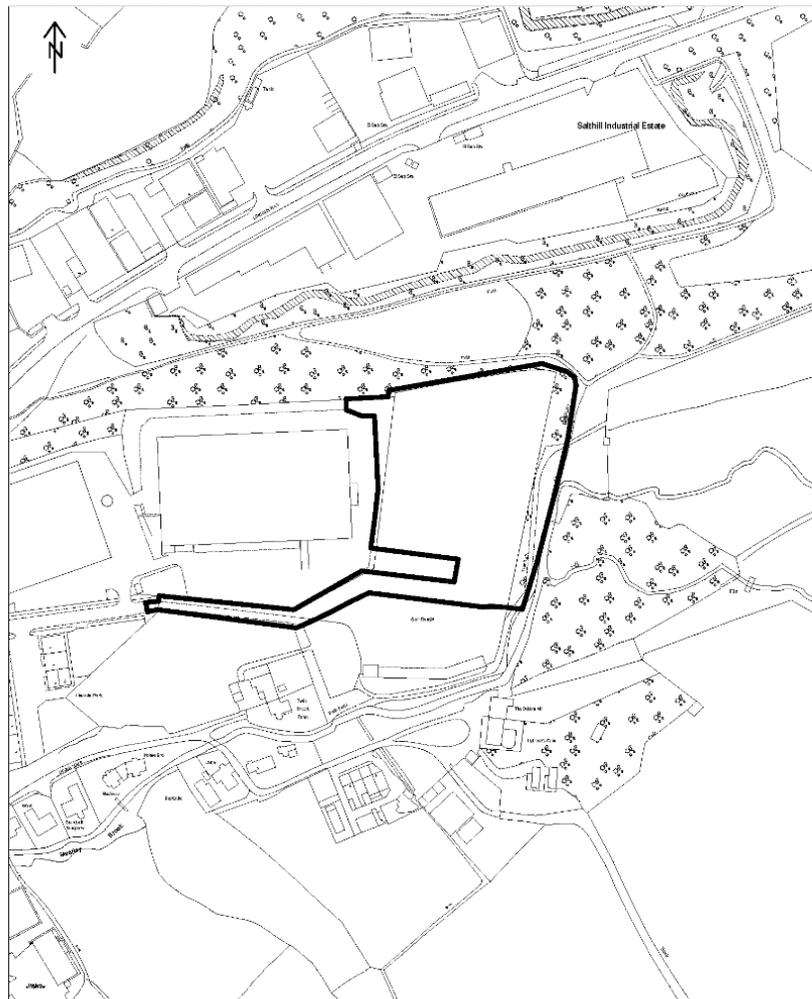
**D APPLICATIONS ON WHICH COMMITTEE 'DEFER' THEIR APPROVAL SUBJECT TO WORK 'DELEGATED' TO THE DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED**

**APPLICATION REF:** 3/2018/0236/P

**GRID REF:** SD375503 4423192

**DEVELOPMENT DESCRIPTION:**

PROPOSED ERECTION OF 27 LIGHT INDUSTRIAL UNITS, 8 OFFICE UNITS AND ASSOCIATED ACCESS, PARKING AND ANCILLARY WORKS AT FORMER GOLF DRIVING RANGE, UP BROOKS, LINCOLN WAY, CLITHEROE



3/2018/0236 Land at former golf driving range Lincoln Way Clitheroe BB7 1QD

Scale 1:2500

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## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **TOWN COUNCIL:**

No objections.

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

No objection based on the amended plans and subject to imposition of appropriate conditions.

### **ENVIRONMENT AGENCY:**

Following details and correspondence no longer object to the proposal.

### **LOCAL LEAD FLOOD AUTHORITY (LLFA):**

Have commented that they do not have sufficient information in order to provide comments on the proposed development. The additional information has been requested from the applicant's agent.

### **ADDITIONAL REPRESENTATIONS:**

None.

#### **1. Site Description and Surrounding Area**

1.1 The site is located on the east side of Clitheroe and adjacent to the Up Brooks employment site. Access to the site is from Salthill Industrial Estate and the land is adjacent to the other industrial buildings and on a former golf driving range. The land to the north and east is designated as a Site of Special Scientific Interest known as Salthill and Bellman Quarry.

#### **2. Proposed Development for which consent is sought**

2.1 The proposal is a detailed application for the erection of 27 light industrial units and an office building with 8 units together with estate road, car parking and landscaping. The application is an amendment to a previously approved scheme excluding an area that has been significantly completed. It involves the subdivision of a previously consented large building with minor redesign and the erection of additional buildings adjacent to previously consented buildings. There are 4 blocks of buildings. The total gross floor area will be approximately 4,650m<sup>2</sup> a reduction of approximately 1800m<sup>2</sup>. The changes have resulted in a response from market demand to provide for smaller units. Parking spaces are distributed throughout the site and there is a landscape buffer around the north east and south site and additional planting within the adjacent land proposed two allow for sufficient biodiversity gains.

2.2 The buildings are designed of a traditional industrial nature and would incorporate a mixture of brickwork and cladding with similar materials to that used in the adjacent locality. The maximum height of the buildings is now lower than the consented scheme. The buildings have numerous roller shutter doors to enable lorries to access the building and on first floor will have office accommodation and a range of window openings. The

roof is punctuated with solar panels which will enable a degree of renewable energy mechanisms to be employed on the site.

2.3 The proposal provides for car parking in various locations adjacent to the proposed buildings as well as turning facilities and an element of landscaping to be punctuated within the parking bays.

2.4 The proposed use is a mixture of light industrial and office.

### 3. **Relevant Planning History**

3/1997/0039 - Golf driving range. Approved.

3/2015/0159 – 21 industrial units and associated infrastructure. Approved

### 4. **Relevant Policies**

*Ribble Valley Core Strategy*

Key Statement DS1 – Settlement Strategy.

Key Statement DS2 – Presumption in favour of Sustainable Development.

Key Statement EN2 – Landscape.

Policy DMG1 – General Considerations.

Policy DMG3 – Transport and Mobility.

Policy DME2 – Landscape Protection.

Policy DME1 – supporting Business Growth and Local Economy.

National Planning Policy Framework 2019

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

#### 5.1 **Principle**

5.1.1 The planning policy context for this application is set out within the National Planning Policy Framework and, at local level, by the Core Strategy. The Core Strategy is the starting point for decision-making within the borough which sets out the vision for the borough and how sustainable development will be developed.

5.1.2 The overall development of the Strategy is set out in Key Statement DS2 which aims to promote development in most suitable locations in the borough. It is clear that the site is located in what can be regarded as a sustainable location being within the key settlement of Clitheroe closely related to the existing employment site.

#### 5.2 **Highway Safety and Accessibility**

5.2.1 Given the similarities between the proposed development and the consented development the Highway Engineer has commented that the previous comments made are still applicable and can be dealt with via planning conditions. Some points of clarification were dealt with via the submission of an amended layout.

5.2.2 The Highway Engineer has however requested that the mobility standard parking spaces numbered 34 and 35 (adjacent to Building 3) are omitted as these have poor visibility when exiting. The spaces could, however be accessed via the adjacent service yard.

5.2.3 No objection is raised subject to the imposition of suitable conditions.

### 5.3 Landscape, Tree and Visual Impact

5.3.1 The site is located on the former Golf Driving range on the edge of one of the main industrial employment areas of Clitheroe. It is also adjacent to open countryside and in close proximity to a Site of Special Scientific Interest and the Salthill Quarry Local Nature Reserve.

5.3.2 A detailed arboricultural report has been submitted with the application. It has indicated that the development would result in a loss of 7 individual trees, 5 groups and a hedgerow all located throughout the site. The scheme shows the provision of extensive new tree planting within the site and has been amended to now include land on the outside of the site for additional planting to now demonstrate a net gain in biodiversity. As this parcel of land is outside the site boundary and should not be affected by construction traffic it is appropriate to request that this should be implemented in the next available planting season following consent being issued.

### 5.4 Ecology

5.4.1 The ecology report has been amended to take into account ecological mitigation measures. The habitat to be lost comprises of intensively managed agricultural improved pasture of low ecological value and as such the onsite mitigation including new planting coupled with the offsite mitigation is acceptable and would be able to demonstrate a net gain in biodiversity.

### 5.5 Flood Risk and Drainage

5.5.1 Whilst this site has full planning permission and works on site have commenced the Lead Local Flood Authority are unable to provide comments on the proposed development due to insufficient information. This information has been requested from the applicant's agent but to date has not been forthcoming.

### 5.6 Residential Amenity

5.6.1 The proposed development will extend into the landscape with buildings which are visible within the surrounding area. However the development is a sufficient distance away from any residential properties to ensure that no adverse impact, by virtue of loss of light or by being unduly oppressive, is created.

5.6.2 In terms of residential amenity it is also important to have particular regard to the noise impact caused by the new development. The proposed development incorporates light industrial uses and office buildings which can be accommodated in residential areas without detriment to residential amenities.

5.6.3 Whilst the proposed development, when compared to the consented development, results in the creation of additional units which may result in a change to traffic movements and associated noise disturbance it is not considered that the changes will be harmful to warrant refusal.

5.6.4 The Councils Environmental Health Officer has advised that they have no objection subject to appropriate conditions and based on details contained in the submitted noise and acoustic report. The proposal also includes an acoustic fence along part of the boundary and additional planting.

## **6. Observations/Consideration of Matters Raised/Conclusion**

6.1 The proposal is for a significant employment scheme adjacent to what can be regarded as the main industrial area of Clitheroe and would represent a logical extension to the area. Although the buildings will be visible the impact will be localised, the site already has consent for large industrial buildings and given the backdrop of existing buildings the development is considered to be acceptable. The scheme will provide the opportunity for significant employment benefits in one of the Key settlements.

## **7 Update Report**

7.1 This application was originally reported to Planning and Development Committee on the 29/11/2018 and deferred and delegated subject to resolution of outstanding consultee response and appropriate conditions.

7.2 It is evident from a site visit that significant work has commenced on site although it is not clear whether the work relates to the current application or a previous extant consent. Whilst the information requested by the Flood Authority has been sought on several occasions it is still not forthcoming. This application was submitted in June 2018 and in the interests of moving matters forward officers considered that making a positive recommendation to Committee was the most productive way forward.

7.3 As work has commenced and although the applicant has yet to confirm the nature of the works the application is now part retrospective and as such some conditions have been altered since the original report.

7.4 It is most disappointing that the applicant has not provided additional information to allow a consent to be issued and the options remain to defer and delegate and be mindful that works appear to continue on site or to refuse the application on grounds of insufficient information in relation to drainage matters. In this instance and having regard to all issues it is considered appropriate to reissue the previous recommendation.

**RECOMMENDATION:** That the application be DEFERRED and DELEGATED to the Director of Economic Development and Planning for approval to the following conditions and any additional conditions or changes to proposed conditions resulting from further response from the LLFA:

1. The development hereby permitted shall be carried out in accordance with the details shown on drawing Nos:

Location Plan ALP/19- DWG 00

Site Layout Plan ALP/19/DWG 20A Issue A

Proposed Site Plan/Roof Plan ALP/19/DWG 09 in relation to roof details only.

Proposed Elevations for Building 3 ALP/19/DWG 08  
Proposed Elevations Buildings 4 & 5 ALP 19/DWG 04  
Proposed Elevations Buildings 6 ALP 19/DWG 06  
Proposed Elevations Buildings 7 ALP 19/DWG 05

Proposed Floor Plan for Building 3 ALP/19/DWG 08  
Proposed Floor Plan for Buildings 4 & 5 ALP/19/DWG 04  
Proposed Floor Plan for Building 6 ALP/19/DWG 06  
Proposed Floor Plan for Building 7 ALP/19/DWG 05

Proposed Drainage Plan 16004/D100  
Finished floor levels plans Drawing Alpe 14b / dwg 02 Amendment F.  
Site Layout Plan Alp/19/Dwg 20A Revision A

REASON: For the avoidance of doubt and to clarify which plans are relevant and to ensure that the development is carried out in accordance with the approved plans.

### *Drainage*

2. Notwithstanding any indication on the approved plans, no development approved by this permission shall be occupied 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, prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking /servicing areas should be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

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

3. The development permitted by this planning permission shall only be carried out in accordance with the submitted Flood Risk Assessment (FRA) with subsequent amendments and the following mitigation measures detailed within the FRA:
  - a). Finished floor levels are set no lower than stated on Drawing Alpe 14b / dwg 02 Amendment F.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

REASON: To reduce the risk of flooding to the proposed development and future occupants and in order to protect the residential amenities of the occupiers of the adjacent properties.

### *Lighting*

4. Prior to the occupation of any unit hereby approved details of external lighting, including details of the location and height of columns, wall-mounted lighting units, bollards and ground lighting, and the intensity of illumination shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall be supported by a light spillage assessment for all of the proposed external lighting to demonstrate the extent of illumination created. Thereafter the external lighting shall be implemented in accordance with the approved details.

REASON: In the interests of the amenity of the area and to ensure there is no unacceptable light spillage that would have an adverse impact on light pollution or disturbance to local residents.

### *Landscaping*

5. Notwithstanding the submitted details, full details of a proposed landscaping scheme, including the off site land shown on plan reference ALP/19 Dwg 20A Rev A, shall be submitted to and approved in writing by the local planning authority within 3 months of the date of this consent.

The landscaping scheme shall indicate as appropriate the types and numbers of trees and shrubs; their distribution within the site; those areas to be seeded, turfed, paved or hard landscaped including details of any changes of level or landform and the types and details of any boundary fencing or screening within the site and along its perimeter.

Details of the means of protection during development works of all hedgerows and trees identified for retention in that phase, shall also be submitted for the Council's written approval in accordance with BS5837: 2012 '*Trees in relation to design, demolition and construction*' or equivalent, unless otherwise agreed. The agreed protection measures shall be put in place and maintained during the construction period of the phase of development.

The approved landscaping scheme shall be implemented in the first planting season following completion of the external buildings and road infrastructure and shall be maintained thereafter for a period of not less than 15 years to the satisfaction of the local planning authority. This shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those original planted.

REASON: In the interests of the amenity of the area and to ensure adequate landscaping on and off site offer visual enhancement and biodiversity improvement.

### *Amenity*

6. A Construction Method Statement shall be submitted to and approved in writing by the local planning authority within 3 months of the date of this consent. The approved statement shall be adhered to throughout the construction period. It shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. The loading and unloading of plant and materials
  3. The storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding
  5. Wheel washing facilities

6. Measures to control the emission of dust and dirt during construction
7. Measures to manage surface water and prevent pollution

REASON: In the interests of the amenity of the area and highway safety.

7. No construction work, construction traffic or operation of any plant/machinery shall take place on the site during the course of the development hereby approved except between the hours of 0800 hours and 1800 hours Monday to Friday and 0900 and 1300. No construction work, construction traffic or operation of any plant/machinery shall take place on Sundays or Public Holidays. Furthermore, no deliveries or vehicles shall arrive on site outside these stipulated working works.

REASON: In order to protect the residential amenity of the occupiers of the adjacent properties from noise disturbance.

8. The working hours within the premises shall be restricted to the period from 0700 to 1900 Mondays to Saturday. No work shall be undertaken in the buildings on Sundays, Bank or Public Holidays.

REASON: In order to protect the residential amenity of the occupiers of the adjacent properties from noise related activities.

9. There shall be no deliveries to the site or collections from the site between the hours of 1900 and 0700 hours.

REASON: In order to protect the residential amenities of the occupiers of the adjacent properties.

10. No goods, plant or materials shall be deposited or stored on the site other than in the buildings shown on the approved plans.

REASON: To ensure a satisfactory appearance of the site in the interests of local visual amenity and in the interests of the amenities of nearby residents.

11. No goods, plant or material shall be displayed for sale in the open on the site.

REASON: To ensure a satisfactory appearance of the site in the interests of local visual amenity and in the interests of the amenities of nearby residents.

### *Highways*

12. The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

REASON: To allow for the effective use of the parking areas in the interest of highway safety.

13. Prior to the occupation of any unit within the development hereby permitted full details of cycle and motorbike facilities to serve that unit shall be submitted to and approved in

writing by the Local Planning Authority. The approved cycle parking shall be provided in all respects and made available for use prior to the occupation of the unit in accordance with the approved details and shall thereafter be retained.

REASON: To allow for the effective use of the parking areas the promotion of sustainable forms of transport and aid social inclusion in the interest of highway safety.

14. Within 3 months of this planning approval a scheme for the construction of the site access and the off-site works of highway improvement shall be submitted to, and approved in writing by, the Local Planning Authority.

REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

15. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in condition 14 above has been constructed and completed in accordance with the approved scheme details.

REASON: In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy or trading in the interest of highway safety.

16. Prior to the occupation of the units hereby approved the new estate road/access between the site and the existing carriageway linking in to Lincoln Way shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads.

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

#### INFORMATIVE

The applicant is advised of the need to enter into a S278 Agreement of the Highways Act 1980 Act 1980 with the LCC in relation to waiting restrictions required for the access onto Lincoln way and improvements to the public rights of way.

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0236](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0236)

**APPLICATION REF: 3/2018/0914**

GRID REF: SD 373571 436510

**DEVELOPMENT DESCRIPTION:**

ERECTION OF 188 NEW DWELLINGS INCLUDING MEANS OF ACCESS AND ASSOCIATED WORKS. TO INCLUDE 57 AFFORDABLE DWELLINGS (29 AFFORDABLE RENT AND 28 SHARED OWNERSHIP). LAND OFF CLITHEROE ROAD WHALLEY (LAWSONSTEADS PHASE 2) BB7 9RG



3/2018/0914 Land off Clitheroe Road Whalley (Lawsonsteads phase 2) BB7 9RG

Scale 1:2500

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## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **WHALLEY PARISH COUNCIL:**

Whalley Parish Council have raised no objection to the proposed development.

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

The Highways Development Control Section have made a number of representations during the course of the application but have raised no objection to the proposed development subject to the imposition of conditions relating to traffic management during the construction phase of the development.

The Highways Development Control section have also advised that the upper quantum of development to be constructed/occupied should be limited until the A671 Link Road (base course level) and signalised access are in place and available for use.

### **LAAS (LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE)**

LAAS have confirmed they have no objection to the proposal subject to the imposition of conditions requiring that a phased scheme of archaeological works be submitted prior to the commencement of development.

### **UNITED UTILITIES**

No objection subject to the imposition of conditions relating to the following matters:

- Details of the means of ensuring the water mains that are laid within the site boundary are protected from damage as a result of the development.
- The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage details

### **LLFA**

The Lead Local Flood Authority have raised no objection to the proposal subject to the imposition of conditions requiring the submission of a further Surface Water Drainage Scheme and a Construction Phase Surface Water Management Plan.

### **ENVIRONMENT AGENCY**

The Environment Agency have no objection to the proposal and advise that as a small part of *the application site to the west is located within Flood Zone 3 and Flood Zone 2 on the Environment Agency Flood Map for Planning that a Flood Risk Assessment should have been submitted but defer to the Lead Local Flood Authority (Lancashire County Council), as the lead statutory consultee for major developments with surface water flooding impacts.*

### **LCC CONTRIBUTIONS**

LCC Contributions (education) have offered the following assessment in respect of the developments impact upon educational provision within the catchment area of the development.

### **Primary Places**

*Latest projections for the local primary schools show there to be a shortfall of 74 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document (or equivalent), which already have planning permission.*

*With an expected yield of 33 places from this development the shortfall would increase to 107. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 33 places.*

### **Secondary Places**

*Latest projections for the local secondary schools show there to be a shortfall of 35 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission.*

*With an expected yield of 16 places from this development the shortfall would increase to 51. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 16 places.*

*Based upon the latest methodology, this results in a request for educational contributions as follows:*

*Primary Places: £15,753.31 x 33 places = £519,859.23*

*Secondary Places: £23,737.28 x 16 places = £379,796.48*

### **ADDITIONAL REPRESENTATIONS:**

Twenty seven letters of representation have been received objecting to the proposal on the following grounds:

- Increased flood risk
- Increase in housing numbers
- Increase in traffic
- Loss of privacy
- Loss of habitat
- Highways at capacity within the local area
- Density of the development is too high
- Overbearing impact
- Design of the dwellings is not in keeping with the area

#### **1. Site Description and Surrounding Area**

- 1.1 The application relates to a 10.28 Ha area of land located to the eastern extents of Whalley, being located within the draft settlement boundary. The northern extents of the site is bounded by Oakhill College and associated playing fields. The site also extends

in a southerly direction incorporating an area of land that is bounded by Woodlands Park and Sydney Avenue.

- 1.2 Leading from Brookes Lane is a public right of way which extends in a south easterly direction towards Spring Wood that dissects the site. Part of Spring Wood – a designated County Biological Heritage Site and Ancient Woodland abuts the eastern boundary of the application site alongside the A671.
- 1.3 TPO No 1 1957 covers trees throughout the site with the Haweswater Aqueduct running northwest/southeast through site from Hayhurst Road to Spring Wood. There is a pumping station located at the south eastern corner of the site. Whilst outside the application site, there is a reserved access corridor across the site between the facility and Brookes Lane. The site is green field in nature and benefits from variations in topography with the northern extents of the site rising west to east from Springwood Drive/Fountain Way to the eastern boundary with the A671.

## 2. **Proposed Development for which consent is sought**

- 2.1 Full consent is sought for the erection of 188 dwellings including the formation of a signalised junction access point off the A671, access off Springwood Drive/Fountain Crescent and the provision of affordable/over 55's housing and associated green infrastructure.
- 2.2 The submitted details propose that the development will consist of two distinct development parcels, both of which are physically separated by a central linear park with a north to south link road providing pedestrian and vehicular interconnectivity between the parcels. Integral to the proposal is the provision of a link-road that will connect Springwood Drive to the A671 through the creation of a new access point and signalised junction.
- 2.3 Public open space provision will be provided centrally within the site in the form of a linear park with further areas of usable open space being provided at the north-eastern extents of the site. It is proposed that the areas of open space will accommodate the provision of play/trim-trail equipment including a network of pedestrian/cycleway routes.

## 3. **Relevant Planning History**

**3/2013/0137** - A residential mixed use development comprising up to 260 dwellings (C3), a primary school (D1), a new vehicular link between Clitheroe Road and the A671 including creation of a new junction both onto the A671 and Clitheroe Road, car parking, open space and associated landscaping. (Approved)

**3/2014/0043** - Phase 1 reserved matters application (appearance, landscaping, layout, scale) for the erection of 54 dwellings pursuant to outline planning permission 3/2013/0137. (Approved)

**3/2015/0385** - Revised proposal for the surface water attenuation pond following groundwater monitoring, previously approved under outline planning permission 3/2013/0137. (Refused – Appeal Allowed)

**3/2015/0489** - Reserved Matters application following outline approval 3/2013/0137. Erection of 160 two, three, four and five- bedroom dwellings including the provision of 48 affordable dwellings. (Approved)

**3/2016/0064** - Two surface water attenuation balancing ponds pursuant to outline planning permission 3/2013/0137. (Refused)

**3/2016/0066** - One surface water attenuation balancing pond pursuant to outline planning permission 3/2013/0137. (Approved)

**3/2016/0276** - Erection of a surface water attenuation balancing pond pursuant to discharge of condition 17 of outline application 3/2013/0137. (Withdrawn)

**3/2017/0026** - Minor amendment to the location of revised Pond A as approved under planning permission 3/2016/0066 relating to the discharge of condition 17 of outline planning permission 3/2013/0137. (Approved)

Members will also note that in addition to the above referenced applications there are a significant number of associated discharge of condition applications which have been omitted for clarity.

#### 4. **Relevant Policies**

##### **Ribble Valley Core Strategy**

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement DMI2 – Transport Considerations

Key Statement EN2 – Landscape

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement EN5 – Heritage Assets

Key Statement H2 – Housing Balance

Key Statement H3 – Affordable Housing

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME3 – Site and Species Conservation

Policy DME4 – Protecting Heritage Assets

Policy DMB4 – Open Space Provision

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

#### 5. **Assessment of Proposed Development**

##### 5.1 **Principle of Development:**

5.1.1 The application site currently benefits from both an extant outline consent (3/2013/0137) and a subsequent extant reserved matters consent (3/2015/0489). The time period for within which any further reserved matters, pursuant to the outline consent can be submitted, has now since expired and as such the current application is made in full.

5.1.2 Members will note that the portion of site to which the current application relates has been historically referred to as phase 2 of the development as approved

under 3/2013/0137 which in total afforded consent for the development of up to 260 dwellings across the entirety of the site (including phase 1).

- 5.1.3 Following the granting of the above referenced outline consent, a subsequent reserved matters application (3/2014/0043), pursuant to the outline approval, for the erection of 54 dwellings was approved (Phase 1). Following the granting of this consent a further and final reserved matters consent for phase 2 was approved (3/2015/0489) for the erection of 160 dwellings.
- 5.1.4 The current application, albeit a full application and not a reserved matters consent pursuant to outline consent 3/2013/0137, proposes the erection of 188 dwellings. As such, taking into account the quantum of development already constructed on site as part of phase 1 (54 dwellings), approval of this proposal would result in the erection of a total 242 dwellings across to the entirety of the site. In this respect the cumulative level of development would still be below the upper limit of 260 dwellings as approved under the umbrella of the outline consent.
- 5.1.5 Notwithstanding the above matters, the site remains a Committed Housing Site (DS1 designation), therefore the principle of the development of the site for residential purposes remains acceptable. As such it is not considered that the principle of the development therefore need be assessed for conflict with the adopted development strategy for the borough.

## 5.2 Impact upon Residential Amenity:

- 5.2.1 The proposal site has a direct relationship and interface with a number of existing dwellings within the vicinity. The southern development parcel is bounded to the south by properties that front Sydney Avenue and to the west by properties fronting Woodlands Park, with the northern development parcel directly interfacing with Springwood Drive and Fountain Way/Deer Park Crescent.
- 5.2.2 A number of representations have been received in respect of the application raising concerns in respect of the proximity of the proposed dwellings to existing properties. A number of these representations make reference to the loss of a landscape buffer, secured at outline planning stage, associated with the southern development parcel that provided an additional offset margin between the proposed development and those properties fronting Woodlands Park including 17, 19 and 21 Sydney Avenue.
- 5.2.3 However, members will note that the current application is made in full and is not pursuant to the aforementioned outline consent. In this respect there are no mechanisms available whereby the previously approved buffer could be reasonably secured regardless of it having been integral to previous unrelated consents.
- 5.2.4 Notwithstanding the above matter, the Local Planning Authority has sought to minimise and negate the impact of the southern development parcel upon existing adjacent occupiers through negotiation and engagement with the applicant. As a result, revised details have been submitted that result in the southern development parcel benefitting from following off-set and interface distances with existing dwellings:

- Interface distances ranging between 21.5m to 25.6m between proposed dwellings and those located to the east that front Woodlands Park. These distances are inclusive of offset distances ranging from 10.5m to 12m measured from the proposed dwellings to the rear boundaries of the existing properties, with this offset margin also including a landscaped buffer zone.
  - Interface distances ranging between 28.8m and 31m between proposed dwellings and those located to the south that front Sydney Avenue. These distances are inclusive of offset distances ranging from 10.5m to approximately 14.5m measured from the proposed dwellings to the rear boundaries of the existing properties.
- 5.2.5 Members will note that the majority of the proposed dwellings that will have a direct relationship with the properties located on Woodlands Park are to be bungalow house-types which will further limit and mitigate their impact upon existing residential receptors by virtue of their reduced height. In addition, the Local Planning Authority has secured a 3m landscaped buffer margin to the rear of numbers 31-38 Woodlands Park to provide an increased notion of privacy and degree of separation from proposed rear garden areas. It is proposed that this landscaped margin will be privately maintained by a third party management company given it does not fall within private residential curtilage.
- 5.2.6 In respect of the properties that front Sydney Avenue to the south, there are clear and significant variations in land-levels between existing development and that which is proposed. The site conditions are such that the topography of the proposal site, where it is proposed that dwellings are to be located, is higher than the levels associated with the residential curtilages of the neighbouring existing dwellings. Taking into account the variations in topography, the authority has secured increased off-set distances between properties that range between 28.8m and 31m to mitigate the potentially unsympathetic relationship resultant from the elevated nature of the proposed dwellings and to mitigate any loss of privacy that may be resultant from direct overlooking from an elevated position.
- 5.2.7 The majority of the proposed dwellings located in the northern development parcel largely follow the inherent building lines established by already built development, acting as a continuation of the existing frontage of properties fronting Springwood Drive and those off Fountain Way/Deer Park Crescent. As a result it is not considered that these relationships will result in any detrimental impact upon existing or future residential amenities.
- 5.2.8 A number of the proposed dwellings also have a direct relationship with the existing dwellings located off the northernmost cul-de-sac of Deer Park Crescent. However the proposed dwellings in this area are orientated in a manner that protects the residential amenities of both existing and future occupiers through the use of oblique relationships, with adequate offset distances also being employed.
- 5.2.9 In respect of the configuration and layout of the main body of the proposed development itself, a number of amendments have been secured in respect of

ensuring that adequate spatial offset distances are provided between each of the proposed dwellings.

5.2.10 As a result and taking into account the aforementioned spatial relationships and interface distances, it is not considered that the proposal will have any undue detrimental or negative impact upon existing or future residential amenity by virtue of an over-bearing impact, loss of light or direct loss of privacy.

### 5.3 Matters of Design/Visual Amenity:

5.3.1 The proposal has been subject to extensive pre-application negotiation and extensive engagement during the course of the determination of the application. As such there have been a number of amendments proposed to not only the proposed housing but also in respect of revisions to the public realm and usable open space elements of the proposal.

5.3.2 It is proposed that the dwellings will be brought forward in a multitude of forms including detached, semi-detached and terrace forms. The proposed dwellings are predominantly two-stories in height save that for 10 single-storey bungalows.

5.3.3 Negotiation during the course of the application has resulted in amendments to the overall elevational language of the proposed dwellings. As a result the proposed dwellings now employ variations in elevational arrangements to ensure the development, when read as a whole, does not appear overtly homogenous or mono-cultural.

### 5.4 Highway Safety and Accessibility:

5.4.1 The Highway Development Control section have made observations during the course of the application relating to the highways arrangement of the proposal. These observations have resulted in the submission of amended details to take into account and mitigate original concerns relating to the internal highways arrangement and to allow for the ability for vehicles to adequately manoeuvre within the site.

5.4.2 Integral to the proposal is a link road to the A671 which runs east to west through the site, whereby it directly interfaces with the Springwood Drive. It is proposed that a signalised access will be formed off the A671 Whalley Bypass to allow for use not only by residents of the proposed development but also the wider community of Whalley.

5.4.3 Significant work has been undertaken to ensure that appropriate trigger-points for the phasing and delivery of the A671 link-road are established. As such and taking account of the quantum of development proposed, it is considered imperative to ensure that vehicular movements associated with the construction of the development do not have detrimental impacts upon the safe operation of the wider highways networks within Whalley.

5.4.4 In this respect, the Local Planning Authority, in conjunction with the Highways development Control section have agreed that no more than five dwellings (including associated footways/highway) shall be constructed or any further works (with the exception of the formation of the estate spine road and

associated works to facilitate the permanent access off A671) shall be commenced until a temporary signalised access for construction traffic off the A671 Whalley Bypass is in operation and the new estate spine road between the A671 and Springwood Road has been constructed to at least base course level.

- 5.4.5 A further supplementary trigger point has been established to ensure the timely delivery of the permanent signalised access. In this respect a further condition will be imposed which stipulates that no more than 20 units (inclusive of the 5 dwellings referenced above) shall be constructed and occupied until the permanent signalised site access on the A671 has been constructed and is fully operational.
- 5.4.6 Further to the above and following the completion of the limited works associated with the construction of the 5 dwellings, it will be requirement, imposed via condition, that no vehicles associated with any further construction or site preparation shall access the site via Springwood Drive or Fountain Way.
- 5.4.7 It has also been agreed that a condition will be imposed that will require the applicant to submit a Traffic Management Statement/Plan. It will be required that the submitted information will provide details for a management plan that will include provisions to ensure access/egress via Springwood Drive/Fountain Way be maintained for future residents of the development for the duration of the construction phase.
- 5.4.8 Further to the above, a Traffic management Statement/Plan will also be required to be submitted and it will be required that the statement include precise details as to what measures will be put in place to preclude access/egress to Springwood Drive/Fountain Way by construction vehicles. It is considered likely that this will be in the form of a temporary site hoarding that will be relocated on phased basis, or as dwellings reach completion or are occupied. This will effectively separate those parts of the site that are habitable from those that are under construction.
- 5.4.9 LCC Highways have also requested that financial contributions towards necessary off-site highways works be secured within the s106 agreement as follows:
- Improvements to zebra crossing £15,000 to supplement existing contributions to convert the existing crossing to a puffin crossing
  - De-cluttering of unnecessary signing and lining £30,000

This will result in a contribution of £45,000 which will be enshrined within the s106 agreement and will be payable upon the occupation of the 26<sup>th</sup> dwelling/unit. Consideration is being given as to whether this request could be a pre-commencement condition or within a Section 106.

## 5.5 Landscape/Ecology:

- 5.5.1 The application is accompanied by an Ecological Appraisal which identifies that the proposal is not expected to result in any significant adverse impacts upon habitats for protected species. However the report identifies that a damaged pedunculated Oak tree onsite offers moderate bat roosting potential. As such,

further surveys to identify the presence or likely absence of these species will be required prior to any works being undertaken on the tree or any other works within 5m of the tree. Should the need for further survey work be triggered it is recommended that two-nocturnal survey be undertaken to determine the presence/ likely absence or roosting bats and the requirement for any mitigation. The report further recommends that such surveys should be undertaken between May-August (inclusive), with at least two weeks between survey visits.

- 5.5.2 Given the presence of significant linear landscape features adjacent and within the site, including well established hedgerow/woodland, it is considered likely that the site is utilised for foraging/feeding of bats/birds and potentially nesting/roosting. As a result, a condition will be imposed requiring the proposal to provide provision for building-integral nesting and roosting opportunities for bats and birds. This will not only assist in mitigating the impact of the development upon existing species population, but also allow for provisions to be brought forward to accommodate increases in local bat/bird population in compliance with Key Statement EN4 which requires a net enhancement in biodiversity.
- 5.5.3 Further to the requirement to provide integral provision for bats and birds, conditions will also be imposed that will require all boundary treatments to include suitably sized gaps at ground level to allow for the creation of wildlife corridors and allow for wider wildlife movement and connectivity, not only within the site, but also with the wider area.
- 5.5.4 At the early stages in the determination of the application it was established that the proposal should play an overall role in the enhance of the central linear country park which has already been partially established through the construction of phase 1 of the previous outline consent. As such, negotiation has secured an extensive network of footpath/cycleways within the main body of the site, with peripheral routes also being provided to enable access to areas of open land to the eastern extents of the site.
- 5.5.5 The submitted details now propose that cycleways/footways will directly interface with the existing public right of way that runs east to west through the site. It is further proposed that a number of cycleways will not only be integral to the highway construction but that also a number of routes will be provided throughout the central and eastern areas of usable public open space. In addition to these routes, negotiation has secured the extensive provision of trim-trail and play-equipment which will be intermittently located throughout the routes. The equipment will also be complimented by pockets of mixed landscaping/tree-planting to counter the potentially linear appearance of the route upon the landscape and allow for a varied user experience for walkers and cyclists.
- 5.5.6 Conditions will be imposed that will require a phasing plan for the delivery of the usable open space to be submitted prior to the commencement of development. This will ensure that adequate usable space is brought forward in an appropriate phased manner to serve occupiers/residents of the development and the wider community.

## 5.6 Affordable Housing Provision:

5.6.1 The submitted details propose a housing mix which is in compliance with Key Statement H3 in respect of affordable housing provision. Members will recall that Key Statement H3 requires that 30% of the proposed housing provision should be affordable and that 15% of the overall number of dwellings on site should be for occupation by those over 55 years of age with half of this provision being provided within the affordable element, with the remainder being provided on an open market basis.

5.6.2 The submitted housing mix proposes the provision of 29 affordable rent units and 28 shared ownership. The affordable rent element of the proposal will include the provision of 8 dwellings for those aged 55 or over, with the shared ownership element also providing 8 dwellings for those aged 55 or over, equating to 16 affordable units for those aged over 55 (8.5% of overall housing provision). The remainder of the over 55's housing provision will be open market with 12 units being provided (6.4% of overall housing provision).

5.6.3 The over 55's housing provision will be provided as follows:

Shared Ownership:

2 x 2 Bedroom two-storey dwellings  
4 x 3 Bedroom two-storey dwellings  
2 x 2 Bedroom bungalows

Affordable Rent:

2 x 3 Bedroom two-storey dwellings  
1 x 2 Bedroom two-storey dwelling  
4 x 2 Bedroom single level apartments  
1 x 1 Bedroom single level apartment

Open Market:

2 x 3 Bedroom two-storey dwellings  
2 x 2 Bedroom two-storey dwellings  
8 x 2 Bedroom bungalows

5.6.4 Further to the above, the applicant has stated that they may provide in excess of the required 30% affordable provision. However only 30% will be subject to controls imposed via the s106 agreement. Any provision over and above the 30% will therefore be free of local connection eligibility criteria.

## 5.7 Infrastructure, Services and Developer Contributions:

5.7.1 The developer will be required to make an educational contribution of £899,655.71 towards primary and secondary school, places within the catchment area of the proposal. The amount payable has been calculated by LCC education as follows:

Primary places:

$(£12,257 \times 0.97) \times \text{BCIS All-in Tender Price (318 / 240) (Q1-2018/Q4-2008)}$

= £15,753.31 per place

£15,753.31 x 33 places = £519,859.23

Secondary places:

(£18,469 x 0.97) x BCIS All-in Tender Price (318 / 240) (Q1-2018/Q4-2008)

= £23,737.28 per place

£23,737.28 x 16 places = £379,796.48

- 5.7.2 In respect of the expenditure of the requested monies, LCC Contributions have offered the following context:

*Following an initial scoping exercise of the local schools it has been determined that Lancashire County Council intend to use the primary education contribution to provide additional primary places at Barrow Primary School and St Mary's Roman Catholic Primary School. This is the closest primary school to the development that has space to accommodate an expansion.*

*It has also been determined that Lancashire County Council intend to use the secondary education contribution to provide additional secondary places at St Augustine's Roman Catholic High School. This is the closest secondary school to the development that has space to accommodate an expansion.*

*Whilst the County Council have confirmed its intention to deliver projects at Barrow Primary School, St Mary's Roman Catholic Primary School and St Augustine's Roman Catholic High School it should be noted that this would be subject to the following:*

- *Willingness of school governing body to expand*
- *Suitability of site*
- *Planning permission & compliance with Section 77 of the Schools Standards and Framework Act 1998 and Schedule 1 to the Academies Act 2010.*
- *Consultation with local schools and the community*
- *Parental preference at the time that the places are required*
- *School standards at the time that the places are required*
- *Availability of other funding streams*

- 5.7.3 To ensure that the request for a contribution towards educational provision remains compliant with the requirements of the Community Infrastructure Levy regulations LCC Education have confirmed the following:

- There are 0 secured Section 106 pooled or proposed expenditure projects against Barrow Primary School and St Mary's Roman Catholic Primary School within the district.
- There are 2 secured Section 106 pooled (3/2017/0433, 3/2017/0573) against St Augustine's Roman Catholic High School within the district. However, please note that the secondary school has not been proposed as an expenditure project in relation to applications within the district.

- 5.7.4 Members will recall that the original outline consent (3/2013/0137) included an area of land to be set aside for the potential provision of a school. However, the

trigger point established as part of the previous legal agreement stated that the reservation period of the land, for a period of 5 years, would only be engaged prior to the occupation of 131 dwellings on site. With the reservation period being defined as a period of 5 years from the date the precise location and boundaries of the Primary School Land are confirmed and agreed by the Owner and County Council.

- 5.7.5 In relation to the above, members should therefore be aware that the granting of this consent will preclude the ability for the trigger point to be reached given the current application is not pursuant to the outline consent to which the legal agreement was integral to.
- 5.7.6 Furthermore, given the area of land that was previously intended to accommodate the school does not fall within the remit of this application, there are no mechanisms available by which such triggers could be established or imposed to ensure the area of land could now be reserved as such.
- 5.7.7 Notwithstanding the above, the Local planning Authority is aware that there is no likely reasonable prospect of phase 2 of the outline consent being brought forward, largely due to the expiration of the timeframe within which any further reserved matters can be submitted, as such it is unlikely the trigger point would be reached in any case. Further to this, LCC Contributions have confirmed that the forecast undertaken and contribution requested takes account of the likelihood that the school site will not be brought forward or delivered. As such, the contribution requested fully mitigates the impacts of the development on a standalone basis without the need for the school land being made available.
- 5.7.8 In respect of the above LCC Education have provided further context, stating that *'On review of the latest pupil project data and the current housing assessment position we would like to confirm the position in relation to this development. Whilst an Education contribution requirement is necessary to mitigate the development impact, a school site is no longer required solely from the impact of this development. We can confirm that the impact of this development on school places is expected to be addressed by the provision of additional places at existing schools. In addition, we acknowledge that the s106 trigger relating to the school land attached to the original outline application cannot be delivered due to this new application coming forward in the place of the Phase 2 RM under the original application.'*
- 5.7.9 In addition to the educational contribution the applicant will be required to make a contribution towards leisure/play facilities within Whalley. The contribution sought is based on the following occupancy ratios at a rate of £216.90 cost per person:
- 1 bed unit - 1.3 people
  - 2 bed unit - 1.8 people
  - 3 bed unit - 2.5 people
  - 4 bed unit - 3.1 people
  - 5 + bed unit - 3.5 people

The proposed housing mix on site is as follows:

- 2 x 1 bedroom dwellings

- 57 x 2 bedroom dwellings
- 80 x 3 bedroom dwellings
- 42 x 4 bedroom dwellings
- 7 x 5 bedroom dwellings

This results in a financial contribution of approximately £99,752.31. The trigger point for such payment will be subject to further negotiation and will be secured within the S106 agreement.

#### 5.8 Flood Risk and Drainage:

5.8.1 The Lead Local Flood Authority and United Utilities have stated that they have no objection to the proposal subject to the imposition of conditions which requires the submission of further drainage details/information prior to commencement.

#### 6. Observations/Consideration of Matters Raised/Conclusion

6.1 Taking account of the above matters and all material considerations it is considered that the proposal represents an appropriate form of development in a location that is in accordance with the locational aspirations of the development strategy for the borough in respect of the location of new housing.

6.2 It is further considered that the proposed development is in compliance with the requirements of the adopted development plan in respect of affordable/over 55's housing provision and the provision of usable open space.

6.3 For this reason and all other reasons outlined above, the development is considered to be in broad accordance with the aims and objectives of the adopted development plan and do not consider that there are any material overriding reasons that would warrant the refusal to grant planning permission.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Economic Development and Planning for approval following the satisfactory completion of a Legal Agreement, within 3 months from the date of this Committee meeting or delegated to the Director of Economic Development and Planning in conjunction with the Chairperson and Vice Chairperson of Planning and Development Committee should exceptional circumstances exist beyond the period of 3 months and subject to the following conditions:

#### *Timings and Commencement*

1. The development hereby approved must be begun not later than the expiration of 18 months beginning with the date of this permission.

REASON: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed within the following documentation/drawings:

- Location Plan 2001 Rev: B
- Existing Site Plan 2005 Rev: B

- Proposed Site Plan (GF Plans) AA7403 2010 Rev: D
- Proposed Unit Mix Plan (Roof Plans) AA7403 2011 Rev: R
- Proposed Material Locations AA7403 2012 Rev: D
- Proposed Surface Treatment Layout AA7403 2013 Rev: D
- Proposed Boundary Treatments AA7403 2014 Rev: C
- Proposed Boundary Layout AA7403 2015 Rev: C
- Proposed Street Scenes (Sheet 1) AA7403 2020 Rev: D
- Proposed Street Scenes (Sheet 2) AA7403 2021 Rev: D
- Proposed Street Scenes (Sheet 3) AA7403 2022 Rev: E
- Existing and Proposed Sections 01 AA7403 2030 Rev: C
- Existing and Proposed Sections 02 AA7403 2031 Rev: A
- House Type A 2050 Rev: J
- House Type B 2051 Rev: J
- House Type C 2052 Rev: J
- House Type D 2053 Rev: J
- House Type F 2055 Rev: J
- House Type G 2056 Rev: J
- House Type H 2057 Rev: J
- House Type J 2059 Rev: J
- House Type K 2060 Rev: H
- House Type L 2061 Rev: H
- Apartment Type M 2064 Rev: G
- Apartment Type N 2065 Rev: G
- Garage Types 2066 Rev: B
- PROW Interface with Proposed Paths AA7403 SK16
- Green Infrastructure Plan AA7403 L1100 Rev: K
- Sales Area AA7403 SK17
- Proposed Landscape Buffer AA7403 SK12 Rev: A
- Kompan NRO810 – Wobble Bridge
- Kompan NRO821 – Balance Posts with Rope
- Kompan NRO827 – Balance Beam on Springs
- Kompan NRO834 –Tree Climber
- Kompan NRO865 – Agility Trail 6
- Kompan FSW20100 – Parallel Bars
- Kompan FSW20200 – Dip Bench
- Kompan FSW20400 – Decline Bench
- Kompan FSW20501 – Wide Overhead Ladder
- Kompan FSW20600 – Incline Press
- Kompan FSW20700 – Multi Net
- Kompan FSW20900 – Push Up Bars
- Kompan FSW21001 – Triple Parallel Bars High
- Kompan FSW20800 – Pull Up Station
- Butterfly BX/HMP/350003
- Dragonfly BX/HMP/350007
- Tree and hedgerow Survey August 2018 18-0886.02
- Ecological Appraisal September 2018 18-0886.02
- Travel Plan – October 2018
- Transport Statement – October 2018
- Geophysical Survey August 2018

- Geo-Environmental Risk Assessment July 2018
- Geo-Environmental Assessment September 2018
- Air Quality Assessment October 2018

REASON: For the avoidance of doubt as the proposal was the subject of agreed design improvements and/or amendments and to clarify which plans are relevant to the consent hereby approved.

#### *Matters of Design*

3. Notwithstanding the submitted details, details or specifications of all materials to be used on the external surfaces of the development hereby approved shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development. The approved materials shall be implemented within the development in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality and respond positively to the inherent character of the area.

4. Notwithstanding the submitted details, details of the alignment, height, and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the development shall have been submitted to and approved in writing by the Local Planning Authority prior to their installation.

For the avoidance of doubt the submitted details shall include the precise nature and location for the provision of measures to maintain and enhance wildlife movement within and around the site by virtue of the inclusion of suitable sized gaps/corridors at ground level.

The development shall be carried out in strict accordance with the approved details. The agreed wildlife corridors/gaps shall be retained in perpetuity and thereafter remain free from obstructions which would preclude their use by wildlife.

REASON: To ensure a satisfactory standard of appearance in the interests of the visual amenities of the area and to minimise the potential impacts of the development upon protected and non-protected species through the inclusion of measures to retain and enhance habitat connectivity for species of importance or conservation concern.

#### *Landscape and Ecology*

5. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until full details of the timings and phasing of the equipping of the public open space provision, play areas and delivery of the trim-trail/cycle-ways has been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt the submitted details shall provide the details of the numbers of dwellings, within a phase, to be constructed/occupied prior to each area of usable public open space becoming fully equipped/available for use. The provision and equipping of such areas shall thereafter be carried out in strict accordance with the approved details including the agreed timetable for implementation.

REASON: To ensure the adequate provision for public open space and play areas is brought forward in an appropriate phased manner to serve occupiers/residents of the development and wider community.

6. The landscaping proposals hereby approved shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 10 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. All trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

REASON: To ensure the proposal is satisfactorily landscaped and trees/hedgerow of landscape/visual amenity value are retained as part of the development.

7. Prior to the construction of any of the dwellings(s) hereby approved, details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites shall have been submitted to, and approved in writing by the Local Planning Authority.

For the avoidance of doubt the details shall identify the nature and type of the nesting boxes/artificial roosting sites and the locations(s) or wall and roof elevations into which the above provisions shall be incorporated.

The development shall be carried out in strict accordance with the approved details and the artificial bird/bat boxes shall be incorporated into the dwelling(s) during the construction stage of the development and be made available for use prior to their first occupation and thereafter retained.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and to minimise/mitigate the potential impacts upon protected species resultant from the development

8. During the construction period, all trees as shown to be retained within the submitted Tree and hedgerow Survey Report (August 2018 18-0886.02) shall be protected in accordance with British Standard BS 5837 (2012) or any subsequent amendment to the British Standard.

All protective fencing shall be in accordance with BS5837 (2012): 'Trees in Relation to Construction' and be erected in its entirety prior to any other operations taking place on the site. The agreed tree protection shall remain in place and be maintained for the duration of the construction phase of the development. For the avoidance of doubt no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protection areas(s) specified.

REASON: To protect trees/hedging of landscape and visual amenity value on and adjacent to the site or those likely to be affected by the proposed development hereby approved.

9. No removal of vegetation including trees or hedges shall be undertaken within the nesting bird season (1st March – 31st August inclusive) unless a pre-clearance check on the day of removal, by a licenced ecologist, confirms the absence of nesting birds. A letter from the ecologist confirming the absence of nesting birds shall be submitted to the Council within one month of the pre-clearance check being undertaken.

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds, to protect the bird population and species of importance or conservation concern from the potential impacts of the development.

10. Notwithstanding the submitted details, precise details including a long-term management plan and timings of planting of the landscape buffer margin to the west of plots 143-150 (Proposed Unit Mix Plan AA7403 2011 Rev: R) shall have been submitted to and approved by the Local Planning Authority prior to the construction of any of the aforementioned plot numbers.

The development shall be carried out in strict accordance with the approved details/timings and the approved long-term management plan for the area shall be adhered to for the lifetime of the development.

REASON: To ensure the proposal is satisfactorily landscaped and appropriate to the locality and to ensure that adequate landscape mitigation is provided at an appropriate stage in development to successfully minimise the impacts of the development upon existing neighbouring occupiers.

11. No works to or within 5m of the tree identified as having bat roosting potential (Figure 5 - Ecological Appraisal September 2018) shall be undertaken unless further surveys are undertaken, as specified in section 6.0 of the aforementioned report, have first been submitted to and agreed in writing by the Local Planning Authority.

For the avoidance of doubt, the submitted details shall also specify the requirement for any mitigation (where applicable) and provide precise details, including timings/methodology for the implementation of any required mitigation. The development, including mitigation measures, shall be carried in strict accordance with the approved details and agreed methodologies/timings.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and to minimise/mitigate the potential impacts upon protected species resultant from the development

### *Highways*

12. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until a Residential and Construction Traffic Management Statement/Plan has been submitted to and agreed in writing by the Local Planning Authority.

For the avoidance of doubt, the statement/plan will detail that other than for residents and following the completion of the extents works as shown on drawing AA7403 SK17, there shall be no direct vehicular access for construction or contractor traffic between the site and Springwood Drive or Fountain Way. The submitted details shall include

provisions to ensure appropriate traffic management and how such provisions will remain in place, on a phased basis, for the duration of the construction phase of the development. The development shall be carried out in strict accordance with the approved details.

REASON: To limit the number of access points to the highway network and mitigate the potential negative impacts of construction traffic upon the safe operation of the immediate highway network within Whalley.

13. No other works other than those (including the construction of 5 dwellings) indicated as 'sales area' on drawing AA7403 SK17 shall be commenced (with the exception of the formation of the estate spine road/A671 link-road and associated works to facilitate the permanent access off A671) until a temporary signalised access for construction traffic off the A671 Whalley Bypass is in operation and the new estate spine road/link-road has been constructed to at least base course level in accordance with a scheme that shall have first been submitted to and agreed in writing by the Local Planning Authority.

REASON: To enable all construction traffic to enter and leave the site in a safe manner without causing a hazard to other road users or being of detriment to the safe operation of the immediate highways network.

14. No more than 20 units (inclusive of the 5 dwellings/show homes as shown on drawing AA7403 SK17) shall be constructed and occupied until the permanent signalised site access on the A671 has been constructed and is fully operational.

REASON: In the interests of the continued safe operation of the immediate highway during the construction phase of the development.

15. Following the completion of all works (including the construction of 5 dwellings) as indicated as 'sales area' on drawing AA7403 SK17, no construction or contractor traffic shall enter or leave the site via Springwood Drive or Fountain Way.

REASON: In the interests of the continued safe operation of the immediate highway during the construction phase of the development

16. Prior to first occupation of any of the dwellings hereby approved, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority.

The Travel Plan shall be implemented within the timescales set out in the approved details and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out, the details of which shall be submitted to and agreed by the Local Planning Authority within 2 months of the audit.

REASON: To promote and provide access to sustainable transport options.

17. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted information shall provide precise details of:

- A. The siting and location of parking for vehicles of site operatives and visitors
- B. The siting and location for the loading and unloading of plant and materials

- C. The siting and locations of all site cabins
- D. The siting and location of storage of plant and materials used in constructing the development
- E. The siting and locations of security hoarding
- F. The siting location and nature of wheel washing facilities to prevent mud and stones/debris being carried onto the Highway (For the avoidance of doubt such facilities shall remain in place for the duration of the construction phase of the development).
- G. The timings/frequencies of mechanical sweeping of the adjacent roads/highway
- H. Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- I. The highway routes of plant and material deliveries to and from the site.
- J. Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
- K. Days and hours of operation for all construction works.
- L. Contact details for the site manager(s)

The approved statement shall be adhered to throughout the construction period of the development hereby approved.

REASON: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway for the duration of the construction phase of the development.

#### *Flooding and Drainage*

18. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include, as a minimum:
- a) Information about the lifetime of the development, design storm period and intensity, temporary surface water storage facilities, details of the methods employed to delay and control surface water discharged from the site, details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
  - b) The drainage strategy should demonstrate that post development surface water run-off from the application site will not exceed a maximum rate of 57.7 L/s. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
  - c) A site layout plan showing flood water exceedance routes, both on and off site;
  - d) A timetable for implementation, including phasing as applicable;
  - e) Details of water quality controls, where applicable.
  - f) Details of an appropriate management and maintenance plan for the surface water drainage scheme for the lifetime of the development. This should also include details regarding the future management and maintenance of any ordinary watercourses located within or adjacent to the application site.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development,

whichever is the sooner. Thereafter the drainage system and ordinary watercourses shall be retained, managed and maintained in accordance with the approved details.

REASON: To ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development, to ensure that water quality is not detrimentally impacted by the development proposal and to ensure that appropriate maintenance mechanisms are put in place for the lifetime of the development.

19. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

REASON: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

20. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until the means of ensuring the water mains that are laid within the site boundary are protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts on the water mains from construction activities and the impacts post completion of the development on the water mains infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to the water mains. Any mitigation measures shall be implemented in full in accordance with the approved details.

REASON: In the interest of public health and to ensure protection of the public water supply.

21. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing D0102, Rev P2 - Dated Aug 18 which was prepared by Civic Engineers. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. The development shall be completed in strict accordance with the approved details.

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

### *Archaeology*

22. No development, site clearance/preparation, or demolition shall commence until the applicant or their agent or successors in title has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the local planning authority. The programme of works shall include an initial phase of geophysical survey and trial trenching, as well as the compilation of a report on the work undertaken and the results obtained. These works should aim to establish the presence or absence of buried archaeological remains and their nature, date, extent and significance. If remains are

encountered, then a subsequent phase of impact mitigation (which may include preservation in situ by the appropriate design or siting of new roads, structures and buildings, formal excavation of remains or other actions) and a phase of appropriate analysis, reporting and publication shall be developed and a further written scheme of investigation submitted to and agreed with the Local Planning Authority and that further scheme implemented before development commences. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in strict accordance with the agreed details.

REASON: To ensure and safeguard the investigation and recording of matters of archaeological/historical importance associated with the development site.

#### *Other Matters*

23. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the pumping-station/sub-station and/or all utility-structures/buildings and their precise location shall have been submitted to and agreed in writing by the Local Planning Authority.

The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality and responds appropriately to the character of the area.

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0914](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0914)

INFORMATION
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SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2018/0500	Land to East Clitheroe Road, Barrow	1/11/18 4/10/18	10	With Housing
3/2018/0844	Land off Longsight Road Langho	10/1/19	42	With Housing
3/2018/0924	Land South West of Barrow & West of Whalley Road, Barrow	7/2/19	39	With Housing & Planning

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2018/0951	Retention of unauthorised decking and structure(s) on land to rear	2 The Dene Hurst Green
3/2018/1042	Proposed single storey extension to the rear, first floor extension to the side and new single storey workshop with decked area	Talbot Bridge Cottage Bashall Eaves
3/2018/1078	Felling of two trees	Longridge Library Berry Lane, Longridge
3/2018/1107	Change of use from (C3) (dwelling) to C2 (residential care) with associated minor alterations to internal layout, replacement of one garage door with combination window frame, installation of new window to rear of garage	Roall Garth Hesketh Lane Chipping
3/2018/1154	Single storey extension to rear (south) elevation	18 St Peter's Close Clayton le Dale

APPEALS UPDATE

<u>Application No and reason for appeal</u>	<u>Date Received/ Appeal Start Date</u>	<u>Site Address</u>	<u>Type of Appeal Procedure</u>	<u>Costs application received</u>	<u>Date of Inquiry or Hearing if applicable</u>	<u>Progress</u>
3/2017/096 1 R (Variation of S106 Ag)	Awaiting start date from PINS	Land at Chapel Hill Longridge	Hearing (to be confirmed by PINS)			

<u>Application No and reason for appeal</u>	<u>Date Received/ Appeal Start Date</u>	<u>Site Address</u>	<u>Type of Appeal Procedure</u>	<u>Costs application received</u>	<u>Date of Inquiry or Hearing if applicable</u>	<u>Progress</u>
3/2018/048 0 R of pp	12/11/18	The Tythe Barn Station Road Rimington	WR	Appellant costs application		Part Allowed, Part Dismissed 18/02/2019 Appellant's costs application dismissed 18/02/19
3/2018/047 4 R of pp	Awaiting start date from PINS	Great Mitton Hall Mitton Road Mitton	HH appeal procedure Hearing requested (to be confirmed by PINS)			
3/2018/046 8 R of LBC	Awaiting start date from PINS	Great Mitton Hall Mitton Road Mitton	LB Hearing (to be confirmed by PINS)			
3/2018/044 7 R to vary condition	27/11/2018	Eatoughs Barn Fleet Street Lane Ribchester	WR			Awaiting Decision
3/2018/043 5 R of pp	10/12/2018	32 Hall Street Clitheroe	WR	Appellant costs application		Awaiting Decision
3/2018/081 6 R of pp	22/01/2019	39 Castle View Clitheroe	HH			Awaiting Decision
3/2018/102 0 R of pp	Awaiting start date from PINS	Calding Bank Cottage Whalley Old Rd Billington	WR (to be confirmed)			
3/2018/091 5 R of outline pp	19/02/19	Daniels Farm Preston Road Alston	WR			Statement due 26/03/2019
3/2018/068 8 R of outline pp	04/02/19	Land off Henthorn Road, Clitheroe	Inquiry		08/05/2019 09/05/2019 10/05/2019	LPA Statement and SoCG by 11/03/2019; Proofs of Evidence no later than 10/04/2019 Witness names, opening/closing statements/evidence in chief/cross examination no later than 17/04/2019

<u>Application No and reason for appeal</u>	<u>Date Received/ Appeal Start Date</u>	<u>Site Address</u>	<u>Type of Appeal Procedure</u>	<u>Costs application received</u>	<u>Date of Inquiry or Hearing if applicable</u>	<u>Progress</u>
3/2018/102 5 R of prior notification	05/02/2019	Low Laithe Barn Gisburn Road Newsholme	WR			Statement due 12/03/2019
3/2018/065 1 R of pp	Awaiting start date from PINS	Land adj Glenetta Parsonage Road Wilpshire	WR (to be confirmed)			