

RIBBLE VALLEY BOROUGH COUNCIL

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Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** will be held at **6.30pm** on **THURSDAY, 26 NOVEMBER 2020** by Zoom.

I do hope you can be there.

Yours sincerely

CHIEF EXECUTIVE

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

AGENDA

Part I – items of business to be discussed in public

1. Apologies for absence.
- ✓ 2. To approve the minutes of the meeting held on 29 October 2020 – copy enclosed.
3. Declarations of Pecuniary and Non-Pecuniary Interests (if any).
4. Public Participation (if any).

DECISION ITEMS

- ✓ 5. Planning Applications – report of Director of Economic Development and Planning – copy enclosed.
- ✓ 6. Confirmation of TPO 3/19/3/217 – Land Lying South Side of Ribchester Road, Clayton-le-Dale – report of Director of Economic Development and Planning – copy enclosed.
- ✓ 7. Sabden Children's Play Area – report of Director of Economic Development and Planning – copy enclosed.

INFORMATION ITEMS

- ✓ 8. Minutes of Local Development Plan Working Group – Copies enclosed.
- ✓ 9. Appeals
 - a) 3/2019/0877 – erection of 39 dwellings with landscaping and associated works, and access from adjacent development site at Land at junction of Chatburn Road and Pimlico Link Road, Clitheroe – appeal allowed with conditions.
 - b) Cost application in relation to Land at Chatburn Road and Pimlico Link Road, Clitheroe – allowed in part.
 - c) 3/2019/0510 – erection of 14 No over 55 Bungalows and 10 No affordable bungalows and associated works at Land SW of Clitheroe Golf Club, Whalley road, Barrow BB7 9BA.
- 10. Reports from Representatives on Outside Bodies (if any).

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

DECISION ITEMS

None.

INFORMATION ITEMS

None.

<u>INDEX OF APPLICATIONS BEING CONSIDERED</u>						
<u>MEETING DATE: THURSDAY, 26 NOVEMBER 2020</u>						
<u>Application No:</u>	<u>Page:</u>		<u>Officer:</u>	<u>Recommendation:</u>	<u>Site:</u>	
A	APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS:					
				NONE		
B	APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR APPROVAL:					
	3/2020/0733	1	JM	AC	Braemar Bryers Croft Wilpshire	
C	APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR REFUSAL:					
				NONE		
D	APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING BEING SATISFACTORILY COMPLETED					
	3/2020/0325	5	SK	DEFER	Land North of Chatburn Road Clitheroe	
	3/2020/0729	15	JM	DEFER	St Mary's Centre Church Street Clitheroe	
E	APPLICATIONS IN 'OTHER' CATEGORIES:					
				NONE		

LEGEND

AC Approved Conditionally
R Refused
M/A Minded to Approve

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

LE Laura Eastwood
RB Rebecca Bowers
SK Stephen Kilmartin

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No 5

meeting date: THURSDAY, 26 NOVEMBER 2020
 title: PLANNING APPLICATIONS
 submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

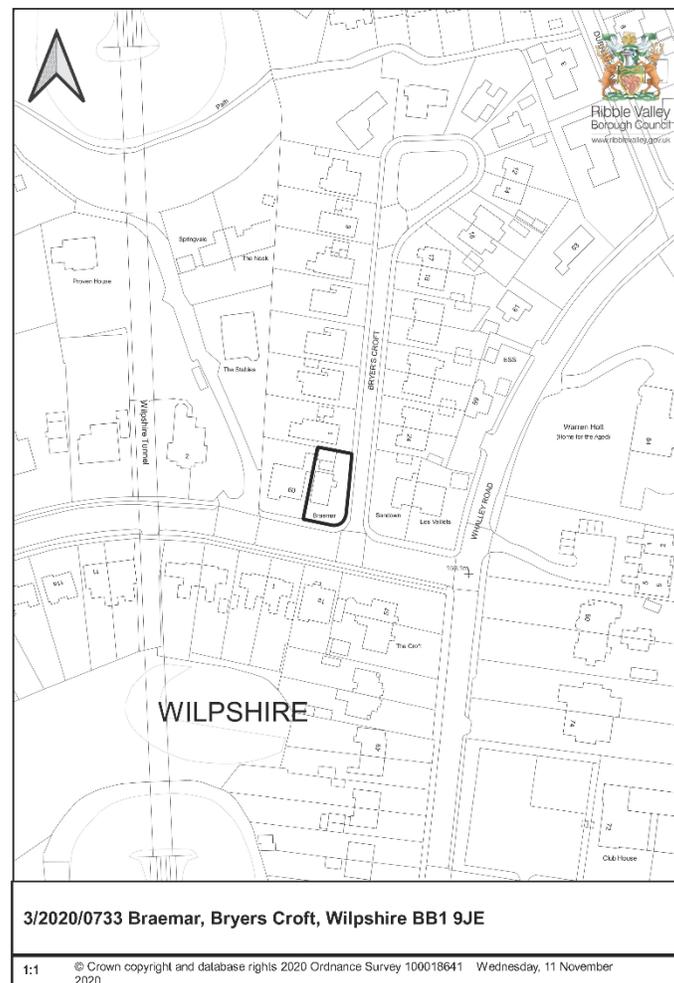
PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION REF: 3/2020/0733

GRID REF: SD 368775 432788

DEVELOPMENT DESCRIPTION:

EXTENSION TO EXISTING GARAGE TO CREATE DOUBLE GARAGE WITH FIRST FLOOR ROOM ABOVE. IMPROVEMENT OF VEHICULAR ACCESS INCLUDING ERECTION OF TWO NEW GATES 1.8M HIGH. SINGLE STOREY EXTENSION TO FRONT OF HOUSE WITH TWO DORMERS ABOVE. RESUBMISSION OF APPLICATION 3/2019/1015 AT BRAEMAR, BRYERS CROFT, WILPSHIRE BB1 9JE



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No comments received at date of writing report.

LCC Highways:

No comments received but previously raised no objections

ADDITIONAL REPRESENTATIONS:

None received at time of writing report.

1. Site Description and Surrounding Area

- 1.1 The application property is a detached dormer bungalow located off Bryers Croft within the defined settlement of Wilpshire.

2. Proposed Development for which consent is sought

- 2.1 The proposal includes a single storey sunroom, measuring approximately 3.7m by 1.5m with a flat roof with a maximum height of approximately 2.8m and an extension to existing garage, resulting in a double garage measuring approximately 8m by 6.7m with a ridge and eaves height of approximately 5.1m and 2.8m respectively. The roof is altered with the introduction of 2 dormer windows. The scheme also includes a gated entrance with 1.8m high gates which are 5.1m wide.
- 2.2 The materials are a mixture of cedar cladding, render walling and concrete tiled roofing.
- 2.3 The application is brought before Planning and Development Committee as the agent for the application is an employee of Ribble Valley Borough Council

3. Relevant Planning History

3/2019/1015 - Garage extension to create double garage and link building, front sunroom extension and gated entrance – Refused.

4. Relevant Policies

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME3 – Site and Species Protection and Conservation

National Planning Policy Framework (NPPF)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The proposal is for an extension to a domestic property and is acceptable in principle subject to an assessment of the material planning considerations.

5.2 **Impact upon Residential Amenity:**

5.2.1 The proposal may lead to loss of some light in relation to the rear and side properties however due to the orientation of the properties and the existing relationships on site the impact is not considered to be significant.

5.3 **Visual Amenity/External Appearance:**

5.3.1 The dwelling occupies a corner plot and is fairly visible within the immediate street scene. The proposed flat roof single storey extension is located at the front of the property however it does not project much further than the existing porch and given the modest size would not result in a harmful appearance. The increased height of the garage to facilitate a double garage is set back from the main highway and would not result in an adverse visual impact.

5.3.2 The 2 dormer windows result in a change to the roofscape but would not be harmful. The extensions remain subservient and in keeping with the style of the existing dwelling. It is not considered that it will have a detrimental impact on the appearance of the host property or visual quality of the surrounding area.

5.3.3 This amended proposal has removed the proposed link extension between the garage and the dwelling which was included within the previous application and was the main reason why the development was considered to be unacceptable. The current proposals are considered to be more sympathetic to the character of the dwelling and the surrounding area.

5.4 **Highway Safety and Accessibility:**

5.4.1 No objections have been previously received from LCC, as the highway authority, on a previously submitted scheme.

5.5 **Landscape/Ecology:**

5.5.1 The single storey extension is not likely to affect any protected species or have a detrimental impact on the quality of the landscape.

5.6 **Other Matters:**

5.6.1 None

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

6.1 The proposed extensions are considered to have an acceptable relationship with surrounding dwellings and will not have a detrimental impact on the visual qualities of the area. Therefore, it is recommended accordingly.

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended 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 on drawings:

Site Plan B103 and red edge location plan
Proposed Elevations B102
Proposed 3 D gate view B105
Proposed 3 D View Extension B104
20-011 PL05
20-011 PL06

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

3. The entrance gates, hereby approved, shall open away from the highway in accordance with the submitted details and shall be retained in that manner thereafter.

REASON: In the interests of highway safety.

4. 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. All works shall be undertaken strictly in accordance with the details as approved.

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

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2020%2F0733

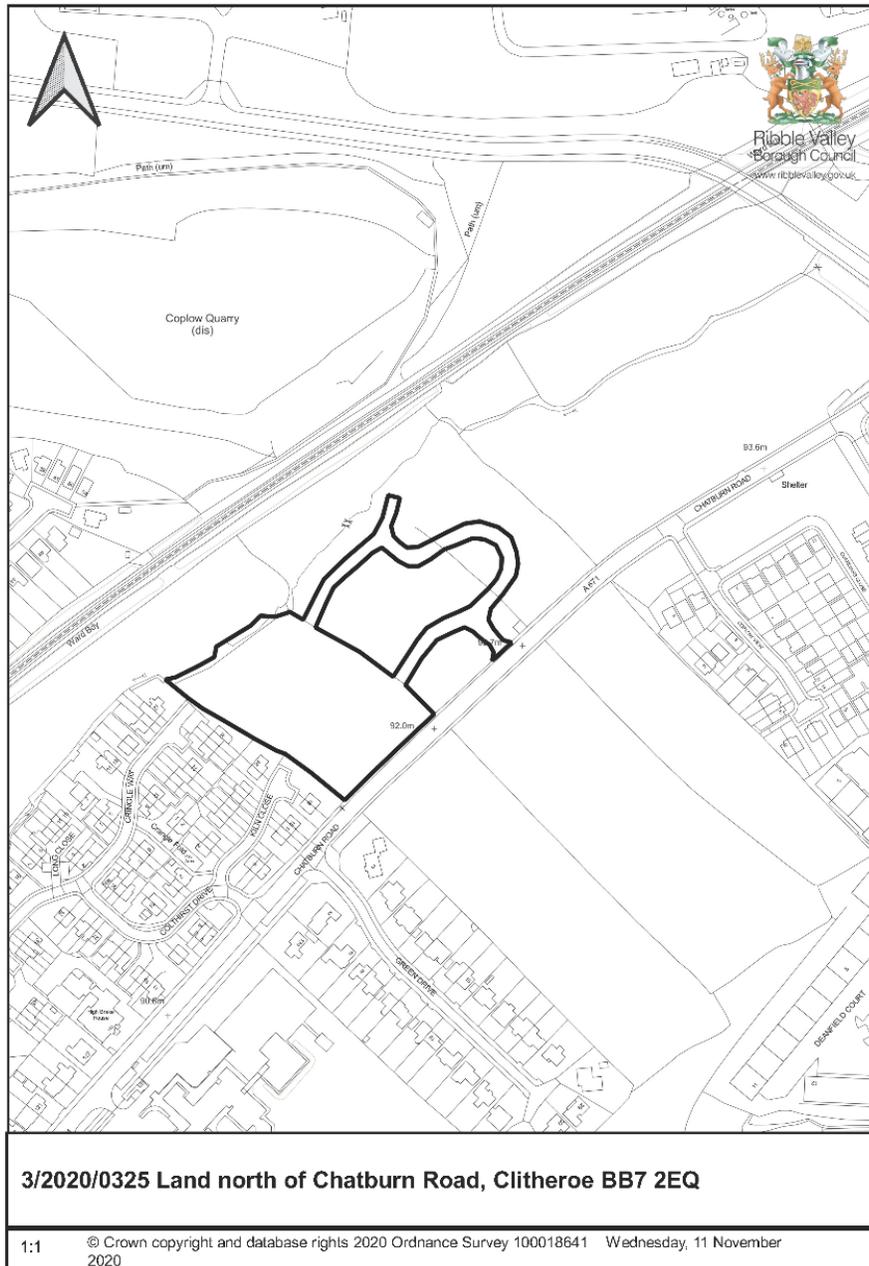
D APPLICATIONS ON WHICH COMMITTEE 'DEFER' THEIR APPROVAL SUBJECT TO WORK 'DELEGATED' TO THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING BEING SATISFACTORILY COMPLETED

APPLICATION REF: 3/2020/0325

GRID REF: SD 375227 443018

DEVELOPMENT DESCRIPTION:

CONSTRUCTION OF 17 DWELLINGS WITH ASSOCIATED WORKS, LANDSCAPING AND ACCESS. LAND NORTH OF CHATBURN ROAD CLITHEROE BB7 2EQ



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

CLITHEROE TOWN COUNCIL:

No representations received in respect of the application.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

No representations received in respect of the application.

UNITED UTILITIES:

No objections subject to the imposition of conditions.

LLFA:

The Lead Local Flood Authority has no objection to the proposed development subject to the imposition of conditions.

LCC EDUCATION

Based upon the latest assessment, taking into account all relevant approved applications, LCC Contributions will be seeking a contribution for 5 primary and 2 secondary school places.

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

Primary Places:

$(£12,257 \times 0.97) \times \text{BCIS All-in Tender Price } (336 / 240) \text{ (Q1-2020/Q4-2008)}$
= £16,645.01 per place
£16,645.01 x 5 places = £83,225.05

Secondary Places:

$(£18,469 \times 0.97) \times \text{BCIS All-in Tender Price } (336 / 240) \text{ (Q1-2020/Q4-2008)}$
= £25,080.90 per place
£25,080.90 x 2 places = £50,161.80

ADDITIONAL REPRESENTATIONS:

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

- Highway Safety
- Noise Disturbance
- Lack of existing infrastructure
- Lack of affordable housing
- Increase in traffic
- Increased flood risk
- Loss of wildlife
- Loss of view
- Loss of privacy

1. **Site Description and Surrounding Area**

- 1.1 The application relates to an area of greenfield land located within the defined settlement boundary for Clitheroe. The site is 0.9ha in size and is bounded to the south by Chatburn Road (A671), to the east by areas by an existing committed housing site (DS1 Designation) which is currently under construction. The site has a direct interface with a number of existing residential dwellings to the south-west with dwellings fronting Kiln Close and Cringle Way benefitting from a side-on relationship with the application site. The site is also bounded to the north by an existing watercourse and a number of trees with the Clitheroe rail-line lying further to the north.

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

- 2.1 Full consent is sought for the erection of 17 dwellings with associated works, landscaping and access. It is proposed that the primary vehicular access to the site will be via a direct interface with the adjacent on-going development to the north-east which currently benefits from access directly off Chatburn Road. The applicant has also provided a commitment to provide policy compliant provision of affordable housing.
- 2.2 The submitted details propose that the development, at its south-eastern extents, will adopt a linear arrangement that is largely informed by the rear building line of the adjacent housing development to the north-east. It is then proposed that the singular primary access road will swing northward terminating in a cul-de-sac turning area which then serves private drive areas, one of which interfaces with and acts as a continuation of an existing private drive arrangement found on the development to the north-east.

3. **Relevant Planning History**

The site to which the application relates has no planning history directly relevant to the determination of the application. Members will however note that the application acts as an extension to the existing housing development (which is at an advanced stage in construction) that lies directly to the north-east as consented by application 3/2017/0653.

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy
Key Statement DS2 – Presumption in Favour of Sustainable Development
Key Statement DMI1 – Planning Obligations
Key Statement DMI2 – Transport Considerations
Key Statement EN4 – Biodiversity and Geodiversity
Key Statement H2 – Housing Balance
Key Statement H3 – Affordable Housing

Policy DMB4 – Open Space Provision
Policy DME3 – Site and Species Conservation
Policy DME6 – Water Management
Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport and Mobility
Policy DMH1 – Affordable Housing Criteria

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The site is located within the defined settlement boundary for Clitheroe being located directly between existing residential development to the south-west and development which is underway that directly bounds the site to the north-east. As such, given the location of the site within the defined settlement boundary, Policy DMG2 is fully engaged.

5.1.2 Members will note that Policy DMG2 is two-fold in its approach to guiding development. The primary part of the policy DMG2(1) is engaged where development proposals are located 'in' principal and tier 1 settlements with the second part of the policy, DMG2(2) being engaged when a proposed development is located 'outside' defined settlement areas or within tier 2 villages, with each part of the policy therefore being engaged in isolation and independent of the other dependant on the locational aspects of a proposal.

5.1.3 The mechanics and engagement of the policy are clear in this respect insofar that it contains explicit triggers as to when the former or latter criterion are applied and the triggers are purely locational and clearly based on a proposals relationship to defined settlement boundaries and whether, in this case, such a proposal is 'in' or 'outside' a defined settlement.

Given the location of the site within the defined settlement boundary it is therefore considered that it is DMG2(1) which remains engaged for the purposes of determining the application which 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.'*

5.1.4 As such, taking account of the criterion of DMG2(1) and that the proposal site lies between two parcels of existing development (one of which being currently under construction), and taking account that the site lies within the defined settlement limits of Clitheroe. It is considered that the proposal represents that which is considered 'consolidation' when taking account of the definition of consolidation as defined within the Ribble valley Core Strategy which states that *'consolidation refers to locating new developments so that it adjoins the main built up area of a settlement and where appropriate both the main urban area and an area of sporadic or isolated development'*.

5.1.5 Taking into account the above matters, notwithstanding other development management considerations, it is considered that the principle of the development of the site for residential purposes raises no direct conflicts with the development strategy in relation to the aspirations for the location for new residential development within the Borough.

5.2 Impact upon Residential Amenity:

- 5.2.1 The proposed development has a direct interface and relationship with a number of existing residential dwellings fronting Cringle Way and Kiln Close which lie directly to the south-west of the site. As such due consideration must be given in respect of the potential for the development to have a negative or detrimental impact upon the standard of residential amenity currently experienced by the occupiers of the aforementioned dwellings.
- 5.2.2 In this respect, Plots 6-10 directly back on to the shared south-western boundary with the aforementioned existing dwellings with Plot 11 being orientated so that the side gable of the dwelling faces the shared boundary. In this respect Plots 6-10 are sited from the shared boundary at distances that range from 13.8m to that of 18.5m (approximately) also benefitting from offset distances ranging from 24.8m to 28m when measured from the rear of the proposed dwellings to the side elevations of the nearest directly affected residential dwellings. As members will note these spatial offset distances significantly exceed those that would normally be secured by the authority.
- 5.2.3 In respect of Plot 11, this dwelling is orientated to allow it to benefit from a side-gable to side-gable relationship with the nearest existing residential dwelling to the south-west with an offset distance of approximately 9m from the existing dwelling. Therefore, taking account of the aforementioned offset distance and orientation of the dwellings in relation to one another it is not considered that the proposal will result in any undue impact upon existing or future residential amenity.
- 5.2.4 Taking into account the above matters it is not considered that the proposed layout will result in any significant nor measurable undue detrimental or negative impact upon existing or future residential amenity by virtue of an over-bearing impact, loss of light or loss of privacy by virtue of direct-overlooking or proximity.

5.3 Matters of Design/Visual Amenity:

- 5.3.1 The proposed house types adopt a level of consistency within their elevational language through a simplified materials palette restricted to that of reconstituted stone and render as primary facing materials, similar to that of the existing adjacent development currently under construction. The elevational language of the proposed development is also similar to that of the existing adjacent housing development allowing for an element of visual synergy between both proposals. As such it is not considered that the proposed dwellings will appear unsympathetic or discordant when viewed in context with existing and nearby development.
- 5.3.2 Taking account of the above matters it is not considered that the proposed development will result in any undue impact upon the character or visual amenities of the area.

5.4 Highway Safety and Accessibility:

- 5.4.1 Lancashire County Council, as the Highway Authority, have raised no objections to the proposal.

5.5 Flood Risk and Drainage:

5.5.1 The Lead Local Flood Authority has no objection to the proposed development subject to the imposition of conditions requiring that the development be carried out in strict accordance with the submitted surface water drainage details.

5.6 Developer Contributions:

5.6.1 LCC Education are requesting a contribution towards both primary and secondary educational provision as a result of the development as follows:

Primary Places

Latest projections for the local primary schools show there to be a shortfall of 191 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 5 places from this development the shortfall would increase to 196. Therefore LCC Education are seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 5 places.

Secondary Places

Latest projections for the local secondary schools show there to be a shortfall of 353 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 2 places from this development the shortfall would increase to 355. Therefore LCC Education are seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 2 places.

5.6.2 As a result of the above LCC Education are requesting a contribution of a and based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 5 primary and 2 secondary school places.

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

Primary places:

$(£12,257 \times 0.97) \times \text{BCIS All-in Tender Price } (336 / 240) \text{ (Q1-2020/Q4-2008)}$
= £16,645.01 per place
£16,645.01 x 5 places = £83,225.05

Secondary places:

$(£18,469 \times 0.97) \times \text{BCIS All-in Tender Price } (336 / 240) \text{ (Q1-2020/Q4-2008)}$
= £25,080.90 per place
£25,080.90 x 2 places = £50,161.80

5.6.3 A contribution towards leisure facilities within Clitheroe will also be required as part of the development. Based on the current proposed housing mix the contribution that will be sought and secured via section 106 agreement will be approximately £9,586.98.

5.7 Affordable Housing Provision:

5.7.1 The proposal brings forward a policy compliant level of affordable housing, also providing a compliant level of affordable and open market housing for those aged 55 and over. The affordable housing mix as proposed consists of 4 affordable rent apartments and two dwellings that will benefit from an occupancy restriction for those aged 55 and over., one of which being affordable and the other being open market.

6. Observations/Consideration of Matters Raised/Conclusion

6.1 Taking account of the above matters and all material considerations, it is considered that the proposed development is in a location that is considered to be in full alignment and compliance with the locational and spatial aspirations of the development strategy for the Borough. Particularly insofar that the proposal would represent residential development, within a defined settlement boundary, that would be considered as consolidation as required by Policy DMG2(1)

6.2 It is further considered that the proposal represents a suitable form of development that is of an appropriate scale, external appearance and density that responds positively to the inherent character of the area and adjacent built form as required by Policy DMG1 of the Ribble Valley Core Strategy. Furthermore, taking account of the separation distances between existing and proposed dwellings, it is not considered that the proposal will result in any significant measurable or quantifiable detrimental impact upon existing or future residential amenity.

6.3 For these reasons and all other reasons outlined above, the application is considered to be in broad alignment with the Development Strategy for the Borough and will assist in the delivery of affordable housing within the Borough and also assist in maintaining a robust five-year housing land supply. As such and in the absence of any other over-riding material considerations the application is recommended for approval subject to the satisfactory completion of a Section 106 agreement.

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:

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 be carried out in complete accordance with the proposals as detailed on drawings:

- Drawing No: 068-Loc01 Location Plan
- Drawing No: 068-P-01 Rev E Site Layout Plan
- Drawing No: 068-P-02 Rev B Fencing Layout
- Drawing No: 068-P-03 Rev B Vehicle Charging Layout
- Drawing No: 068-P-04 Rev B Street scene and Section
- Drawing No: 068-P-05 Rev B Site Layout with External Levels
- Drawing No: 19664-100 Revision 2 General Arrangement
- Drawing No: 19664-101 Revision 2 Contour Layout
- Drawing No: C-981-40 Rev B Landscape Proposal and Tree Survey
- Drawing No: 19.664 - 500 Revision 2 Drainage Layout
- Drawing No: 19.664 - 510 Rev C Drainage Long Section
- Drawing No: 19.664 - 530 Drainage Details
- Drawing No: 19.664 - 531 Headwall Detail and Outfall Long Section
- Drawing H3C – Headwall Flap Valve
- Drawing SHE-0104-5600-1500-5600 x2 – Hydrobrake Optimum & characteristics
- Drawing SHE-0126-7800-1280-7800 x2 – Additional Hydrobrake details & Characteristics
- Drawing No: 19.664 – 532 Drainage Details – Manhole and Hydrobrake
- Drawing No: 19.664 - 720 Long Sections
- 33624_LH_D1 – Rev A - polystorm attenuation tank - general arrangement
- Drawing No: 068-BOW-P01 Bowfell Plans
- Drawing No: 068-BOW-P02 Bowfell Elevations
- Drawing No: 068-BOW-SPL-P01 Bowfell Split Level Plans
- Drawing No: 068-BOW-SPL-P02 Bowfell Split Level Elevations
- Drawing No: 068-ENN-AG-P01 Ennerdale with attached garage Plans
- Drawing No: 068-ENN-AG-P02 Ennerdale with attached garage Elevations
- 068-GRA-P01 Grasmere Plans
- 068-GRA-P02 Grasmere Elevations
- 068-ROTH-P01 Rothay Plans
- 068-ROTH-P02 Rothay Elevations
- 068-WAS SPL-P01 Wasdale Split Level Plans
- 068-WAS SPL-P02 Wasdale Split Level Elevations
- 068-WAS-P01 Wasdale Plans
- 068-WAS-P02 Wasdale Elevations
- 068-MF-01A Material Finishes Layout
- 068-MF-01C Material House Types List Chatburn Road South
- Drawing Griz – P01
- Drawing Griz – P02
- Drawing Griz - P03
- Drawing App P01 1 Rev A
- Drawing App P02 Rev A
- Drawing App P03 Rev A
- Proposed Tenure Layout 068/P/06 Revision D
- Detailed Landscape Proposals & Tree Survey c-981-40 Revision B

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

Landscape and Ecology

3. The landscaping proposals hereby approved shall be implemented in the first planting season following the first occupation 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.

4. 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.

5. During the construction period, all trees as shown to be retained within the submitted details 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.

Drainage and Flooding

6. The development permitted by this planning permission shall be carried out in accordance with the surface water drainage scheme set out on drawing 19.664-500 Rev C. The surface water drainage scheme shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements embodied within the scheme. The surface water drainage scheme shall then be managed and maintained thereafter in accordance with the arrangements set out in the accompanying maintenance plan (by Reford Consulting Engineers Limited, dated July 2020).

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants. To ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

Highways Matters

7. 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.

BACKGROUND PAPERS

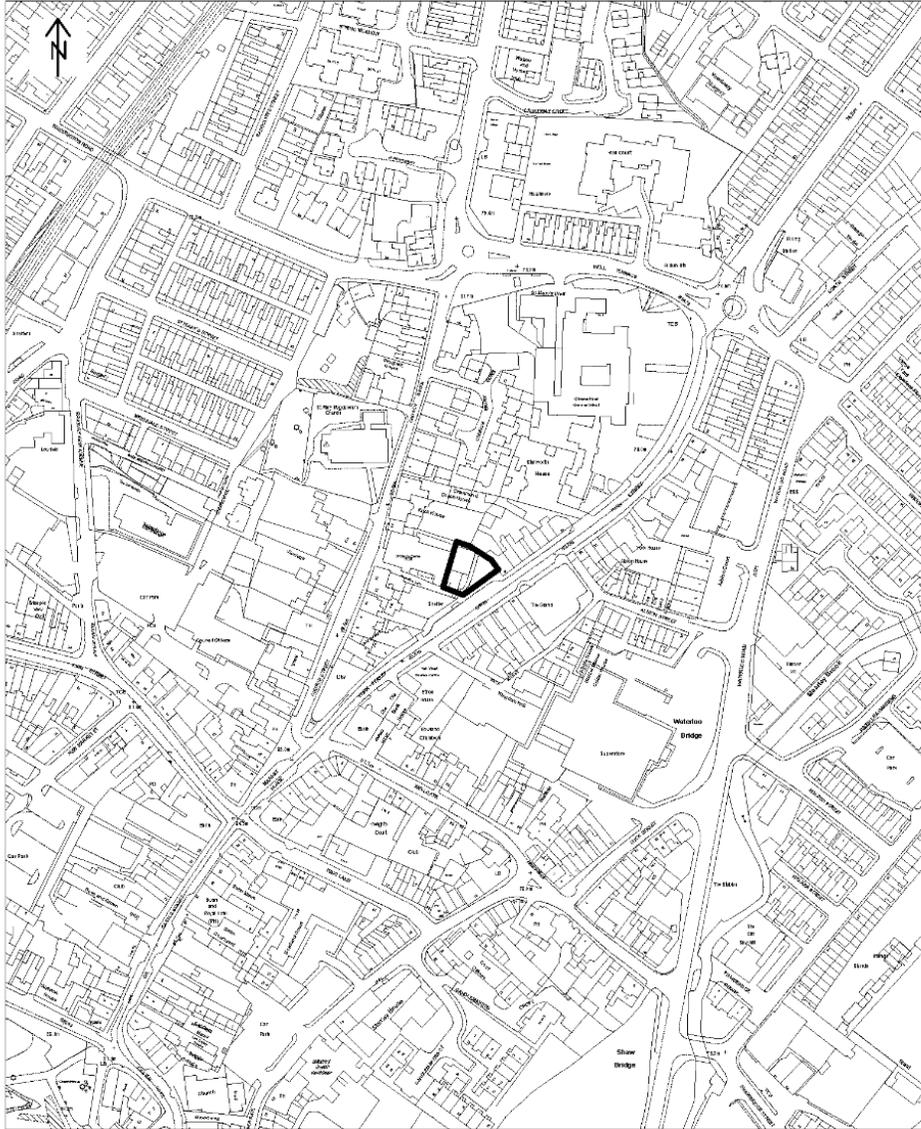
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2020%2F0325

APPLICATION REF: 3/2020/0729

GRID REF: SD 374452 442021

DEVELOPMENT DESCRIPTION:

PROPOSED DEMOLITION OF EXTENSION AT THE REAR OF ST MARY'S CENTRE AND CONSTRUCTION OF THREE APARTMENTS AT THE INSTITUTE REAR OF ST MARY'S CENTRE, CHURCH STREET, CLITHEROE BB7 2DG



3/2019/0796

The Institute Rear of St Mary's Centre Church Street Clitheroe BB7 2DG

Scale 1:2500

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Ribble Valley Borough Council. Licence No. 100018641 Wednesday, 11 December 2019

CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

TOWN COUNCIL:

No observations received but on the previous application objected on grounds of lack of parking provision

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

Raised no objection to the previous scheme for 4 units. Have concerns that the communal cycle storage area provides insufficient storage space and is remote from Unit 2. The development of the site may prove challenging and suggests appropriate conditions relating to Construction Management Plan, cycle provision and wheel washing.

UNITED UTILITIES:

No comments but previously raised no objection but recommends that the site should be drained on a separate system with foul water draining to a public sewer and surface water draining in the most sustainable way. A drainage hierarchy should also be investigated in relation to surface water.

ADDITIONAL REPRESENTATIONS:

One letter of objection has been received from the Civic Society. On the principle of redevelopment of this site for residential use the Society supports such an application and considers that the Council needs to have regard to public benefit and permit a scheme that compliments the existing character of the street scene such as terrace development rather than the more modern approach of this scheme.

1. Site Description and Surrounding Area

1.1 The site is within the town centre of Clitheroe. It straddles the shopping centre boundary in the adopted Ribble Valley Districtwide Local Plan proposals map and the Housing and Economic Development, Development Plan Document Proposal map. It is within the Clitheroe Conservation Area. The Clitheroe Conservation Area Townscape Appraisal map identifies St Mary's Centre as a buildings of townscape merit with significant open space and important views within the conservation area.

2. Proposed Development for which consent is sought

2.1 The development proposed is for three apartments. The apartments at the front of the site are single storey. Apartment 1 and 2 each have two bedrooms. Apartment 3 at the rear of the site is two storeys and has two bedrooms. The layout of the apartments includes open plan living space which the main aspect towards York Street. A private garden area for the apartments is provided in an enclosed area between the proposed buildings and the rear elevation of the Hall. Access to apartments 1 and 2 is via a pedestrian access created in the boundary wall of York Street whilst apartment 3 uses the existing pedestrian access off Paradise Lane.

2.2 The design of the building is contemporary and no parking is provided. The development is for three, two-bedroom apartments. The design of the building is contemporary and has a sedum green flat roof, natural stone as walling as well as significant elements of glazing with timber detailing.

2.3 The proposed development has a communal cycle store and modest garden areas at the rear of the units. The single storey units are accessed from York street and at road level so would necessitate removal of land.

3. **Relevant Planning History**

3/2019/0796- Proposed demolition of extension and construction of 4 apartments - Refused

4. **Relevant Policies**

Key Statement DS1: Development Strategy

Key Statement EN5: Heritage Assets

Key Statement H1: Housing Provision

Key Statement H2: Housing Balance

Key Statement DMI2: Transport Considerations

Policy DMG1: General Considerations.

Policy DMG2: Strategic Considerations.

Policy DMG3: Transport and Mobility

Policy DME3: Site and Species Protection and Conservation

Policy DME4: Protecting Heritage Assets

National Planning Policy Framework (NPPF)

Clitheroe Conservation Area Appraisal and Management Guidance

5. **Assessment of Proposed Development**

5.1 **Principle:**

5.1.1 It is normally the case that given the proposal is in the key settlement of Clitheroe which is regarded as a sustainable location residential development would be appropriate. However, consideration needs to be given to all other development management issues which would include heritage impact, highway safety and residential amenity. It can be argued that if there is harm to heritage matters the principle itself is unacceptable.

5.2 **Highway Safety and Accessibility:**

5.2.1 The site is located within a central position of Clitheroe with close access to bus stops and to public car parks. The proposed new building will enable pedestrian access to mobility standards which is an improvement on the existing situation which has no disabled access.

5.2.2 It is noted that there is no off-street parking at the site. However, given that the development is within a highly sustainable town centre location and that there is no objection from the highway authority the lack of off-street parking is considered acceptable in this instance.

5.3 **Design:**

5.3.1 It is considered that whilst noting the existing building has a flat roofed appearance the replacement proposal has a different visual impact by virtue of the design and the projection forward of some of the units towards the main highway. The two

storey unit has a flat roof with the mass broken up by using setbacks and roof overhangs which allows for a better visual break between the buildings.

5.4 Heritage/Cultural:

- 5.4.1 This proposal falls within the Clitheroe Conservation Area and situated in a raised position and a prominent part of the Conservation Area. The existing building has limited architectural value.
- 5.4.2 The Councils Conservation officer does not accept the principle of the development due to the harm caused to the setting of the Conservation Area and the setting of adjacent Listed Buildings.
- 5.4.3 The applicant has indicated that in relation to public benefits associated with St Mary's Centre that the hall is considered to be an inclusive and accessible Community and Arts venue, serving Clitheroe and the Ribble Valley. St Mary's Centre is run on a not for profit basis and the income it receives is sufficient for the general up-keep of the building. It is opined that the Institute building is a liability due to its poor condition. The money from the sale of the Institute will be pumped back into the fabric of the St Mary's Centre building. Significant and costly upgrades to the fabric of the building are needed including upgrading the central heating system and disabled and general access to the lower hall. The sale of land removes the liability of the existing building and provides funds to secure the future of the St Mary's Centre.
- 5.4.4 The applicant has indicated a willingness to submit a Unilateral Undertaking which would commit the income accrued from the sale of the existing building and land the subject of this application to be reinvested in the Hall with an emphasis on upgrading/maintaining the existing heating facility.
- 5.4.5 It is considered that the new scheme offers a better visual solution to the previous scheme as a result of the design changes reducing the overall massing of the building and impact of the residential curtilage.
- 5.4.6 Given that the proposed development will facilitate much needed improvements to an existing community venue it is considered that the public benefits of the development outweigh the harm to the setting of the Conservation Area and the setting of adjacent Listed Buildings.

5.5 Residential Amenity/ Noise:

- 5.5.1 The issues in relation to residential amenity are predominantly traffic issues and noise issues generated by the activities from the use of the building however it is not considered that three residential apartments will adversely impact on the neighbours amenities.
- 5.5.2 Whilst the relationship of the development to adjacent residential properties may result in some mutual overlooking it is considered to be so harmful as to warrant refusal.

6. **Conclusion**

- 6.1 Consideration has been given to the public benefit and importance and weight to the duty at Section 66 of the Planning Listed Buildings and Conservation Areas Act 1990 and it is concluded that the overall public benefit in assisting the maintenance and viability of St Marys Hall, employment as a result of ongoing building works are sufficient to outweigh the harm.

RECOMMENDED: That the application be DEFERRED and DELEGATED to the Director of Economic Development and Planning for the satisfactory resolution of a S106/Unilateral Agreement and the imposition of appropriate conditions 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:

Time

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchasing Act 2004.

Plans

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

ALOC Location Plan
A101 Proposed ground floor plan - apt 01/02
A102 Proposed ground floor plan - apt 03
A103 Proposed first floor plan - apt 03
A200 Existing elevations-York St
A201 Proposed elevations - York St
A202 Proposed elevations - apt 01/02
A203 Proposed elevations - apt 03
A301 Proposed section

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

Materials

3. Prior to the commencement of the construction of the development hereby approved full details of the external materials and surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be constructed in accordance with the approved materials.

REASON: To ensure that the appearance of the development is appropriate to the character and setting of the area.

Foul water

4 Foul and surface water shall be drained on separate systems.

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

Highway safety/sustainability

5. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number;
- Details of the parking of vehicles of site operatives and visitors;
- Details of loading and unloading of plant and materials;
- Arrangements for turning of vehicles within the site;
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (pedestrians and cyclists);
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
- Measures to control the emission of dust and dirt during construction;
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Construction vehicle routing;
- Delivery, demolition and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

REASON: In the interests of the safe operation of the adopted highway during the demolition and construction phase.

6. Deliveries to the approved development shall only be accepted between the hours of 9:30am and 2:30pm Monday to Friday, to avoid peak traffic on the surrounding highway network.

REASON: In the interest of highway safety.

7. 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, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

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

8. The cycling storage facilities to be provided in accordance with a scheme to be first approved in writing by the Local Planning Authority and the cycling facilities to be provided in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

REASON: To allow for the effective use of the parking areas and to promote sustainable transport as a travel option, encourage healthy communities and reduce carbon emissions.

Ecology

9. Notwithstanding the submitted details, no development above ground level 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. 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.

NOTES

In relation to CMP the applicant is advised of the following:

- There must be no reversing into or from the live highway at any time all vehicles entering the site must do so in a forward gear, and turn around in the site before exiting in a forward gear onto the operational public highway.
- There must be no storage of materials in the public highway at any time.
- There must be no standing or waiting of machinery or vehicles in the public highway at any time.
- Vehicles must only access the site using a designated vehicular access point.
- There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations all of which must be managed within the confines of the site.
- A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing lhsstreetworks@lancashire.gov.uk
- All references to public highway include footway, carriageway and verge.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2020%2F0729

APPEALS UPDATE

INFORMATION

<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 app received</u>	<u>Date of Inquiry or Hearing if applicable</u>	<u>Progress</u>
3/2018/0932 R (Enforcement appeal)	20/02/2020	Bolton Peel Fm Bolton by Bowland Road Bolton by Bowland BB7 4NJ	WR			Awaiting Decision
3/2018/1105 R	09/01/2020	Higher College Farm Lower Road Longridge PR3 2YY	Hearing		02/12/20 Virtual	Awaiting Hearing
3/2019/0510 R	24/04/2020	Land SW of Clitheroe Golf Club, Whalley Road, Barrow BB7 9BA	Hearing		16/09/20 Virtual	Awaiting Decision
3/2019/0877 U	12/06/2020	Land at the junction of Chatburn Road and Pimlico Link Road Clitheroe BB7 2EQ	WR	Costs app made by appellant 06/08/2020		Appeal allowed Costs partially allowed 10/11/2020
3/2020/0288 R	26/08/2020	Bay Gate Farm Barrett Hill Brow Bolton by Bowland BB7 4PQ	WR			Awaiting Decision
3/2020/0329 R	28/09/2020	Three Millstones Hotel Waddington Rd West Bradford BB7 4SX	WR			Awaiting Decision
3/2020/0058 R	Waiting for start date from PINS	Oxendale Hall Osbaldeston Ln Osbaldeston BB2 7LZ	WR (to be confirmed by PINS)			
3/2020/0057 R	Waiting for start date from PINS	Oxendale Hall Osbaldeston Ln Osbaldeston BB2 7LZ	WR (to be confirmed by PINS)			
3/2020/0669 R	Waiting for start date from PINS	3 Bradley Court Chipping BB7 3LY	HH			

<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 app received</u>	<u>Date of Inquiry or Hearing if applicable</u>	<u>Progress</u>
3/2020/0590 R	Waiting for start date from PINS	Leaside Mire Ash Brow Mellor BB2 7EZ	HH			
3/2018/0468 3/2018/0474 Redetermination of appeal following High Court Order	24/09/2020	Great Mitton Hall Mitton Road Mitton BB7 9PQ	Hearing		30/11/20 Virtual	Awaiting Hearing

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 26 NOVEMBER 2020
title: TREE PRESERVATION ORDER 7/19/3/217 LAND LYING TO THE SOUTH SIDE OF RIBCHESTER ROAD
submitted by: NICOLA HOPKINS – DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING
principal author: ALEX SHUTT – COUNTRYSIDE OFFICER

1. PURPOSE

1.1 For Committee to consider objections to the Tree Preservation Order (TPO) relating to land lying to the south side of Ribchester Road, Clayton Le Dale and to decide whether the order should be confirmed.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – To protect and enhance the existing environmental quality of our area.
- Corporate Priorities – To comply with the adopted Core Strategy – Environment – Policy DME1: Protecting Trees and Woodlands,
- Other Considerations – None.

2 BACKGROUND

2.1 On 29 September 2020 the Council's Countryside Officer received concerns about the potential removal of some trees within the Clayton Le Dale area. A Tree Preservation Order (TPO) evaluation was requested to ascertain if the group of trees were worthy of protection (see Appendix A).

2.2 From initial assessments within the area there were only two trees that justified a TPO. The rest of the trees and vegetation although of habitat and bio-diversity value were of low amenity value due to historic pruning on the Sycamores and form of the rest of the vegetation.

2.3 It is understood that United Utilities (UUs) need to carry out some infrastructure improvement works to the Wilpshire waste water treatment works and they propose a 4m wide permanent access road which will necessitate some tree and vegetation removal (see Appendix B Location Plan).

2.4 A Tree Evaluation Method for a Tree Preservation Order [TEMPO] has been undertaken (see Appendix C) and based on the results and the threat of unnecessary felling of the two trees, a TPO was issued. (see Appendix D).

2.5 On 30 September 2020 a Tree Preservation Order was served and objections to the Preservation Order have been made by both the land owner and companies permitted access/right of way of the track (see Appendix E and F Objection letters). Email's and calls of support have been received from residents.

3 ISSUES

- 3.1 The trees are situated in a prominent position within the village and are considered to have visual amenity value to the locality and to the wider tree-scape. The area to the south of the protected trees have mature sycamore trees that have been historically pollarded to enable access of large farm vehicles. There are various low growing holly, hawthorn, oak, blackthorn and brambles which although hold low amenity value do have important habitat and bio-diversity value and act as a wildlife corridor.
- 3.2 Concerns were initially raised that the trees and vegetation would be cleared prior to the submission of an application. There was also concern that there is an alternative route along Ryden Road which would alleviate the need for the removal of the trees and vegetation. It is considered that the felling of this area will have a negative impact both for amenity and bio-diversity of the area
- 3.3 The Council has been advised that a planning application will be submitted for the works to Lancashire County Council with Ribble Valley Borough Council as a consultee. Any application should include a Tree Survey and Report BS:5837 2012 and Phase 1 Habitat Survey, would be required due to the presence of trees and potential European Protected Species utilising the site.
- 3.4 A Tree Preservation Order protects trees from lopping, topping and felling but does not preclude tree work being carried out.
- 3.5 It is understood that the application to LCC will include the removal of the trees to improve the waste water provision for the local area and for the safety of the highway users and pedestrians throughout the operational life of the site. It is also understood that United Utilities consider that the suggested alternative route via Ryden Road is non – viable. It is expected that approval of the development would be conditioned by LCC to secure replacement planting and a landscaping scheme to mitigate and enhance the amenity value of the area. However, the development needs to be fully assessed by LCC when the application is submitted.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
- Resources – Dealing with tree related issues form part of the Countryside Officers' duties.
 - Technical, Environmental and Legal – Decisions made about trees have to balance protection of the environment against quantifiable risks posed by trees.
 - Political – None.
 - Reputation – The Council's environmental protection measures are being maintained.
 - Equality & Diversity – None.

5 CONCLUSION

- 5.1 The trees have amenity value and the TPO was served to guarantee their protection. This TPO does not preclude a planning application being submitted or determined. The

concerns of the residents are noted which has led to the TPO being issued and if these trees are proposed to be felled as part of a development which has been granted planning permission the loss can be mitigated as part of the planning approval.

6. RECOMMENDED THAT COMMITTEE

- 6.1 Confirm the Land Lying on the South side of Ribchester Road, Clayton-le-Dale, Tree Preservation Order 2020.

ALEX SHUTT
COUNTRYSIDE OFFICER

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND
PLANNING SERVICES

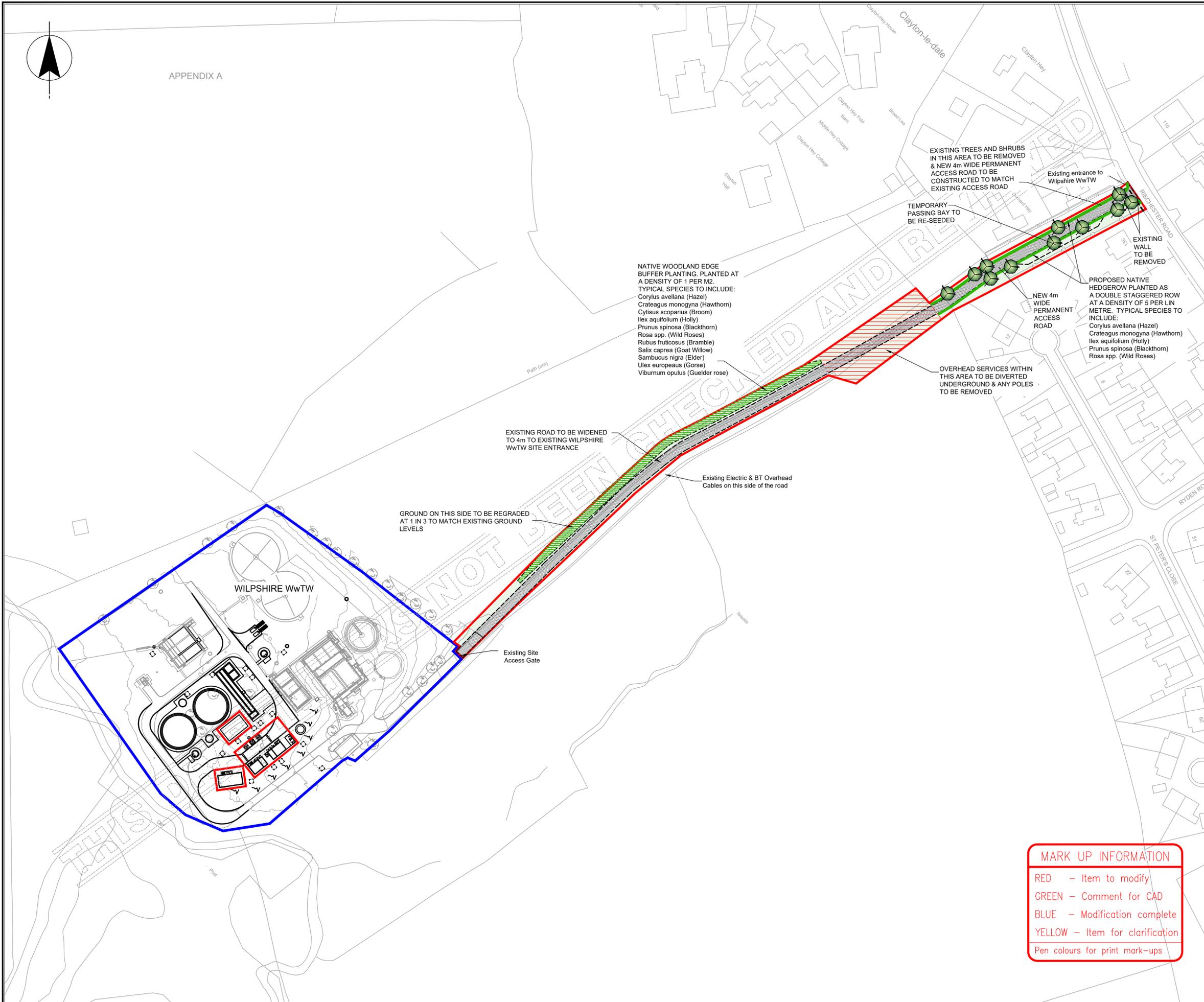
BACKGROUND PAPERS

Tree Preservation Orders and trees in conservation areas

For further information please ask for Alex Shutt, extension 4505.



APPENDIX A



NOTES
 1. ALL DIMENSIONS IN MILLIMETRES AND ALL LEVELS IN METRES AOD UNLESS NOTED OTHERWISE.

- LEGEND**
- EXISTING UU LAND OWNERSHIP BOUNDARY
 - NEW BUILD REQUIRING PLANNING PERMISSION
 - OVERHEAD SERVICES IN THIS AREA TO BE DIVERTED UNDERGROUND
 - PROPOSED NATIVE SHRUB PLANTING
 - PROPOSED HEDGEROW AND HEDGEROW TREE PLANTING
 - PROPOSED GENERAL GRASS SEED MIX - Sown with Germinal Seeds A19 - All purpose landscaping Mix - Short-cut

- REFERENCES**
- 80061371-01-ADP-WILPS-97-DR-T-10012 PROPOSED SITE LAYOUT PLANNING
 - 80061371-01-ADP-WILPS-97-DR-T-10017 PROPOSED MODIFICATIONS TO EXISTING SITE ENTRANCE PLANNING

OS REFERENCE
 EASTING - 367628.195
 NORTHING - 432493.438
 (CENTRE OF SITE)

CURRENT ISSUE INFORMATION
 B. LIST CHANGES FOR CURRENT ISSUE.

P01.1	GED	---	---	FOR LANDOWNER	---
VERSION	AUTH	CHKD	REVD	REASON FOR ISSUE	DATE
S0	Work In Progress (WIP)				
SUITABILITY CODE	SUITABILITY DESCRIPTION				



WILPSHIRE WWTW - WFD DRIVERS - AMP7
 LANDSCAPE PROPOSALS

MARK UP INFORMATION
 RED - Item to modify
 GREEN - Comment for CAD
 BLUE - Modification complete
 YELLOW - Item for clarification
 Pen colours for print mark-ups

SCALE	1: 750	SHEET SIZE	A1
DRAWING NUMBER	80061371-01-ADP-WILPS-97-DR-L-00001	REVISION	P01.1

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Hello again Dave H, RVBC countryside officer p/t,

Since the below emails to 1st September as you'll recall, I emailed to you on 15th Sep with info that I had learned via phone call from United Utilities' Michael Tillery later on 27th Aug (in lieu of another project manager – Phil (Philip) Hedley, closely involved in the particular project who was currently on holiday) – and I included a photo (now re-attached) I had taken of some of the numerous trees from Ribchester Road (ie on the land adjacent to no.135 and east of the track by no.137 which leads to the UU 'Wilpshire' WwTW).

I am reliably informed that trees that have been on this strip of land for a period of 30- 80 years; and removing the trees (incl'g mature ones) along with numerous hawthorn bushes would remove the habitat for a large community of diverse birds that nest in these trees and bushes.

The photo also shows part pf the frontage stone wall - which also would be at risk of early demolition if UU and/or their contactor Advance Plus pursue such route for proposed traffic & trailers for their intended construction scheme at the treatment works (subject to LCC planning consent application to be submitted, for this or for whatever other route option – eg Ryden Road which has no trees issues) .

I also included on 15th Sep to you the name & contact details of a UU 'customer co-ordinator' for the project - *Catherine (Cathy) Charnock – 'Senior Third Party Co-ordinator – North'* I had taken a phone call from her on Mon pm 7th September – and she followed that up with email later that afternoon - and then a further email from her Friday 11th Sep (with which was attached copy of a letter to residents which had been hand-delivered that afternoon presumably by UU personnel – giving notice that members of the UU team (actual 2 persons from contactor) would be in the local area in afternoon of Wed 16th to call at properties "to provide information on our plans and answer any queries..." She asked that I do not give out her contact details into the public domain - *but as Dave you are an officer of RVBC I attached to you both those emails from her.*

After your voicemail Dave around midday Wed 16th Sep, I phoned you back shortly after. I understand that you had contacted UU's Cathy Charnock.

And I gathered that you believe that if planning consent was achieved by UU, possibly later in 2020 or early 2021, then in the case of related potential route, any Tree Preservation Orders obtained in the meantime via RVBC would be subject to over-ride. *However, my understanding is that applying for and achieving TPOs should protect the trees from any wanton or deliberate unauthorised early removal.*

Your voicemail to me yesterday morning, while I was tied up on other commitments (incl'g a virtual LCC mtg via Skype), indicated that you will be visiting the trees etc this week (presumably today Tuesday or tomorrow morning Wednesday as your half-week working is the 1st half of week (with Mr Alex Shutt working in same role for 2nd half of week); and that you will be liaising with RVBC Head of planning services John Macholc.

I did phone you back in pm but the person answering on 01200 414505 told me that you were not available until this morning. In the meantime yesterday a'noon I discusse further, while social distancing, with Mr & Mrs Conroy of bungalow – **during which I gathered from Mrs M Conroy that she had contacted your colleague Alex Shutt - and he is also attending the location this week (on Friday 25th).**

Alan S
(CClIr – Ribble Valley SW)

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION

Date: 25/09/2020 Surveyor: Alex Shutt

Tree Details
 TPO Ref (if applicable): Tree/Group No: Species: Alder & Ash
 Owner (if known): Location: Clayton le Dale

Part 1: Amenity Assessment

a) Condition & Suitability for TPO

5) Good	<input checked="" type="checkbox"/>	Highly suitable	<input type="checkbox"/>	Score & Notes =
3) Fair	<input type="checkbox"/>	Suitable	<input type="checkbox"/>	
1) Poor	<input type="checkbox"/>	Unlikely to be suitable	<input type="checkbox"/>	
0) Dead	<input type="checkbox"/>	Unsuitable	<input type="checkbox"/>	
0) Dying/dangerous*	<input type="checkbox"/>	Unsuitable	<input type="checkbox"/>	

*Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention Span (in years) & Suitability for TPO

5) 100+	<input type="checkbox"/>	Highly suitable	<input type="checkbox"/>	Score & Notes =
4) 40-100	<input checked="" type="checkbox"/>	Suitable	<input type="checkbox"/>	
2) 20-40	<input type="checkbox"/>	Unlikely to be suitable	<input type="checkbox"/>	
1) 10-20	<input type="checkbox"/>	Unsuitable	<input type="checkbox"/>	
0) <10*	<input type="checkbox"/>	Unsuitable	<input type="checkbox"/>	

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

c) Relative Public Visibility & Suitability for TPO

5) Very large trees with some visibility, or prominent large trees	<input type="checkbox"/>	Highly suitable	<input type="checkbox"/>	Score & Notes =
4) Large trees, or medium trees clearly visible to the public	<input type="checkbox"/>	Suitable	<input type="checkbox"/>	
3) Medium trees, or large trees with limited view only	<input checked="" type="checkbox"/>	Suitable	<input type="checkbox"/>	
2) Young, small, or medium/large trees visible only with difficulty	<input type="checkbox"/>	Barely suitable	<input type="checkbox"/>	
1) Trees not visible to the public, regardless of size	<input type="checkbox"/>	Probably unsuitable	<input type="checkbox"/>	

d) Other Factors

5) Principal components of arboricultural features, or veteran trees	Score & Notes =
4) Tree groups, or members of groups important for their cohesion	
3) Trees with identifiable historic, commemorative or habitat importance	
2) Trees of particularly good form, especially if rare or unusual	
1) Trees with none of the above additional redeeming features	

2

Part 2: Expediency Assessment

5) Immediate threat to tree	<input type="checkbox"/>	Score & Notes =
3) Foreseeable threat to tree	<input checked="" type="checkbox"/>	
2) Perceived threat to tree	<input type="checkbox"/>	
1) Precautionary only	<input type="checkbox"/>	

Part 3: Decision

Any 0	Do not apply TPO	<input type="checkbox"/>	ADD SCORES FOR TOTAL	Decision
1-6	TPO indefensible	<input type="checkbox"/>		
7-11	Does not merit TPO	<input type="checkbox"/>		
12-15	TPO defensible	<input type="checkbox"/>		
16+	Definitely merits TPO	<input checked="" type="checkbox"/>		

17

TPO SERVED

APPENDIX D

Form of Tree Preservation Order

Town and Country Planning Act 1990

The Land Lying on the South side of Ribchester Road, Clayton-le-Dale, Tree Preservation Order 2020

The Ribble Valley Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Land Lying on the South side of Ribchester Road, Clayton-le-Dale, Tree Preservation Order 2020

Interpretation

2.— (1) In this Order “the authority” means the Ribble Valley Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 1 day of October 2020

Signed on behalf of the Ribble Valley Borough Council

.....
Mrs Nicola Hopkins Director of Economic Development and Planning Services
Authorised by the Council to sign in that behalf

[CONFIRMATION OF ORDER

[This Order was confirmed by [*insert name of Council*] without modification on the [?] day of [*insert month and year*]

OR

[This Order was confirmed by the [*insert name of Council*], subject to the modifications indicated by [*state how indicated*], on the [?] day of [*insert month and year*]

[Signed on behalf of the [*insert name of Council*]

.....

Authorised by the Council to sign in that behalf]

[DECISION NOT TO CONFIRM ORDER

[A decision not to confirm this Order was taken by [*insert name of Council*] on the [?] day of [*insert month and year*]

[Signed on behalf of the [*insert name of Council*]

.....

Authorised by the Council to sign in that behalf]

[VARIATION OF ORDER

[This Order was varied by the [*insert name of Council*] on the [?] day of [*insert month and year*] by a variation order under reference number [*insert reference number to the variation order*] a copy of which is attached]

[Signed on behalf of the [*insert name of Council*]

.....

Authorised by the Council to sign in that behalf]

[REVOCAION OF ORDER

[This Order was revoked by the [*insert name of Council*] on the [?] day of [*insert month and year*]

[Signed on behalf of the [*insert name of Council*]

.....

Authorised by the Council to sign in that behalf]

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Alder	[Opposite farm & United Utilities access track to the South of Ribchester Road]
T2	Ash	

Trees specified by reference to an area

(within a dotted black line on the map)

N/A

Groups of trees

(within a broken black line on the map)

N/A

Woodlands

(within a continuous black line on the map)

N/A

**Objection to
Temporary Tree
Preservation Order
7/19/3/217**

October 2020

Basis of Objection

Advance, working on behalf of United Utilities, are currently developing a major scheme of work for the upgrade of infrastructure at Wilpshire Wastewater Treatment Works (WwTW); to ensure the ongoing provision of wastewater treatment for the local population and to adhere with enhanced environmental standards for water quality. The existing WwTW is accessed solely by a stoned, single track road, which connects to Ribchester Road (B6245). The access track is currently very narrow and, at the access point, has an inadequate kerb radius and visibility to provide safe access and egress to Ribchester Road. As part of the upgrade of the treatment works it is intended to widen the access point to allow the safe passage of vehicles during construction and for the ongoing operation of the site.

The temporary Tree Preservation Order has been placed by Ribble Valley Borough Council (RVBC) on trees that will need to be removed to facilitate the widening of the access point to Ribchester Road. Without the upgrade of the access point, the viability of construction and the safety of highway users and pedestrians is severely compromised.

A planning application for the development is due for submission in early November 2020.

Existing Site

The existing site is a self-contained wastewater processing facility located approximately 800m south-west of the village of Wilpshire and is accessed via a narrow, single lane track off Ribchester Road to the north.

The extent of the site and access road are shown in the photo below:



Requirements for Development

The project forms part of United Utilities' Asset Management Plan (AMP7), which is a major programme of work to refurbish and upgrade assets across the North West region as agreed with the Environment Agency (EA) and the Office of Water Trading (OFWAT), to be implemented between 2020 and 2025.

The proposed development is part of a sub programme of upgrade works that is necessary to enable compliance with an enhanced treated wastewater discharge consent for phosphorous, as required by the Environment Agency, as well as to increase the treatment capacity of the WwTW to cater for the Local Authorities development plans predicted population growth in the catchment area by 2035.

The upgrade works comprise the installation of new treatment process plant and associated control buildings within the existing WwTW site, as well as refurbishment of some existing plant and equipment. The upgrade project will essentially modernise the treatment process within the WwTW, increasing the overall treatment capacity and ensure that the tighter effluent discharge consent for phosphorous can be achieved.

Details of the proposed scheme of works are show on plan ref. 80061371-01-ADP-WILPS-97-DR-T-10012-P02_CP – Proposed Site Layout.

Required Access

The existing access point to the WwTW from Ribchester Road is narrow and constrained and offers poor manoeuvrability and visibility for vehicles accessing the site. The existing access is shown in the photo below.



In developing the proposed scheme of works at Wilpshire WwTW, Advance have sought pre-application advice from Lancashire County Council (LCC) to ensure highway safety can be maintained throughout the proposed construction period and during the ongoing operation of the site. The response from LCC Highways (submitted in support of this objection) confirms that the existing access point is not suitable and an 'alternative configuration is required'.

On the basis of the advice received from LCC Highways, a reconfigured access point has been designed, as shown on plans ref. 80061371-01-ADP-WILPS-97-DR-T-10019-P01_CP Autotrack Site Entrance & 80061371-01-ADP-WILPS-97-DR-T-10020-P01_CP Visibility Splay.

The widening of the access point as proposed, necessary to achieve the levels of highway safety required by LCC Highways, would require the removal of both trees that are subject to the current temporary TPO.

Assessment of Alternatives

In developing the proposed scheme of works consideration was given to the use of Ryden Road, which currently provides access to a residential estate to the east. The route of the existing access track (red line) and that of the alternative route (blue line), utilising Ryden Road, are shown below:



The route along Ryden Road was discounted for the following reasons:

- The diversion of construction and operational traffic through a residential area would result in greater levels of disruption for local residents and raise questions of highway safety for pedestrians and road users.
 - A new access road would need to be created from Ryden Road to the existing WwTW access road. This would result represent significant development of a virgin site
-

designated within the Ribble valley Local Plan as a Countryside Area within the Green Belt.

- The construction of the access road would result in significant levels of disruption to residents in Ryden Road and St Peters Close.
- United Utilities do not have any legal rights to use land to the south of Ryden Road for the provision of an access route as the land is under third party ownership.

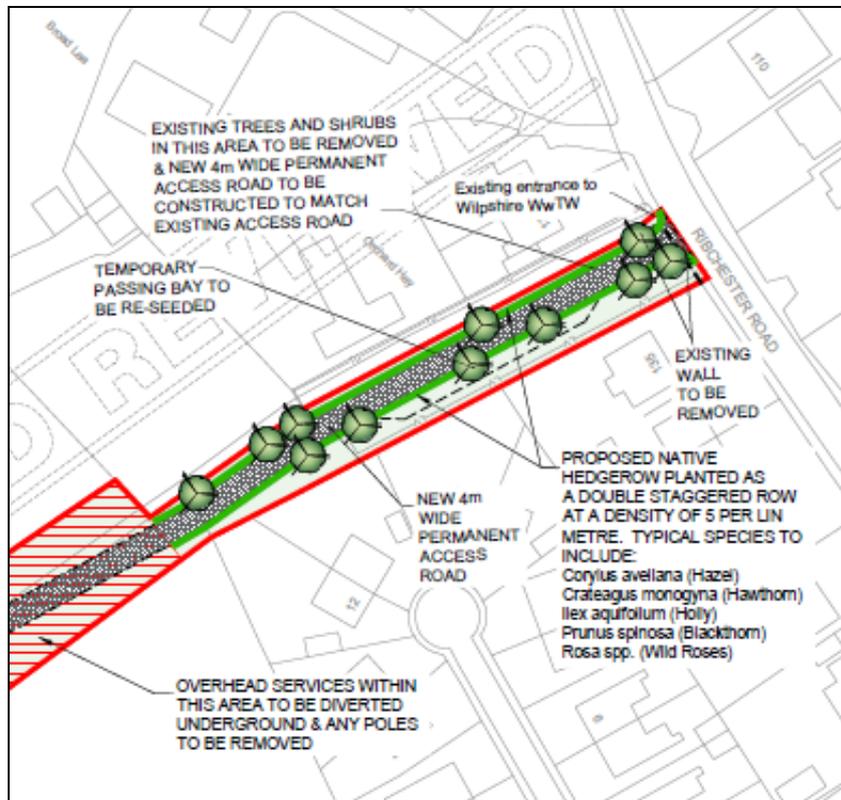
On the basis of the above, the proposed widening of the existing access is considered the only viable option to allow works to proceed.

Proposed Landscaping

In making the temporary TPO, RVBC have raised concerns that the amenity value of the trees would be at risk from development pressures. Whilst it is acknowledged that the loss of the two trees would have some impact on the local amenity of residents and land users, a landscape scheme has been produced to ensure that the loss of trees is fully compensated and there would be an overall increase in tree planting upon completion of the works.

The draft landscape proposals are shown on plan ref. 80061371-01-ADP-WILPS-97-DR-L-00001-P01.1 Landscape Proposals. During the planning process for the wider scheme of work, the landscape proposals will be subject to review by RVBC and amendments can be made to their satisfaction to ensure that local amenity is maintained together with any ecological value.

The image below shows the draft proposals for replacement planting adjacent to the access road.



Overall, whilst there would be some loss of local amenity, this would be temporary in nature and an overall increase in amenity value would be achieved through the implementation of the landscape scheme.

Summary

Advance wish to object to the temporary TPOs placed on trees adjacent to Ribchester Road on the following grounds:

- The removal of the trees is required to facilitate the upgrade of Wilpshire WwTW to ensure the ongoing provision of wastewater treatment for the local population and to achieve water quality standards directed by the Environment Agency.
- The proposed access widening is required to ensure the safety of highway users and pedestrians both during the construction phase and throughout the operational life of the site.

- There is no viable alternative access route into the site.
 - The amenity value afforded by the existing trees that would be lost to facilitate the widening of the site access would be restored and enhanced through the implementation of a landscape scheme that can be tailored to the satisfaction of RVBC and controlled through the planning process.
-

APPENDIX F

RECEIVED BY
CHIEF EXECUTIVE

16 OCT 2020	
16 OCT 2020	
FC	ATTENTION



Dear Sir thank you for your letter dated 1/10/20

I wish to document my objection to the tree preservation order no /nos /7/193/217 placed on the trees on my land lying on the south side of Ribchesterrd Clayton-le-dale

- Firstly, a discussion had already taken place with Lancashire county council confirming that there was no TPO on the said trees. I am unsure why this has suddenly arisen.
- The track on which the trees are services My land, [REDACTED] and the sewerage works that United Utilites Own. All of who need full and unobstructed access to their land. As time has passed farm machinery has become larger enabling crops to be removed more efficiently and economically requiring fewer trips on and off the access. It is now extremely difficult for us to safely negotiate the access.
- There is a public foot path on the track and for safety reasons the track would be better widened to accommodate walkers and dogs.
- A wider track would take the vehicles away from the domestic houses that run adjacent to the track and therefore reduce the impact on them.
- I have had notice that United Utilities wish to upgrade the sewerage works to accommodate the raise in housing and this being the only access is not going to be easily and safely achievable.
- Since I have taken ownership of the farm, I have embarked on a tree planting scheme in partnership with the woodland trust planting 1500 trees. I wish to continue working to enhance the natural environment on my land I understand the value of trees and hedgerow. I am willing to replace the said trees in a more suitable and permanent place on the farm
- [REDACTED] had already written to me in June of this year expressing his reasons to have the access widened I have enclosed a copy of letter. His points are very valid.
- I think it would become almost an impossible task to farm the land serviced by the track if it was not allowed to be upgraded.

Thank you for considering my objections,



Please address correspondence to the above address at [REDACTED]

APPENDIX G

H Alex

Thank you for your email dated 11/11/20 timed at 14:41.

This communication is with regards to the TPO number 7/19/3/2020.

You have stated in past communications that you had received three objection to the TPO placed on two trees.

I wish to point out that there are only two objections, one from Advance plus, one from Mr. M Pearson.

Attached to Mr. Pearson's objection is a letter dated the 30/06/2020 this letter is from Mr. E Dowson of Dowson dairies. The letter is dated 30/06/2020 which is three and a half months before the TPO was placed on the two trees. The date of registration of the TPO was the 01/10/2020. I respectfully request that you remove this letter from the list of objections.

I feel it so important that we get the preservation orders on the Alder and Ash moved from a temporary one to a permanent one. Attached are images that show all the greenery that depend on the continued existence of the Alder and the Ash. If we lost the protection of the TPO, all trees, I think there are twelve in total, amongst them are two oak trees, holly trees, Sycamore, Hawthorn, Elderberry trees, along with some berberis shrubs.

All will be destroyed. The forth image is of Mr Pearson's field it shows you all the long standing trees, shrubs and hedging that will be destroyed if we lose the TPO.

Positive points for the Alder Tree

It has a significant amenity value to the local community.

In spring it starts to awaken from the winter and shows new growth and each day more and more leaves unfold and carpet the tree in new green foliage

As we move on into summer the leaves take on a sail like appearance.

By now it is obvious how much the Alder offers support to the birds and a large number of insect that depend on its presence.

Birds that the Alder offer food to include the Siskin, Redpoll and the Goldfinch.

These birds along with others feed on the seeds produced by the Alder.

Some insects listed which depend on the Alder are.

Caterpillars of several months, including Alder Kitten, Pebble Hook Tip, and the Blue- border Carpet moth.

Catkins provide an early source of nectar and pollen for bees.

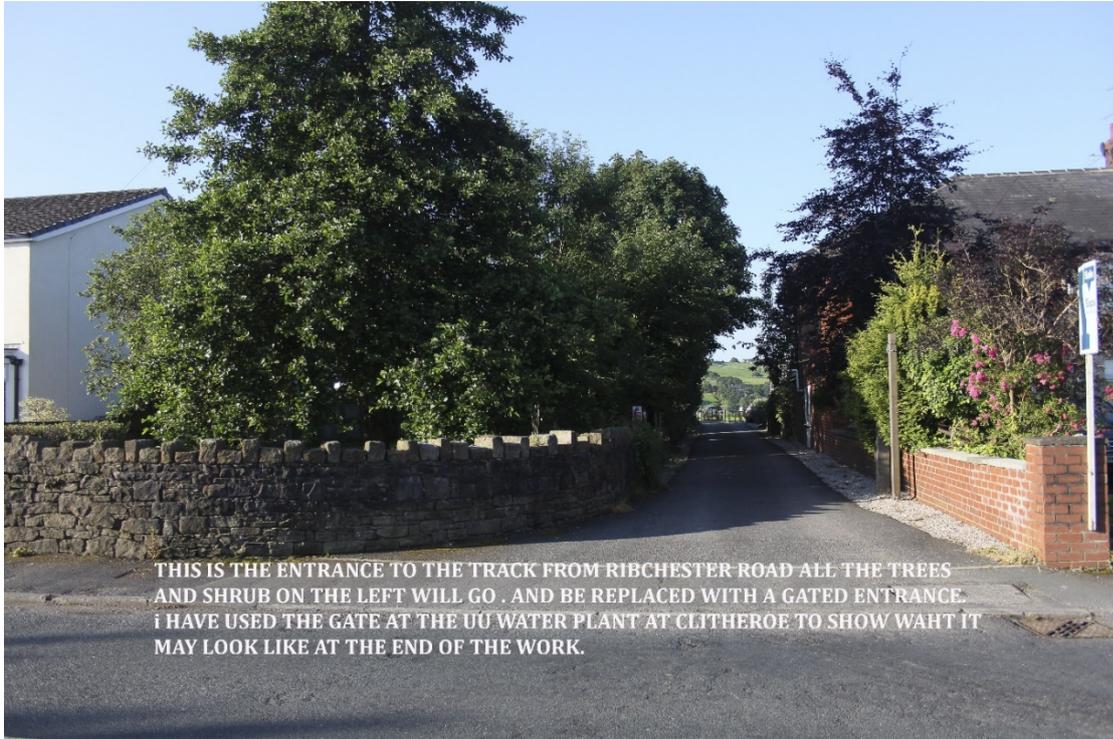
Now we move into the autumn period it is at this time we see the Alder show it's winter colours and give yet more pleasure to the people that pass by.

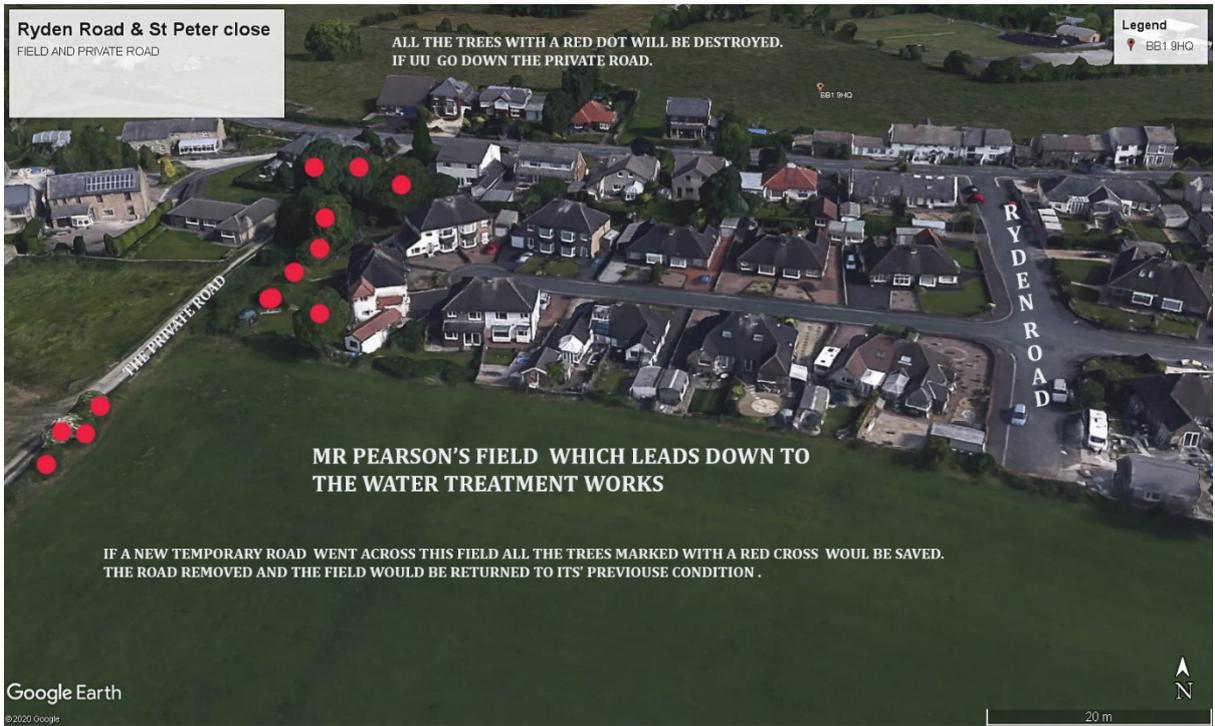
Just one or two more photographs of the croft that is the family name for the strip of land where the Alder and Ash are situated.

I wish for these photograph to be part of my comments about the TPO on these trees.

The objectors do have a solution that can be used, which would remove the threat to the trees in the croft

I would like you to accept my comments as support for placing the TPO 7/19/3217 on the Alder and Ash.





RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No. 7

meeting date: THURSDAY, 26 NOVEMBER 2020
 title: SABDEN CHILDREN'S PLAY AREA
 submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING
 principal author: NICOLA HOPKINS – DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

1. PURPOSE

- 1.1 To seek authority from Members to release Section 106 contributions for improvements to the equipped play area in Sabden.

2. BACKGROUND

- 2.1 When planning permission was secured to redevelop the former Victoria Mill in Sabden (ref: 3/2018/0361) the associated Section 106 Agreement secured a commuted sum of £17,785 for public open space.

- 2.2 The clauses of the Section 106 Agreement require the Council:

To apply the Public Open Space Contributions towards the improvement and future maintenance of existing play facilities and youth activities in Sabden provided that if the Public Open Space Contribution has not been utilised or committed for such purposes within five years of it being received by the Council to repay the person who made the payment or his nominee any part of the Public Open Space Contribution not so used within 28 days of the end of the five year period;

3. PROPOSAL

- 3.1 Sabden Parish Council are responsible for the existing equipped play area located on Sabden Park within a central location in the Village and have approached the Local Planning Authority to request part of the public open space contribution for the following improvements to the play area:

- Installation of a 6050-062 High Pedestal Slide, safety surfacing and associated ground works.
- Supply and lay Notts Sport Childs play 60 under existing swings onto existing safety surface. This is due to the fact that the existing surface is cracking, separating and shrinking.

- 3.2 The total costs of the works are:

- Slide = £10,045.66
- Safety Surface = £3,055
- **TOTAL = £13,100.66**

- 3.3 Within Sabden, Ribble Valley Borough Council own the land on which the bowling green is situated and the football pitch within the Village, however currently there are no plans in place associated with these facilities. The proposals by the Parish Council accord with the requirements of the legal agreement and will improve the equipped play space in a relatively short time period (subject to Member approval the Parish Council will order the new equipment ASAP) for the benefit of the children in the Village. Additionally £4,685 of the commuted sum will be retained for future improvement works to play facilities in Sabden.

4. RISK ASSESSMENT

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

- Resources – The £17,785 commuted sum was received by the Council on 1 September 2020 and as such there are existing sufficient funds for the project.
- Technical, Environmental and Legal - The project would accord with the stipulations of the legal agreement whilst retaining some of the contribution for future improvements in the Village.
- Political - N/A
- Reputation - The provision of improved play space facilities within the Village is seen as a benefit and accords with the purpose of securing off site open space contributions as part of new residential developments.
- Equality and Diversity - N/A

5. **RECOMMENDED THAT COMMITTEE**

5.1 Authorise the payment of invoice(s) from Sabden Parish Council following the completion of play area improvements set out within paragraph 3.1 within 28 working days of receipt, up to the amount of £13,100.66.

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

**MINUTES OF THE
DEVELOPMENT PLAN WORKING GROUP
HELD ON TUESDAY 29 SEPTEMBER 2020 @ 4.00pm**

PRESENT:

Councillor Alison Brown (Chair)	Nicola Hopkins
Councillor Judith Clark	Colin Hirst
Councillor Richard Sherras	John Macholc
Councillor Jim Rogerson	Rebecca Turner

APOLOGIES

Received from Cllr Robert Thompson.

MINUTES

The minutes of the meeting held on 13 November 2019 were agreed as a correct record.

INTRODUCTION

The meeting was doubling up as a briefing for Special P & D committee the following evening that had the same items on the agenda as this meeting.

The White Paper – a consultation paper on proposed changes to the Local Plan system. This had come at an opportune time for us as we are due to review our Local Plan and this has an impact on the Local Plan process.

Changes to the Current Planning System – a consultation on substantive changes to the planning system (NPPF) including the housing numbers formula.

THE WHITE PAPER

The report outlined The White Paper on a single page. It proposes a radical change to the planning system based on a pro-development approach and speeding up decisions. A lot of factors would be outside Local Authority control.

It is based on 3 pillars –

- Planning for development
- Planning for beautiful and sustainable places
- Planning for infrastructure and connected places

Under these 3 pillars sits 24 key proposals – outlined in the report.

Good points to the proposed plan making process included clarifying the test for soundness; more focused evidence, and promoting digital based work (presentation and accessible) – although a rider needs adding about the length of time that would be needed to make this happen.

Core areas for development to take place would need to be identified, along with design codes for each area. Local planning agents had expressed the opinion that this may well be the ‘death’ of innovation.

One size does not fit all, especially in smaller rural districts. The outcome would mean being engulfed in national standards. With regard to local infrastructure, there would be a nationally set levy on schemes which would take away the local negotiations on affordable housing contributions etc.

The underlying concern was the intention to try to standardize things and remove the local opportunity to influence things.

Appendix 3 of the report outlined the set of the questions to be answered for the consultation. Colin had included some corporate answers where the Council's interest needed to be protected. However, some needed member input and these would be discussed in the Special P & D meeting. The deadline for the consultation was the end of October with a probable run in of 18 months to introduction. The response would need endorsement at the P & D committee.

Individual members were reminded that there needed to be a corporate response from committee, but that could also submit a personal one if they wished.

CONSULTATION ON CHANGES TO THE CURRENT PLANNING SYSTEM

Colin's main concern about this paper was that it could be introduced much more quickly without any primary legislation – perhaps only a couple of months.

The most important issues were the proposed standard methodology on housing numbers that would immediately increase ours from 143 to 293 overnight; and implications of measure on affordable housing which is critical in terms of operations.

This consultation needed to be submitted by 1 October 2020.

DATE OF NEXT MEETING

To be arranged when required

The meeting closed at 5.15pm

**MINUTES OF THE
DEVELOPMENT PLAN WORKING GROUP
HELD ON WEDNESDAY 21 OCTOBER 2020 @ 2.00pm**

PRESENT:

Councillor Alison Brown (Chair)	Nicola Hopkins
Councillor Judith Clark	Colin Hirst
Councillor Richard Sherras	John Macholc
Councillor Jim Rogerson	
Councillor Robert Thompson	

APOLOGIES

None received.

THE WHITE PAPER – CONSULTATION RESPONSE

Following consideration of the drafted response to the White Paper at Special Planning & Development committee on 30 September, Colin had now incorporated committee's remarks into the draft response for the working group to consider again.

A good discussion took place and the following comments were made–

QUESTION	COMMENTS
1	Complex, Lengthy, Frustrating
2b	Too complicated for others
3	Add town and parish councils and parish meetings
4	All of the above – depends on the circumstances and what is right for rural RV (economy, infrastructure, environment)
5	In part
6	Needs to be stronger – don't agree that National policies work for all – National policy compromises democracy Streamlining – difficult to take into account local circumstances General Dev Mgt – takes away local input
8a	Government needs to consider fairness/balance re distribution of numbers RV will easily meet numbers because attractive area – some areas will never get built in. Don't want to be forced to take numbers from other areas. Include in letters to MP etc
9a	Ditto – also include in this answer as above
9b	Swap word 'limits' for 'compromises'
10	No
11	Include phrase 'extremely challenging' in last sentence
12	No

13b	National development policies compromise Neighbourhood Plans
14	Yes
15	Punctuation Desire to keep decision making local – the best place to decide. Sense of place not considered by developers – neither is design suitable to location especially for large developments. Also about soft landscaping not just built development. Need to protect what we have got. Developers held to more stringent measures on energy efficiency. Richard will send response from RSN
21	As listed subject to local decision making ‘at the time’ Linked to sustainability subject to what is needed at the time
22a	Locally driven
22d	Yes
23	Needs punctuation All angled towards CIL – lose local control on occupation
24a	S106 ensure on-site provision Developers not responsible for affordable housing if CIL
24b	No Colin will look at affordable aspects in these sections
25	No
25a	Delivered on-site

ACTION: Colin would do a redraft of the response along with draft letters to SoS and MP and circulate to the working group and Cllr Allan Knox for approval before sending them off.

DATE OF NEXT MEETING

To be arranged when required

The meeting closed at 3.20pm



Appeal Decision

Site visit made on 11 August 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020

Appeal Ref: APP/T2350/W/20/3253310

Land at junction of Chatburn Road and Pimlico Link Road, Clitheroe

Easting: 375365 Northing: 443101

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Mark Wilkinson (Oakmere Homes (NW) Ltd) against Ribble Valley Borough Council.
 - The application Ref 3/2019/0877, is dated 18 September 2019.
 - The development proposed is erection of 39 dwellings with landscaping and associated works, and access from adjacent development site.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 39 dwellings with landscaping and associated works, and access from adjacent development site at Land at junction of Chatburn Road and Pimlico Link Road, Clitheroe in accordance with the terms of the application, Ref 3/2019/0877, dated 18 September 2019, subject to the conditions set out in the attached Schedule of Conditions.

Procedural Matters

2. This appeal is against the Council's failure to determine the application for planning permission within the prescribed period. The Council have subsequently resolved, had they determined the application, that they would have refused planning permission for the proposal. A single putative reason for refusal has been set out which, for the avoidance of duplication, is set out in full at paragraph 1.2 of the Council's Statement of Case. I have framed the main issue below accordingly.
3. The appellant has submitted a signed and dated Unilateral Undertaking (UU) prepared under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended) (the Act). The UU sets out the appellant's undertaking in relation to affordable housing provision, accommodation for over-55's and the procedures for occupancy eligibility and nomination procedures. It also sets out provisions and amounts for off-site leisure, primary and secondary education and NHS contributions, albeit that the Council have subsequently confirmed that they no longer wish to pursue the matter of NHS contributions. I return to these matters below.

Application for costs

4. An application for costs was made by Oakmere Homes (NW) Ltd against Ribble Valley Borough Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is whether the proposed development would be in a suitable location for residential development, having regard to local and national planning policies.

Reasons

6. The Council's overarching development strategy is set out at Key Statement DS1 of the Core Strategy (CS), stating that the majority of the borough's new housing will be concentrated within, amongst other areas, the principal settlements, of which Clitheroe is one. Beyond the principal settlements, other settlements are identified as tier 1 and tier 2 villages and settlements, with open countryside lying outwith those designations. The Council's '*Housing and Economic Development – Development Plan Document*' (HED DPD) goes on to set out specific housing allocations.
7. Both parties refer, with reference to other appeals within the borough¹², to CS policy DMG2 as having a part 1 and (an unnumbered) part 2 (with 6 criteria). I have already dealt with part 1, whilst part 2 deals with development within tier 2 villages and outside the defined settlement areas. Thus, in these areas development proposals must meet one of the 6 criteria set out by policy DMG2. CS policy DMH3 also considers dwellings in the open countryside, which it is agreed is land beyond the defined settlement areas, where residential development must meet certain criteria. Both identify local needs housing to meet an identified need as one of the factors which will attract policy support.
8. Whether or not the second part of CS policy DMG2 should apply in addition to the first part in this instance, the provisions of CS policy DMH3 applies in all cases in the open countryside. It is agreed that the appeal site lies beyond Clitheroe's defined settlement boundary and thus, also by definition, is within the open countryside. CS policy DMH3 therefore applies, regardless of whether the second part of policy DMG2 is engaged in addition to the first part of that policy.
9. There is no dispute that the appeal site lies beyond the settlement boundary for Clitheroe. That settlement boundary does, however, mark the site's southwestern boundary where it abuts both it and a residential development site currently under construction. The settlement boundary, which is located on the opposite side of Chatburn Road and within which lies a recent residential and Clitheroe Community hospital, also runs parallel to the appeal site's Chatburn Road boundary.
10. There are areas of designated existing open space along Chatburn Road on both sides of the road, but they are relatively limited and seen in the context of otherwise continuous residential development along Chatburn Road between the town centre to the southwest and Pimlico Link Road to the north. The

¹ APP/T2350/W/19/3221189 and APP/T2350/W/19/3223816

² APP/T2350/W/20/3248156; APP/T2350/W/17/3186969; APP/T2350/W/17/3174924; APP/T2350/W/17/3185445; APP/T2350/W/19/3235162 and APP/T2350/W/18/3202044

appeal site itself is bounded on one side by, and indeed would be accessed from, a newly built residential development and lies opposite existing development and newly built housing on another.

11. Although located beyond Clitheroe's settlement boundary, the appeal site is well related to it in terms of built form, and its physical and visual relationships. The appeal site is therefore seen very much as a part of Clitheroe and the pattern of development along Chatburn Road. CS policy DMG2 seeks to support the CS's development strategy as set out in Key Statement DS1. To this end, it states that development proposals in principal settlements such as Clitheroe should consolidate, expand or round-off development so that it is closely related to the main built up areas, ensuring that it is appropriate to the scale of, and in keeping with, the existing settlement.
12. In understanding these terms, I concur with the appellant's assessment that it is also necessary to be mindful of the CS's glossary definitions and interpretation of these terms. The site is clearly not within the defined settlement boundary for Clitheroe. However, having regard to the nature and context of the land immediately around it, particularly the adjacent and adjoining residential development and prevailing pattern of development and built form along Chatburn Road, it is not unreasonable to conclude that the proposed residential development of the appeal site would consolidate development in a manner closely related to the main built up area of Clitheroe.
13. The CS Glossary definition of consolidation refers to new developments adjoining the main built up area of a settlement. The proposal would do this. The Glossary does not distinguish between consolidation within or beyond a settlement, just that it adjoins the main built up area. The prevailing pattern of development along Chatburn Road is not one of isolated or sporadic development, even if the glossary definition also includes these, where appropriate, within the definition of consolidation.
14. Rather, development is largely continuous, with depth of development from the Chatburn Road frontage, on both sides of the road along its length from the town centre to the appeal site. I accept that the housing with which the appeal site is contiguous was, at the time of my visit to the site, under construction and the site adjoining that is an allocation in the HED DPD. However, this does not alter my assessment that the appeal site can be sufficiently seen as a consolidation in the terms set out in CS policy DMG2 and the CS Glossary, confers support from the first part of CS policy DMG2.
15. The proposal would provide affordable housing in a mix of sizes and tenures, to which there is no objection from the Council as there is a borough-wide need for affordable housing. This is not, however, the same as housing to meet an identified local need and no case is otherwise made that the proposal would provide local needs housing in the manner sought by CS policy DMH3. Although the borough-wide need for affordable housing is noted by the Council, the presence within the development of balance of the housing as market housing is considered sufficient to outweigh the undoubted benefits of affordable housing. I agree that the proposal would fail to accord with CS policy DMH3 as a consequence in resulting in residential development beyond a defined settlement boundary, and thus in the open countryside, without an identified local need justification.

16. There is no dispute between the parties that the relevant policies in the determination of this application are up to date and can be afforded full weight. Thus, both the proposal's failure to provide housing to meet a local need on the one hand, and it being a form of consolidation on the other, are central to the planning balance to be exercised in this instance. The Council refer to a number of appeal cases² which support their contention that both parts of CS policy DMG2 are engaged. However, these largely pre-date the more recent examples¹ cited by the appellant which demonstrates the Council's alternative approach. However, as CS policy DMH3 provides a back-stop to the Council's position regarding criteria against which proposals in the open countryside be judged, the application (or not) of the second part of CS policy DMG2 is not crucial in this instance. However, the absence of evidence to demonstrate that the proposal would specifically meet an identified local need means that the proposal is contrary to CS policy DMH3, albeit that the proposal would also satisfy the general principle of consolidation established by CS policy DMG2, and therefore be an appropriate location in principle for residential development.

Other Matters

17. There are no objections to the proposal from the Council in terms of the site's layout and relationship with existing housing, or in terms of its internal layout and the relationship of proposed houses to each other. I have not been presented with any further evidence that would lead me to a different conclusion with regard to living conditions of occupiers of existing properties, or those of future occupiers of the proposed dwellings and do not therefore disagree with the conclusion reached by the Council.
18. Nor are matters of design, siting or character and appearance areas of dispute between the main parties. The site is constrained visually, physically and contextually by natural and man-made features and barriers and as such the development of the appeal site would not be out of keeping with the context, built form and development pattern of the immediately surrounding area. Nor would it cause harm to the character or appearance of the site's wider surroundings and thus concur with the Council's assessment that there would be no harm to character or appearance as a consequence. Subject to appropriately worded conditions I am satisfied that the proposed development would make adequate provision for, and avoid harm in terms of, highway and pedestrian safety, and landscape and ecological provision.
19. The signed, dated and completed UU makes provision for a range of matters including affordable housing provision, accommodation for over-55's and the procedures for occupancy eligibility and nomination procedures, in addition to provisions and amounts for off-site leisure, primary and secondary education and NHS contributions. The tests in relation to the use of planning obligations and UUs are set out at paragraph 56 of the Framework and Regulation 122(2) of the Community Infrastructure Regulations 2010 (as amended) (the Regulations) which should meet all of the tests set out therein.
20. The Council have confirmed that they do not wish to pursue the NHS contribution element of the UU, whilst in respect of the education contribution (primary and secondary), Lancashire County Council³ have revised down their calculation of the education contribution from that previously advised at the

³ Local Education Authority

application stage. The UU meets⁴ the required education contribution and UU's provisions are in line with the requirements and provisions previously set out by the Council in the officer report and consultation responses. The provisions of the UU would be in accordance with the provisions of CS Key Statement DMI1 and I find no conflict with the Framework or the Regulations in this respect. I have therefore taken the UU, with the exception of its provisions regarding NHS contributions and the excess balance of the education contribution, into account in reaching my decision and I am satisfied that the UU's construction provides sufficient flexibility for such an approach.

Planning balance

21. The proposed development would be located outwith the defined settlement boundary for Clitheroe and thus within the open countryside, as defined by the CS. There is no evidence before me to demonstrate that the proposal would meet an identified local need and the proposal would be contrary to CS policy DMH3. However, the proposal would amount to a form of consolidation provided for and supported by the first part of CS policy DMG2(1). The site is thus well-related to the main built up area and built form of Clitheroe, directly adjoining and adjacent to new and recent residential development where built residential form is more or less continuous from the appeal site to the town centre.
22. Although a reasonable length walk from the town centre's services and facilities, I am satisfied that the broadly level, continuous and well-lit pavements and footways along the wide Chatburn Road corridor would provide a usable and practical alternative to the private car in accessing facilities. I am satisfied that future occupiers would therefore have a choice of means of transport available to them to access those services and facilities, including by bicycle and on foot.
23. The proposal would provide a not insignificant boost to housing supply. The Council's 5+ year housing land supply position is not challenged by the appellant, whilst the Council also consider that they have 'sufficient consents' for residential development. However, a 5-year housing land supply is not a ceiling or a maxima, particularly so in light of the Framework's commitment to significantly boost the supply of homes. That the proposal would boost the supply of homes in a logical location well-related to existing, on-going and recently built residential development in an accessible and sustainable location directly adjacent to the defined settlement boundary in a manner that would consolidate development in a manner provided for by CS policy DMG2(1) weighs significantly and positively in support of the proposal. Moreover, within a borough-wide context where there is a need for affordable housing, whilst the proposal does not satisfy the development plan definition of local needs housing, the delivery of 12 affordable homes would nevertheless go some way to meeting a locally identified need for such affordable homes.
24. There is no suggestion that Clitheroe is otherwise unable to accommodate the 39 dwellings proposed in this instance. Whilst there is no evidence to support the provision of local needs housing as a justification for the proposal, it would contribute towards meeting a borough-wide affordable housing need and would boost the supply of homes within the borough. I give the provisions of both CS policy DMG2 and DMH3 full weight but, having considered the positive aspects

⁴ And exceeds

of the proposal and other benefits arising from it in the planning balance I conclude that the proposal's open countryside location and absence of an identified local need in this instance is outweighed by other material considerations as outlined above.

25. In reaching these conclusions, I am mindful of a number of appeal decisions which have been cited by both parties in seeking to support their respective positions. However, from the commentary provided by both parties in respect of the limited information regarding those proposals, it is clear to me that they do not provide directly comparable circumstances and context to the proposal before me. Moreover, not only do the cases referred to me by the Council in support of the Council's revised position largely pre-date those cited by the appellant, they also demonstrate that other factors come into play, in particularly the relationship of the site to the defined settlement and main built up area, the form and character of the proposal and the character and appearance of the surrounding area. For all of these reasons, I conclude that other development plan policies and material considerations warrant allowing the appeal contrary to the provisions of CS policy DMH3.

Conditions

26. I have considered the Council's list of suggested conditions in light of the Framework and Planning Practice Guidance and, where necessary in the interests of precision and accuracy, have made minor alterations and revisions. I am satisfied that in doing so neither party would be disadvantaged. Where specific condition numbers are referred to these relate to the Council's numbering of suggested conditions.
27. I agree that time limit and plans conditions are necessary and reasonable in order to provide certainty. In addition to the plans condition, further conditions regarding implementation and maintenance of the landscaping proposals, and tree protection during the construction phase are also reasonable and necessary in the interests of character and appearance and the satisfactory appearance of the development upon completion.
28. In order to ensure the satisfactory connection of the hereby approved development into the existing local highway network, conditions regarding details the estate road and cycle link and carriageways are necessary in the interests of highway and pedestrian safety. A condition regarding suitable provision for electric vehicle charging at all properties is reasonable and in the interests of encouraging alternative means of travel, and alternative means of powering vehicles.
29. Additionally, I agree that a Construction Method Statement be imposed to ensure appropriate management of the construction site in the interests of highway and pedestrian safety and the living conditions of occupiers of properties located along the access to the site. To this end, I see no reason why the provisions of suggested condition 12 cannot be included within an expanded condition 5 and I have therefore amended condition 5 and deleted condition 12 accordingly. I have also omitted suggested condition 8 as it has not been demonstrated that it would pass the test of necessity.
30. Finally, there are two conditions regarding surface water drainage measures which in part both duplicate and contradict each other. There is no need for

both conditions, and I accept the appellant's reasoning for the deletion of suggested condition 13.

Conclusion

31. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 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:
 - 067-SL-01 Location plan
 - 19-B295 Topographical survey
 - 067-P-01 Proposed housing layout
 - 067-P-05 Proposed affordable housing layout
 - 067-P-06 Proposed housing layout with levels
 - c-981-30_A Proposed landscaping scheme (1 of 2)
 - c-981-31_A Proposed landscaping scheme (2 of 2)
 - 067-BOW-P01 Bowfell house type floor plans
 - 067-BOW-P02 Bowfell house type elevations
 - 067-BOW-SPL-P01 Bowfell (split level) house type floor plans
 - 067-BOW-SPL-P02 Bowfell (split level) house type elevations
 - 067-CAL-P01 Caldew and Rothay (linked) house type floor plans
 - 067-CAL-P02 Caldew and Rothay (linked) house type elevations
 - 067-ENN-AG-P01 Ennerdale (attached garage) house type floor plans
 - 067-ENN-AG-P02 Ennerdale (attached garage) house type elevations
 - 067-GRA-P01 Grasmere house type floor plans
 - 067-GRA-P02 Grasmere house type elevations
 - 067-GRIZ-P01 Grizedale (bungalow) house type floor plans
 - 067-GRIZ-P02 Grizedale (bungalow) house type elevations
 - 067-HON-P01 Honister house type floor plans
 - 067-HON-P02 Honister house type elevations
 - 067-KIRK-P01 Kirkstone house type floor plans
 - 067-KIRK-P02 Kirkstone house type elevations
 - 067-LOW-P01 Lowther house type floor plans
 - 067-LOW-P02 Lowther house type elevations
 - 067-ROTH-P01 Rothay house type floor plans
 - 067-ROTH-P02 Rothay house type elevations
 - 067-THIRL-P01 Thirlmere house type floor plans
 - 067-THIRL-P02 Thirlmere house type elevations
 - 067-THIRL-SPL-P01 Thirlmere (split level) house type floor plans
 - 067-THIRL-SPL-P02 Thirlmere (split level) house type elevations
 - 067-WAS-SPL-P01 Wasdale (split level) house type floor plans
 - 067-WAS-SPL-P02 Wasdale (split level) house type elevations
 - 067-P-04 Proposed street scenes and sections
 - 067-P-03 Proposed external materials layout
 - 067-P-02 Proposed fencing layout
 - SD-FT-02 Proposed timber plot divide fencing details
 - SD-FT-08 Proposed timber feather-edge fencing details
 - SD-SW-03 Proposed stone wall with timber infill panel details
 - 19619-100_0 General arrangement (highways)
 - 19619-101_0 Contour layout (highways)
 - 19619-720_0 Long sections (highways)
 - 19619-730_0 Standard details (highways)

- 19619-500_0 Drainage layout
- 19619-510_0 Drainage long sections
- 19619-530_0 Drainage details

- 3) 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.

- 4) During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standard.
- 5) 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 management of surface water and pollution prevention measures during each construction phase;
- F. The siting and locations of security hoarding;
- G. 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);
- H. The timings/frequencies of mechanical sweeping of the adjacent roads/highway;
- I. 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);
- J. The highway routes of plant and material deliveries to and from the site;
- K. Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties;
- L. Days and hours of operation for all construction works; and
- M. Contact details for the site manager(s).

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

- 6) No residential unit hereby permitted shall be occupied until details of arrangements for the future management and maintenance of proposed

carriageways, footways, footpaths, landscaped areas and bin storage areas not put forward for adoption within the site have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first residential unit on the site, the areas shall be maintained in accordance with the approved management and maintenance details.

- 7) The new estate road and shared pedestrian / cycle link between the site and Chatburn Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
- 8) All garage facilities shall have facility of an electrical supply suitable for charging an electric motor vehicle.
- 9) The existing gated field access opposite the hospital access shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads prior to any development commencing on site.
- 10) No development shall commence until final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:
 - A. A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD);
 - B. A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1-in-1 year, 1-in-30 year and 1-in-100 year return period; plus an appropriate allowance for climate change and urban creep. The calculations must also demonstrate that surface water run-off from the development does not exceed the existing pre-development surface water runoff rates and volumes for the corresponding rainfall intensity;
 - C. A final site plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network;
 - D. Confirmation of how surface water will be managed within the non-drained areas of the site, i.e. gardens and public open space;
 - E. A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site;
 - F. Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and
 - G. Final details of how the surface water drainage network will be managed and maintained over the lifetime of the development.

The drainage 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 shall be retained, managed and maintained in accordance with the approved details.

****end of schedule****



Costs Decision

Site visit made on 11 August 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020

**Costs application in relation to Appeal Ref: APP/T2350/W/20/3253310
land at Chatburn Road and Pimlico Link Road, Clitheroe
Easting: 375365 Northing: 443101**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Oakmere Homes (NW) Ltd for a full award of costs against Ribble Valley Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for erection of 39 dwellings with landscaping and associated works, and access from adjacent development site.
-

Decision

1. The application for an award of costs is allowed in part in the terms set out below.

Reasons

2. Planning Practice Guidance (the Guidance) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Applications for an award of costs may be made on procedural or substantive grounds. The Guidance is clear in setting out the circumstances in which a Council could be vulnerable to an award of costs against it. This application for an award of costs is made on substantive grounds.
4. The Guidance cites examples of substantive grounds on which a Council could be vulnerable to costs against it. These include if a Council prevents or delays development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, failed to produce evidence to substantiate each reason for refusal on appeal and not determining similar cases in a consistent manner.
5. The Council's approach to Core Strategy (CS) policy DMG2 in the current instance is clearly at odds with that previously conceded and agreed by the Council in respect of this policy in two recent appeals¹. It was not unreasonable for the appellant to expect that the Council should approach the current appeal proposal in the manner that they had agreed to in these appeals, particularly given their relative and respective timings. The examples

¹ APP/T2350/W/19/3221189 and APP/T2350/W/19/3223816

subsequently cited by the Council² largely, but not completely, pre-date those two appeals and so do not provide compelling justification for adopting a different approach in the current instance

6. Where one of the cited appeal decisions postdates the approach adopted by the Council at Henthorn Road and Chatburn Old Road and adopts a revised position, it is also clear to me that there are other differentiating factors between the two. As such and from the evidence, I have concluded that it does not provide a directly comparable set of circumstances and should not therefore be relied upon to justify an alternative stance to that previously adopted by the Council on more than one occasion.
7. However, the Council were not incorrect in considering the proposal as development in an open countryside location. CS policy DMH3 applies similar provisions as CS policy DMG2 in respect of meeting locally identified housing need and so this matter would always need to be considered, even if the Council's approach to CS policy DMG2 itself contradicts the approach they had previously agreed to and adopted at appeal elsewhere within the borough.
8. Setting aside the provisions of CS policy DMG2, I am satisfied that the Council did not act unreasonably in reaching the conclusion that they did in respect of CS policy DMH3. However, my conclusions on the planning merits of the proposal as set out elsewhere differ from those reached by the Council. I conclude that, on the planning balance, material considerations including the provision of affordable housing and the site's close physical, visual and contextual relationship with the main built area of Clitheroe outweigh the absence of an identified local need to justify housing in the open countryside, as required by CS policy DMH3. My reading of CS policy DMG2 provides further support to my conclusions in these respects.
9. The Council have drawn on other appeal decisions which both pre- and post-date the examples referred to by the appellant, but neither do so on the evidence in sufficiently and comparably direct terms to justify a significant departure from the previously accepted approach to this particular CS policy. Furthermore, the example that post-dates those cases was only introduced at a late state in the appeal process and was not therefore capable of being cited as part of the appeal proposal's initial assessment by the Council.
10. Thus, although I disagree with the Council on the planning balance, the Council's approach to CS policy DMG2 has been contradictory, for which insufficient evidence has been submitted to justify that approach. As such, the Council has provided insufficient evidence to explain why similar cases have not been determined in a consistent manner. This amounts to unreasonable behaviour which has resulted in the appellant incurring unnecessary expense in the preparation of a case regarding CS policy DMG2. The award of costs therefore is a partial one in the terms set out.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Ribble Valley Borough Council shall pay to Oakmere Homes (NW) Ltd the costs

² APP/T2350/W/20/3248156; APP/T2350/W/17/3186969; APP/T2350/W/17/3174924; APP/T2350/W/17/3185445; APP/T2350/W/19/3235162 and APP/T2350/W/18/3202044

of the appeal proceedings described in the heading of this decision, limited to those costs incurred in making the appeal in respect of that element of the Council's refusal reason that relates to Core Strategy policy DMG2; such costs to be assessed in the Senior Courts Costs Office if not agreed.

12. The applicant is now invited to submit to Ribble Valley Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Graeme Robbie

INSPECTOR



Appeal Decision

Hearing Held on 15 and 16 September 2020

Site visits made on 9 and 22 September 2020

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2020

Appeal Ref: APP/T2350/W/20/3247676

Land SW of Clitheroe Golf Club, Whalley Road, Barrow, Whalley BB7 9BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Knowles (Westbridge Developments Ltd) against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2019/0510, dated 10 June 2019, was refused by notice dated 6 September 2019.
 - The development proposed is the erection of 14 no. over 55s bungalows and 10 no. affordable bungalows, associated works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was refused the Council has adopted the Housing and Economic Development: Development Plan Document, on 15 October 2019. I have considered the appeal accordingly. Its adoption is acknowledged in the agreed Statement of Common Ground and it is referred to in the submissions from the main parties and was discussed at the hearing. I am therefore satisfied that all parties have had the opportunity to comment.
3. A Unilateral Undertaking (UU) was submitted in support of the appeal and discussed at the hearing. Amongst other things the UU makes provision for the delivery and retention of affordable housing, older people's housing and affordable housing for older people as part of the scheme. On that basis the Council has withdrawn its fourth reason for refusal relating to the provision of affordable housing for older people. I return to this matter later in my decision.
4. I have allowed written submissions from the main parties on legal submissions made by the appellant during the hearing and on a recent appeal decision¹ provided by the Council which was issued after the hearing had closed. I am therefore satisfied that there would be no prejudice arising from my having taken those further submissions into account.

Main Issues

5. The main issues are:

¹ Appeal ref: APP/T2350/W/20/3248156

- whether the proposed development would accord with policies relating to the control of development in the countryside; and
- the effect of the proposed development on the character and appearance of the appeal site and its surroundings.

Reasons

Development in the countryside

6. The main parties agree that the appeal site is outside the settlement boundary for Barrow and thus is in the open countryside for the purposes of this appeal.

Relevant policy

7. Policy DMG2 of the Core Strategy 2008-2028: A Local Plan for Ribble Valley, (the Core Strategy) states that outside defined settlement areas development must meet one or more specified criteria. Those include that it would be for local needs housing which meets an identified need. Core Strategy Policy DMH3 also states that in the open countryside residential development will be limited, amongst other things, to that which meets an identified local need.
8. The development would comprise 14 market bungalows for residents aged 55 and over. It would also include ten affordable bungalows, two of which would be for residents aged 55 and over. Occupancy of the various units would be restricted via the UU. The appellant submits that the 14 market bungalows for residents aged 55 and over constitute local needs housing that would justify the development with reference to Core Strategy Policies DMG2 and DMH3.
9. The Core Strategy glossary defines local needs housing as 'the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment (SHMA)'.
10. The Housing Needs Surveys and Housing Waiting List relate to affordable rather than market housing. The 2008 SHMA and the updated 2013 SHMA identify the borough's older population profile compared to the national average and that long-term projections indicate likely notable growth in the proportion of older people in the district. The 2008 SHMA also refers to a lack of bungalows in the borough at that time. The SHMAs do not set specific targets for the delivery of market housing for older people. However, they acknowledge the likely implications of those existing and projected figures for the borough's housing market and the likely need for housing for older person households.
11. The Planning Practice Guidance states that plan-making authorities should set clear policies to address the housing needs of groups with particular needs, including older people². Core Strategy Key Statement H3 and Policy DMH1 set out that providing housing for older people is a priority for the Council. They state that, in developments of 10 units or more, 15% of units will be sought for older people, 50% of which will be market housing for older people. The Council's housing strategy, articulated via its development plan, thus includes

² Paragraph Reference ID: 63-006-20190626

specific requirements for the delivery of housing for older people including market housing as well as affordable provision.

The appellant's Local Housing Needs Assessments

12. The appellant has submitted two Local Housing Needs Assessments (LHNAs) dated March 2019 (the 2019 LHNA) and 25 March 2020 (the 2020 LHNA). The LHNAs specifically consider housing for those aged 55 and over in the appeal site parish and adjoining parishes. As such, they relate to a type of housing that sits within the wider context of older people's housing needs identified in the SHMAs. The LHNAs are material considerations pertinent to my decision.
13. The LHNAs identify that the appeal site parish and adjoining parishes have proportions of residents aged 60-74 and 75+ which are above the England average. They also identify that those two age categories are the only ones predicted to increase as a proportion of the borough's population over the subsequent 25 years. Those findings echo those of the SHMAs in identifying the likely importance of older people to the local housing market over the coming years.
14. However, since the SHMAs were carried out, the Council has adopted development plan policies that seek to deliver housing for older people, including market housing. In that context, any apparent requirement for such housing which may be identified would only represent a local housing need to justify development in the open countryside if there was compelling evidence that it would not otherwise be met through the Council's development plan strategy, including those policies.
15. Anecdotal evidence from local estate agents refers to demand for bungalows in the area. The likely reasons for that stated demand are not investigated in significant detail, although some reference is made to older people wishing to downsize. At the hearing a local Councillor also referred to constituents looking to move from larger to smaller homes to meet their future needs. However, that evidence does not indicate that bungalows would be the only means of meeting that requirement for 'downsized' accommodation.
16. Furthermore, the bungalows proposed in this case are substantial properties with 3 or 4 en-suite bedrooms, two large reception rooms and, in the main, generously-sized gardens. They may provide for people wishing to move to accommodation on a single level. However, given their size, I am not convinced that they are necessarily indicative of dwellings for all occupants wishing to downsize or that they would meet the specific demand referred to in that regard in any event. Therefore, the weight I afford that anecdotal evidence as justification for the current proposal is limited.
17. Both LHNAs included a household survey requesting responses from those aged 50 or over. The 2019 LHNA survey was sent to 52% of households in the relevant parishes and received 52 responses. The appellant suggests that, had it been sent to 100% of households, 100 responses would have been received and that it is appropriate to extrapolate accordingly. However, I am not satisfied that the low response rate was sufficient to allow wider conclusions to be reliably drawn. Furthermore, that assumption was not borne out by the subsequent 2020 LHNA survey, which was sent to 100% of households in the relevant parishes but received only 48 responses from people in the relevant age groups. Therefore, I have interpreted the figures in the surveys based on

the absolute number of respondents and have not made wider assumptions or inferences based on them.

18. Both household surveys included the question: 'would you consider buying/do you need to buy a new home suitable for those aged over 55 in [the relevant parishes]'. However, that someone may consider buying a certain type of property does not necessarily indicate a need for such a property. I cannot be certain why those responding felt that they needed to move, as no question was asked in that regard. Consequently, I do not have compelling evidence to indicate that those respondents were living in accommodation which was unsuitable or incapable of adaptation to meet their requirements, or that they would have actively considered moving had the question not been asked. The phrasing of that 'gateway' question therefore introduces significant doubt as to whether those responding could be said with certainty to be in housing need and the robustness of any conclusions drawn from those responses.
19. In any event, only 20 of the 2019 LHNA survey respondents³ and 17 of the 2020 LHNA survey respondents stated that they required at least 3 bedrooms to meet the needs of their household. That figure includes 5 respondents to the 2020 survey who indicated that they required a minimum of 4 bedrooms. None of the 2019 respondents indicated a minimum of 4 bedrooms.
20. With the exception of one 4 bedroom bungalow, all of the market bungalows proposed in this case would have 3 bedrooms. Therefore, overall I consider it reasonable to take account of all of those who indicated that they would require at least 3 bedrooms in drawing comparisons with the appeal scheme. However, even having done so, the surveys indicate that the number of households that would consider buying or need to buy a 3 or 4 bedroom home is quite low.
21. Furthermore, whilst respondents were asked to express a preference for accommodation types, several indicated that they would consider other types of housing, such as flats, as well as bungalows. Therefore, even if all of those respondents were in need of alternative accommodation, I am not satisfied that any such need could only be met by bungalows.
22. However, even if I were to assume that all of those responding needed to purchase a new home suitable for those aged 55 or over and that all needed a bungalow, the number of households that needed bungalows of the size and type proposed in this case would still be low.

Recent planning permissions for bungalows

23. My attention has been drawn to recent planning permissions granted by the Council in Barrow and the adjoining parish of Whalley which include bungalows for market sale. Those permissions span a number of years and indicate that such accommodation is being delivered in the appeal parish and nearby. As such, they lend support to the Council's assertion that the development plan is functioning to provide such housing.
24. The permissions referred to include a range of bungalow sizes. However, for the purposes of my decision I have focused specifically on those permitted bungalows with at least 3 bedrooms. Any with fewer bedrooms would not be directly comparable to the 3 and 4 bedroom bungalows proposed in this case.

³ Rounded up from 19.76 (calculated based on 38% of the 52 respondents to the 2019 LHNA survey).

25. Some of the permitted properties classed by the Council as bungalows include ground floor living and bedrooms but also have first floor accommodation. I have discounted those from the figures as it is reasonable to assume that anyone responding to the LHNA surveys would assume that 'bungalow' meant a property with all accommodation at ground floor level⁴. I have also disregarded any affordable bungalows since they are not comparable to the market housing which the LHNAs seek to justify in this case.
26. The appellant suggests I should also disregard permitted bungalows that were not subject to a restriction limiting their occupancy to those aged 55 and over. None of the single storey 3 bedroom bungalows in the list of recent permissions were subject to such a restriction, whilst those proposed in the current appeal would be. However, I have no compelling evidence before me to indicate that those 'unrestricted' bungalows would be unavailable or unaffordable to people aged 55 and over or that those which have been built were not purchased by people of that age. Therefore, I see no reason to disregard those permitted 3 bedroom single storey market bungalows in my consideration.
27. On that basis, the evidence indicates that thirteen single storey 3 bedroom bungalows have been permitted by the Council in Barrow parish since 2016⁵.
28. As set out above, I have reservations as to whether the LHNA surveys indicate a compelling need for older people's market bungalows for people who are in housing which is unsuitable for their current or imminent future needs, as opposed to a more general aspiration that they may wish to move into such accommodation in the future. However, even if the LHNAs did indicate such a need, the evidence indicates that such housing is being delivered in the area.
29. The difference between the 13 bungalows recently permitted by the Council and the 17-20 respondents indicating a requirement for at least 3 bedrooms in the appellant's LHNAs is not so significant as to represent a compelling justification for the proposed market bungalows in the countryside in conflict with the Council's development strategy. It is common ground that the Council is currently able to demonstrate a 5 year supply of deliverable housing sites. Taking those factors together, from the evidence before me I am satisfied that the Council's development strategy and housing policies are functioning to deliver the type of housing identified in the LHNAs and proposed in this case.
30. The Council is also in the process of updating its evidence base in anticipation of a local plan review. I have no reason to conclude that such a review could not incorporate measures to address any shortfall in housing need which may be identified or that the delivery of such accommodation would not continue.
31. It was raised at the hearing that not all older people would necessarily wish to live in housing provided on large development sites. However, whilst Policy H3 only requires the provision of older people's housing on major developments, that does not necessarily imply that all such schemes would be very large. A major scheme could be as small as 10 units, and thus some degree smaller than the 24 unit scheme proposed in this case. Therefore, this does not alter

⁴ In this regard I was referred to the properties proposed in reserved matters application 3/2020/0332 and to a number of the properties proposed in application 3/2016/0344. I have discounted the 3 bedroom 'bungalows' from the figures provided for those two schemes accordingly.

⁵ This figure comprises the six 3 bedroom bungalows permitted in application 3/2017/0603 and the seven 3 bedroom bungalows permitted in application 3/2018/0500 (updated by 3/2019/0862).

my conclusion that development plan policies are functioning to provide appropriate housing for older people.

32. I have not taken into account responses in the LHNAs indicating a minimum requirement for fewer than 3 bedrooms, since such requirements do not provide support for the 3 and 4 bedroom bungalows proposed in this case. In any event, the evidence indicates that 1 bedroom and 2 bedroom bungalows have also been permitted in Barrow and Whalley parishes in recent years.

The affordable bungalows

33. The scheme would also include 10 affordable bungalows, 2 of which would be for residents aged 55 and over. There was no dispute from the Council that those bungalows would meet a local housing need. I have no reason to conclude otherwise and I recognise that those affordable properties would represent a positive benefit weighing in favour of the scheme.
34. However, the evidence indicates that the delivery of those 10 affordable units is dependent on the delivery of the 14 market bungalows. I must consider the scheme before me as a whole. In the absence of compelling evidence to indicate a local need for those market properties, justification does not exist to warrant granting permission for the development in the countryside in conflict with the Council's development plan and its development strategy.

Other considerations relevant to local housing need

35. With regard to Policies DMG2 and DMH3 I have been referred to the judgment in the *Tesco v Dundee* case⁶ which establishes that 'policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context'. My attention has also been drawn to the finding in the *Phides* case⁷ that 'unless there is a particular difficulty in construing a provision in the plan, which can only be resolved by going to another document either incorporated into the plan or explicitly referred to in it...one must look only to the contents of the plan itself, read fairly as a whole'.
36. Based on those judgments one could take the view that, in interpreting the meaning of 'local needs housing' referred to in Policies DMG2 and DMH3, I should consider those policies on their face and without reference to the background documents referred to in the Core Strategy glossary definition. Alternatively, one could take the view that the meaning of 'local needs housing' cannot be construed without reference to the glossary, which is in the development plan, and subsequently to those documents referred to therein.
37. In either event, it would not affect my conclusion in this case. The SHMAs – one of the documents referred to in the Core Strategy glossary – include reference to the proportion of older people within the borough's demographic and the implications for housing provision within the borough. However, even having regard to the appellant's LHNAs as a further material consideration, I am not satisfied that a compelling local housing need for the older people's market bungalows proposed has been demonstrated to justify the development in the open countryside.

⁶ *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13

⁷ *Phides Estates (Overseas) Ltd v SSCLG* [2015] EWHC 827 (Admin)

Conclusion on the first main issue

38. I conclude that the proposed development would not accord with policies relating to the control of development in the countryside. It would conflict with the provisions of Policies DMG2 and DMH3 set out above and with the Council's development strategy.

Character and appearance

39. The Council's second reason for refusal states that the development would not represent the consolidation, expansion or rounding off of development so that it closely relates to the main built up area of Barrow. However, those criteria, which are in the first part of Policy DMG2, relate specifically to development proposals *in* tier 1 villages such as Barrow. In this case it is common ground that the site is not within the settlement boundary for Barrow and is in the open countryside. Consequently, the site is not *in* the settlement of Barrow and the criteria in the first part of Policy DMG2 are not engaged.

40. Policy DMG2 goes on to state that within the open countryside development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area. Accordingly, it is on that basis that I have considered this appeal.

41. Within the Barrow settlement boundary close to the site, Whalley Road is characterised predominantly by close-knit terraced housing, some adjacent to the back of the footways, some set back behind small front gardens. That part of Whalley Road has a distinctively built-up, suburban character.

42. However, upon leaving the settlement boundary and travelling towards the site, the character of Whalley Road quickly changes. Some housing is still present along Whalley Road, up to the junction of the A671. However, those houses are generally set back from the road frontage behind hedges and landscaped front gardens. They are also generally arranged in small groups, separated from one another by very wide gaps formed by open fields with high hedgerows running alongside the road frontage. The pattern of development along Whalley Road beyond the settlement boundary is therefore distinctively more sporadic and dispersed than is characteristic of the more close-knit, built up frontages within the settlement boundary.

43. The recently-built estate on Elbow Wood Drive immediately to the south of the site is larger than is generally characteristic of housing groups along this section of Whalley Road. As such it represents a somewhat uncharacteristically suburban feature within its wider rural surroundings. Nonetheless, it still has a relatively limited frontage length along Whalley Road and is still separated from other groups of housing and from the nearby golf club buildings and car park by large expanses of open fields, including the appeal site. Consequently, even with that relatively recent development, overall Whalley Road has maintained a spacious, semi-rural character and pattern of development as it leads away from the built-up frontages within the settlement boundary and through the open countryside beyond.

44. The appeal site is a field which extends alongside Whalley Road for some distance, separating the golf club buildings and car park to the north from the built development on Elbow Wood Drive to the south. As such, the site comprises one of those distinctive wide gaps of open space between clusters of

built development which characterise this section of Whalley Road outside the settlement boundary. Consequently, in its open, undeveloped form, the site makes a positive contribution to the distinctive, dispersed character of Whalley Road and its immediate surroundings.

45. The site is on the approach to Barrow and adjacent to other housing at Elbow Wood Drive. However, it is nonetheless physically separated from the settlement boundary with intervening open fields, and with further fields opposite and open land within the golf course to the rear. Consequently, the development would be viewed in its countryside surroundings rather than in the context of the built-up part of Barrow village. The development would extend alongside Whalley Road for some distance and the buildings themselves, together with their associated access, parking and garden areas, would result in a significant expanse of suburban, domestic development that would be highly incongruous in that countryside context.
46. The development would be between the car park of Clitheroe Golf Club and existing housing development at Elbow Wood Drive. However, the consequence would be the loss of one of those wide gaps of open space which form part of the street scene's distinctive, dispersed open character at present. The scheme would result in an almost uninterrupted expanse of built development extending from Elbow Wood Drive to the end of the row of bungalows at the junction of the A671. The consolidation of those sporadic clusters of buildings into a single long expanse of predominantly residential developed frontage would significantly alter and suburbanise the character of this section of Whalley Road. As a result, the development would significantly erode the distinctive dispersed, spacious, semi-rural character of its surroundings.
47. I recognise the intention to use high quality, sympathetic materials in the construction of all of the proposed bungalows. However, that would not overcome the harm I have identified, which would arise from the physical presence of the buildings themselves and the unquestionably domestic character of their associated external areas.
48. The bungalows would be lower than other buildings nearby. They would also be set back from the road frontage. The development would therefore be screened to some degree by existing trees on the southern and western site boundaries and by the front boundary hedge and new planting once it had become established. As identified in the appellant's Landscape and Visual Assessment the effects of the development on the wider landscape would be somewhat limited. However, the proposed buildings and their associated parking, access and garden areas would be clearly visible from Whalley Road, even with the existing boundary planting and proposed landscaping. The very harmful, suburbanising and erosive effects of the development, whilst relatively localised, would thus cause significant harm to the character of their surroundings.
49. I conclude that the proposed development would have a significant adverse effect on the character and appearance of the appeal site and its surroundings. It would therefore not accord with Policies DMG1 or DMG2 of the Core Strategy which collectively require development to be sympathetic to existing land uses, in keeping with the character of the landscape and to take account of the relationship to its surroundings. It would also conflict with the National Planning Policy Framework (the Framework), which requires planning decisions to

contribute to the local environment by recognising the intrinsic character and beauty of the countryside.

Unilateral Undertaking

50. The UU would restrict occupancy of the market bungalows to residents aged 55 and over. It would also secure the delivery of the 10 proposed affordable bungalows, 2 of which would be affordable bungalows for older people. The UU would therefore secure affordable housing and housing for older people at a level which would meet and, in some respects, exceed the requirements of Key Statement H3 and Policy DMH1 of the Core Strategy. These are positive considerations to weigh in the overall planning balance.
51. The Council has withdrawn its reason for refusal relating to the provision of affordable housing for older people on that basis. Having regard to the UU I am also satisfied that adequate provision would be made for affordable housing for older people as part of the proposed development.
52. The UU also includes obligations relating to financial contributions towards primary education provision and leisure and play facilities. Those have been calculated based on the specific scale and nature of the development. I am therefore satisfied that those obligations would be directly related and fairly related in scale and kind to the proposed development and would meet the relevant tests set out in paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). However, the primary education and leisure and play contributions are necessary to make the development acceptable in planning terms. As such, they are neutral considerations to be weighed in the planning balance.

Planning Balance and Conclusion

53. The proposal would result in development in the open countryside which, in the absence of compelling justification, would conflict with the Council's development strategy. It would also cause significant harm to character and appearance. It would therefore conflict with development plan policies DMG1, DMG2 and DMH3 as set out above. Those policies are consistent with the Framework which requires that developments are sympathetic to local character and recognise the intrinsic character and beauty of the countryside.
54. The appellant contends that, because of the age of those documents listed in the Core Strategy glossary definition, the development plan should be considered out of date and paragraph 11 d) of the Framework engaged. Those documents are of some age. However, they are not development plan policies or part of the development plan. They are separate documents which assess housing need as part of its evidence base, but do not set specific targets or prescribe how individual development proposals should be considered. Accordingly, their age does not render the development plan itself out of date.
55. Therefore, and as it is common ground that the Council is currently able to demonstrate at least a 5 year housing land supply, I conclude that the policies which are most important for determining the application are not out of date. Accordingly, paragraph 11d) of the Framework is not engaged in this case.
56. The development would provide affordable housing beyond the level required by Policy H3. The appellant has worked closely with a local affordable housing provider and the units are intended to provide specialist, supported affordable

accommodation to meet needs in the area. That accommodation would represent a notable benefit which I afford positive weight in the planning balance. However, its delivery is dependent on the 14 market bungalows for which no local housing need has been demonstrated. The scheme would also cause significant harm to the character and appearance of its surroundings. The benefits of those affordable units are not sufficient to outweigh that conflict or the harm that would arise from the scheme as a whole.

57. At the hearing I was referred to the recently published Planning White Paper⁸ and Changes to the Current Planning System consultation document⁹. In particular, it was suggested that the affordable housing now proposed may not be secured if proposals set out in the latter of those documents were to come forward. However, the implications of the recent consultation on those documents are not yet known and the proposals therein remain subject to change, thus limiting the weight I afford to them in this case.
58. The development would also contribute to overall housing supply in the borough. The site is close to local amenities and public transport links, which would be of benefit for older people's housing and for housing generally, and future occupants would provide some support for businesses in nearby Barrow. However, the benefits of the 24 dwellings proposed would not outweigh the significant harm I have identified in respect of the effect on the character and appearance of the area and the conflict with the Council's development strategy.
59. I acknowledge the appellant's history of developing housing in the area, the effects of the Covid-19 pandemic on his business and the implications that my dismissing this appeal may have for his business and staff. I was referred to the Prime Ministers 'Build Build Build' statement in response to the Covid-19 pandemic and I recognise the challenges and implications that have arisen from the pandemic and the potential role of small and medium sized construction companies in the recovery period. The development would provide support for local suppliers and employment during the construction period, and I acknowledge the appellant's stated willingness to commence the development within 12 months. However, those factors do not alter or outweigh my conclusions regarding the conflict with the Council's development strategy or the significant and lasting harm to character and appearance that would arise as a result of the proposed development in this case.
60. I am advised that the adjacent golf course and possibly other nearby dwellings could connect into the development's mains sewerage system. I have been referred to the potential for such a proposal to address existing issues with effluent in the adjacent watercourse and remove the need for the golf club to replace their septic tank. However, I was advised that the issues with the adjacent watercourse could be addressed separately through environmental health legislation and such remediation was not reliant on the delivery of this scheme. Therefore, and as the drainage design is at an early stage such that little detailed information has been provided to me in that regard, the weight I afford any benefits arising from such proposals is limited.
61. The UU also includes obligations requiring payments towards primary education, leisure and play facilities. However, those obligations relate to

⁸ Planning for the Future: White Paper August 2020

⁹ Changes to the current planning system: Consultation on changes to planning policy and regulations

mitigation to make the proposed development acceptable. As such they are neutral in the planning balance rather than benefits weighing in favour of the proposal.

62. I have considered the proposal against the development plan as a whole and having regard to the *Corbett* judgment¹⁰ to which I have been referred. Having done so, I find the harm arising and the conflict with those development plan policies set out above carries significant and determinative weight. That harm is not outweighed by the benefits of the scheme or the absence of conflict with other development plan policies. I therefore conclude that the development would conflict with the development plan as a whole and that material considerations do not justify making a decision other than in accordance with the development plan in this case.

63. Therefore, I conclude that the appeal should be dismissed.

Jillian Rann
INSPECTOR

¹⁰ R (on the application of William Corbett) v Cornwall Council [2020] EWCA Civ 508

APPEARANCES

FOR THE APPELLANT:

David Knowles	Westbridge Developments Ltd
Joshua Hellowell	PWA Planning
Anthony Gill	Kings Chambers
Freya Lees	North Star
Andrew Booth	Calico Homes

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Kilmartin	Ribble Valley Borough Council
Rachel Horton	Ribble Valley Borough Council

INTERESTED PERSONS:

Mashood Ahmad
Michael Ashforth
Nigel Clowes
Councillor Robert Thompson

DOCUMENTS SUBMITTED DURING AND AFTER THE HEARING

1. Ribble Valley Borough Council Strategic Housing Market Assessment dated June 2013.
2. Details of other sites suggested for the Inspector to visit.
3. Copies of judgments:
 - Tesco Stores Ltd v Dundee City Council [2012] UKSC 13
 - Phides Estates (Overseas) Ltd v SSCLG [2015] EWHC 827 (Admin)
 - R (on the application of William Corbett) v Cornwall Council [2020] EWCA Civ 508
4. Appellant's legal submissions regarding the judgments listed in point 3, subsequent comments from the Council and appellant's final comments.
5. Ribble Valley Borough Council Core Strategy 2008-2028.
6. Emails and attachments from the local planning authority clarifying details regarding applications referred to in submissions and at the hearing.
7. Unilateral Undertaking dated 29 September 2020.
8. Appeal and costs decisions for appeal reference APP/T2350/W/20/3248156 and appellant's comments.