

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

**DEFER AND DELEGATE TO THE DIRECTOR OF COMMUNITY SERVICES**

DATE: THURSDAY, 12 MARCH 2015

REF: CS/CMS

CHECKED BY:

APPLICATION NO: 3/2015/0010/P

(GRID REF: SD 370556 434580)

OUTLINE APPLICATION FOR 18 RESIDENTIAL DWELLINGS, INCLUDING 5 AFFORDABLE HOMES AND ASSOCIATED ACCESS, LANDSCAPING AND OTHER NECESSARY WORKS ON LAND OFF LONGSIGHT ROAD, LANGHO

PARISH COUNCIL:

Billington and Langho Parish Council strongly object to this application because the proposed development is contrary to Policies G1, G5, ENV 6 and H2 of the Ribble Valley District Wide Plan.

1. Policy G1 - Concerns re access to the site

The A59 is a major East-West traffic link and is classed as a Road of Regional Significance in LCCs Functional Road Hierarchy. In the Functional Road Hierarchy, roads and paths are categorised in terms of function and actual use. The safe, effective and efficient movement of motor vehicles is balanced against the needs of other transport and non-transport users. The hierarchy is seen as the foundation of a coherent, consistent and auditable approach to managing the road network. The hierarchy recommends that development should be limited on these roads. There is no highway justification to permit the proposed development.

**This development should be refused in the interests of road safety, good highway design and the free flow of traffic along this road of regional significance for the following reasons:**

- The proposed development will lead to an increase in turning traffic along the A59 which will increase the risk of further accidents and adversely affect the free flow of traffic.
- A previous application opposite the proposed development was refused due to these reasons.
- The egress from the proposed development onto the A59 will mirror the adjacent Northcote Road junction (no right turn across the traffic flow), This forces all traffic heading to the main village of Langho and beyond in a southerly direction (Blackburn, Manchester) and easterly direction (East Lancashire and all points east of this development)

will be forced to use Whitehalgh Lane or Chapel Lane as the next element of their route. Both these roads are effectively single track in places and contain several sharp and blind bends. The junction of the A59 and Whitehalgh Lane/Chapel Lane is a dangerous high-speed junction with some limited sight lines.

- Accident hot spots around the Petre roundabout, Northcote Road junction with the A59 and Whitehalgh Lane junction with the A59.
- Northcote Road was blocked off adjacent to this proposal to keep the number of junctions onto the A59 down and reduce conflict.
- Traffic turning right out of Northcote Road from Brockhall even though it is left turn only.
- Compound effect of extra traffic from the developments at Clitheroe, Whalley and Barrow, and, as previously mentioned, Carr Hall (300+ vehicles).
- Flooding at the bottom of Northcote Road over recent years which could be made worse due to the increased volume of rainwater being directed into the stream on the East boundary of the proposal.
- The Junction at the bottom of Whitehalgh Lane is extremely dangerous with poor sight lines and severe risk taking a daily occurrence and increasing the traffic flow would simply endanger lives.

In February 2014 Lancashire County Council published the East Lancashire Highways and Transport Masterplan (this lasts up to 2023 with a vision until 2026) and in the document it states that:

- The A59 is described as the 'Ribble Valley Growth Corridor'. The A59 is also classed as one of the two principal east – west road links and a main artery, with the car being the dominant choice of travel. Keeping this key corridor functioning well is vital to East Lancashire's aspirations.
- There are between 15001 and 30000 (data from 2011 so it has now increased) car trips daily between Langho and Clitheroe on the A59.
- There is no severe congestion on the A59 due to not allowing developments off it.

- Public health profiles that the Ribble Valley has significantly worse than the national average for road injuries and deaths. An increase on traffic would have adverse impacts on both road safety and air quality.

Policy G1 states - all development proposals will be expected to provide a high standard of building design and landscape quality. Development which does so will be permitted, unless it adversely affects the amenities of the surrounding area. In determining planning applications the following criteria will be applied:

- (a) Development should be sympathetic to existing and proposed land uses in terms of its size, intensity and nature.
- (b) The likely scale and type of traffic generation will be assessed in relationship to the highway infrastructure and the proposed and existing public transport network. This will include safety, operational efficiency, amenity and environmental considerations.
- (d) A safe access should be provided which is suitable to accommodate the scale and type of traffic likely to be generated.
- (e) The density, layout and relationship between buildings is of major importance. Particular emphasis will be placed on visual appearance and the relationship to surroundings as well as the effects of development on existing amenities.

## 2. Policy G5

States that outside the main settlement boundaries and the village boundaries planning consent will only be granted for small-scale developments which are:

- i) essential to the local economy or the social wellbeing of the area; or
- ii) needed for the purposes of agriculture or forestry; or
- iii) sites developed for local needs housing (subject to Policy H20 of this plan); or
- iv) small scale tourism developments and small scale recreational developments appropriate to a rural area subject to Policy RT1; or
- v) other small-scale uses appropriate to a rural area which conform to the policies of this plan.

3.2.18 This policy recognises the need to protect the countryside from inappropriate development. In doing so, it must be accepted that the countryside is a working area and a source of many Ribble Valley residents' livelihoods. As such it is subject to change and to development pressures. If properly managed, these can be accommodated without harming the basic character of the area. **This application fails to meet these criteria.**

Langho has been identified as contributing 18 units (3 of which have been fulfilled) to the housing stock between 2008 and 2028. Those 18 units have been assigned to a specific settlement area as defined in the Districtwide Local Plan. As this proposal is outside of the boundary of the settlement defined, and in open countryside, the 18 units identified for the village should not count. The proposal is in the area categorised as other settlements outside of the 32 tier 1 and 2 settlements, and the residual number of units for this category is zero. As such this proposal is in direct conflict with the core strategy.

This number was identified as necessary for the village over the life of the core strategy and as such should not be allocated all to one development with one type of house, as this does not give a good housing mix.

The housing density is also far too low and out of keeping with that of the village, and makes this an inefficient use of land.

Langho has been described in the Core Strategy as a tier 1 village. This is questionable with it only having a satellite doctor's surgery, and one village store to supply not just the village but the surrounding areas of Wilpshire, The Rydings & The Dales, Brockhall, Dinckley and York Village. There are only eight businesses in the settlement area as identified in the SHMA update in 2013 yet it scored in line with there being ten or more and no direct public transport to Longridge.

### 3. Policy ENV 6

The land is described as lowland fringe farmland. Positive landscape elements in the lowland fringe farmland are:

- the unspoilt settlements and their characteristics vernacular with only limited new development, well related to existing buildings;
- the open spaces in villages;
- absence of urbanisation;

- strong field pattern and well managed hedgerows, walls and fences;
- trees, woodlands, hedgerows and hedgerow trees, particularly semi natural vegetation and trees native to the area;
- open land which allows views of open water, rivers, becks and waterfalls;
- herds of dairy cattle;

Existing or potential landscape detractors include:

- intrusive, inappropriate and insensitive siting and design of new development;
- telegraph and electricity poles and overhead wires;
- road improvements including widening and straightening.

The Borough Council will safeguard the best and most versatile agricultural land (as classified by the Ministry of Agriculture) unless it can be shown that the need for development overrides agricultural considerations. Any agricultural land taken should be the minimum required to meet essential needs:

#### 4. Policy H2

Dwellings in the open countryside – Outside the settlement boundaries residential development will be limited to:

- Development essential for the purposes of agricultural or forestry or other uses wholly appropriate to the rural area.
- Residential development specifically intended to meet a proven local need.
- The protection of attractive open countryside is an important element of both national and county planning policy – to achieve this development in the countryside must be strictly controlled.

**The proposed development does not meet the criteria within Policy H2.**

In addition to the contravention of these policies the Parish Council objects because:

- The proposed development is an over development of the area and is further erosion of land around a village. The

railway line has traditionally been the natural boundary of the village and this development will cause an unnecessary spread leading to a ribbon development. It will have a detrimental impact upon residential amenities and the visual impact will also be detrimental. This includes the impact on the character of the area, the effect on the local infrastructure, density and over development. The proposed development is outside the identified boundary of the village, this being the railway line. This will result in the proposed development becoming an enclave with very limited access under the railway subway and no social cohesion between the proposal and the existing community (contrary to NPPF objectives).

- The effect on public services such as drainage and water supply. There is local knowledge of limited sewer capacity and the sewers have overflowed in the past.
- The development is also contrary to Key Statement DS1 and policies' DMG2 and DMH3 of the Ribble Valley Core Strategy Proposed Main Modifications (May 2014) in that the approval would lead to the creation of new dwellings in the open countryside without sufficient justification which would cause harm to the development strategy for the borough as set out in the emerging core strategy leading to unsustainable development.
- The applicant repeatedly mentions 'identified need' for five bedroomed houses in the proposal. This need was not reported on in the Ribble Valley Housing need survey carried out for the parish of Billington and Langho back in 2011. The only need identified was for affordable houses, which has been satisfied by the development at Petre Wood (2010 and extended 2014). If there was a secondary need in the parish then it was for accommodation for the elderly residents, and this too has been satisfied by the application on Elker Lane at Billington (passed November 2014). Finally, on identified need, why have the applicants not carried out a survey of the village to substantiate their claim?
- Policy DMH1 sets out the various groups that can access local affordable housing and refers to the Addressing Housing Need statement. This development would not be acceptable as potential affordable accommodation.
- Policy DMH3 of the Ribble Valley Core Strategy (Regulation 22 Submission Draft) which is relevant to dwellings in the open countryside and are consistent with the National Planning Policy Framework (Framework) in that it seeks to promote sustainable development by

avoiding isolated new homes in the countryside (paragraph 55).

- The applicants claim that this proposal will 'round off the village'. This is contrary to the definition of rounding off given and used by RVBC which is 'development that is essentially part of rather than an extension to the built up part of the settlement. It can be defined as the development of land within the settlement boundary (which is not covered by any protected designation) where at least two thirds of the perimeter is already built up with consolidated development.' (Taken from a report to the planning committee 18<sup>th</sup> Sept 2014).
- The proposed development would set a precedent for the acceptance of other unjustified proposals which would have an adverse impact on the implementation of the emerging planning policies of the Council contrary to the interests of the proper planning of the area in accordance with core principles and policies of the National Planning Policy Framework.

There are also concerns regarding the lack of employment opportunities, and amenities in particular doctors and dentists.

LCC (COUNTY SURVEYOR): The County Surveyor comments that this current proposal is a significant reduction in numbers from the previous application (3/2014/0687) and in this respect he is satisfied that the access arrangements are sufficient to accommodate the modest access and egress requirements anticipated for this development (11 & 12 two way movements in the am/pm peaks respectively). The pedestrian/cycle links along Longsight Road are retained as part of the proposals and as a result he raises no objection to the proposal but requests that a S106 contribution is sought from the developer to enhance the pedestrian access under the railway station and general improvements to the facilities at the station. Based on the accessibility score for the development (a score of 23, medium accessibility) the development of 18 No. 4 bed residential dwellings would attract a contribution of £39,600.

The County Surveyor therefore has no objections to the application subject to the imposition of a number of conditions and advisory notes.

LCC (PLANNING CONTRIBUTIONS):

The application has been assessed by the County Council Education Team and has not resulted in a request for a planning contribution. There may, however, be a request for a contribution from the LCC Highways and Sustainable Transport Teams in relation to the proposal. (This is covered in the response from the County Surveyor referred to above.)

LCC (LEAD LOCAL FLOOD AUTHORITY): Has no objections to the proposed development subject to a number of conditions and advisory notes.

LCC (ARCHAEOLOGY): Have not commented in relation to this current application but, in respect of previous application 3/2014/0687/P they confirmed that, having checked their records, there were no significant archaeological implications.

ENVIRONMENT AGENCY: The Environment Agency has no objections to the proposed development subject to the imposition of conditions relating to the following:

1. Full compliance with the Flood Risk Assessment and Drainage Strategy dated December 2014 that was submitted with the application.
2. The submission for approval and subsequent implementation of a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.

UNITED UTILITIES: United utilities draw attention to a number of matters in order to facilitate sustainable development within the region, as follows.

In accordance with NPPF and the Building Regulations, the site should be drained on a separate system with foul drainage to the public sewer and surface water draining in the most sustainable way. Building Regulation H3 clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. The developer is asked to consider the drainage options in the following order of priority:

- a) An adequate soakaway or some adequate infiltration system or, where that is not reasonably practicable –
- b) a watercourse or, where that is not reasonably practicable –
- c) a sewer.

To reduce the volume of surface water draining from the site, United Utilities would promote the use of permeable paving on all driveways and other hard standing areas including footpaths and parking areas.

Overall, United Utilities would have no objection to the proposed development subject to appropriate conditions and advisory notes being included on any planning permission.

NETWORK RAIL: Have commented that they objected to the previous application

3/2014/0687/P for 132 dwellings on the grounds of its impact on the Langho level crossing. In relation to this current application, however, Network Rail comments that, as the development is half a mile from the level crossing and as the development has reduced in numbers, they have **no objection** on the grounds of the level crossing. They would, however, wish to be informed of any further development in this area because several developments over time could have a cumulative impact upon the level crossing risk as a result of the potential for increase in the type and volume of users.

Network Rail also make a number of advisory comments in relation to matters such as surface water possibly draining onto their land, and safety/operational matters in view of the proximity of the development site to the railway line and Langho Station.

LANCASHIRE  
CONSTABULARY:

The Architectural Liaison Officer has commented that the submitted layout suggests that a good level of natural surveillance would be obtained due to the differing orientation of the dwellings and that this would deter casual intruders looking for opportunistic crimes as they would be more likely to stand out.

In order, however, to further reduce the risk of crime and anti-social behaviour, the Architectural Liaison Officer also makes a number of recommendations that should be incorporated into the design and layout.

These are all suggestions that would be addressed at reserved matters stage in the event that outline permission is granted.

ADDITIONAL  
REPRESENTATIONS:

A document entitled "Summary of Objections" (to this application) has been submitted by the Langho Residents Community Group. The document refers to, and includes copies of a number of the individual letters of objection submitted by local residents and the Parish Council; and it includes photographic evidence to amplify and explain many of the points of objection, that relate to the subjects of the previous application; local consultation; the Core Strategy; traffic and safety in relation to the A59 and local country lanes; loss of local environment; lack of local amenities; transport; access to the existing village; drainage; ecological damage; local business; disruption; and a number of general concerns.

A total of 166 letters from 129 households have been received. The Document and the letters are on the file and are available for inspection by Members, but a summary of the objections that they contain is as follows:

1. Policy Considerations:

- The site is outside the defined settlement boundary of Langho as shown in the Local Development Plan and is in the open countryside.
- The proposal is contrary to the adopted Core Strategy and the Districtwide Local Plan as it is in an area classified as 'non-defined settlements/areas'.
- A housing need analysis carried out by the Council in 2011 did not identify any need for five bedroom dwellings in Billington and Langho. The applicant claims that by developing this field they would be rounding off the village. This is contrary to the description of rounding off used by the Council as there is at not at least two thirds of the boundary with consolidated development.
- The proposal would redefine the settlement boundary of the village which would set a dangerous precedent for any future proposals on the two adjoining fields over which the applicant has control.
- Following the adoption of the Core Strategy there should be no need to object to further developments within Langho and Billington as the required number of houses has already been met or exceeded.
- The three reasons for refusal of the previous application on this site for 132 houses are as valid for this proposal with some alterations due to the fact that the Core Strategy is now adopted.
- In relation to NPPF, the proposal does not satisfy the economic role as it provides no jobs in the long term; does not satisfy the social role as the proposal would be an enclave to the village outside the natural boundary of the railway line; and would not satisfy the environmental role as the development would be on green fields that are abundant with the wildlife.

2. Highway Safety and Traffic Generation Considerations:

- The recently approved change of use of Carr Hall together with this proposed development will impose a heavier burden on traffic on the existing limited road network in Langho. There are a number of narrow single track roads such as Whitehalgh Lane, Whinney Lane and Snodworth Road that already present significant difficulties to vehicles, pedestrians, cyclists and horse riders.
- The majority of journeys would be made by car which would impose a heavier burden of traffic on the narrow country lanes.

- The increased traffic on the A59 and the fact that people would be encouraged to make right hand turns from the estate across the fast flowing primary route will be a major road safety issue. In recent years, proposed developments have been refused planning permission solely on the grounds of their proximity to and their effects upon the A59.
- The transport documents submitted with this current application refer back to those carried out for the previous application in 2014. As such, all traffic surveys are now a year out of date and do not reflect the current state of the traffic on the roads around the village and recent permissions given, in particular the change of use of Carr Hall, the elderly accommodation and crèche at Elker Lane, Billington and all other proposals granted permission in the vicinity.

3. Infrastructure Considerations:

- The proposal would put further pressure on the already over stretched facilities of schools, doctors, dentists etc.
- There is only one village store in Langho that serves not just the population of the village but also the surrounding developments. This puts a massive strain on the highway network accessing it, especially at the accident blackspots of the double roundabouts at the junction of Whitehalgh Lane, York Lane and the A666 Whalley Road.

4. Environmental Considerations:

- The development would result in the loss of green fields which are a habitat to many animals, insects and plants. The endangered bee orchid has been sighted at the back of the station, before the landowner puts on horses to graze rather than managing the land effectively. The field is used by lots of migrating birds such as Curlew, Oyster catchers and Snipe and should therefore be protected from development. Bats also frequent the area especially around the stream on the eastern boundary of the site and badgers have been seen adjacent to Northcote Road adjoining the eastern boundary of the site.

- The site is classed as grade 3 agricultural land. It should be taken into account that the land has not been farmed satisfactorily in recent years and this will have had a detrimental effect on the grading. This would set a precedent whereby landowners could let good or better quality land deteriorate so that it gets a lower classification and can thus be used for development.

5. Other Considerations:

- Lack of employment opportunities – the development would bring no additional long term employment opportunities to the village and may well put an additional burden on job seekers finding work in the locality due to the increase in population.

- Flooding – there are natural springs on the site which emerge and drain towards the fields to the north of the railway station. This water needs to go somewhere and flooding has occurred both on Whitehalgh Lane and Northcote Road. The application site also often floods under heavy rainfall with streams appearing to take the flood water away. The developers own survey has highlighted the problem of groundwater flooding and this could lead to flooding of both existing properties and the proposed properties. The foul sewers on Whitehalgh Lane and Moorland Road often surcharge leaving toilet tissue and raw sewage on the carriageway. This raises concerns about the utility systems being able to cope with the existing demands placed upon them, let alone the output from any further development.
- The ecology survey – the ecology report is inadequate as it has been written without the surveyor gaining permission to access the stream on the eastern boundary although it bounds the site and is within the 30m buffer zone. The data regarding the absence of bats is questionable as they are abundant in the trees surrounding the stream on the eastern boundary which again was not assessed properly. After a survey should be carried out to gain accurate data throughout the proposed site and the 30m buffer zone, in particular the stream at the eastern boundary.
- Density – the housing density proposed is not appropriate for the area or an efficient use of land and has been proposed possibly under the misapprehension that it complies with the Core Strategy in numerical terms but it is, in fact, outside of the settlement boundary.
- Isolated development – the barrier created by the railway line will mean that the new residents from the proposed development will find themselves in a separate enclave which will be a natural deterrent to integrating into and becoming active members of the village community.

- Identification of need – it would appear that the applicants have engaged a single estate agent to produce the supporting information on their behalf and that this has been used to support this application. From a lay point of view it would appear that starter homes or downsizing pensioners flats/bungalows may well be needed across Ribble Valley as a whole and that developments of this type would release larger dwellings for younger generations with growing families.

## **Proposal**

The application is in outline with all matters except access reserved for consideration at reserved matters application stage.

As originally submitted, outline permission was sought for the erection of 18 relatively large open market detached houses within large curtilages. There is, however, an identified need in Langho for the provision of 'affordable homes'. The application has therefore been amended such that outline permission is now sought for the following:

- 13 large open market detached dwellings with 4+ bedrooms;
- 5 affordable homes comprising:
  - 3 x 3 bedroom bungalows (shared ownership);
  - 1 x 3 bed dwelling (rented); and
  - 1 x 2 bed dwelling (rented).

An amended illustrative master plan has been submitted which shows the general layout of the development and the position of the single point of vehicular access. The proposed vehicular access is onto the A59 relatively close to the eastern boundary of the site. The access takes the form of a priority control right-turn lane junction from the A59/Longsight Road into the site. Whilst the access is indicated on the illustrative master plan, detailed drawings for the access arrangement are provided in the supporting Transport Assessment.

The internal layout of the site as shown on the amended illustrative master plan shows a main 'spine' road with a cul-de-sac leading off its western side. 8 of the proposed open market dwellings would be located on the eastern side of the main spine road with the other 5 market dwellings located around the southern leg of the cul-de-sac. The 5 'affordable' dwellings would be located on the western side of the northern leg of the cul-de-sac.

A footpath within a relatively large public open space area is shown to run from the northern end of the site close to the A59 through to the subway under the railway line that adjoins the southern boundary of the site.

## **Site Location**

The site comprises 5.3 hectares of agricultural land within an area designated as open countryside in the Local Plan. The southern boundary of the land is adjoined by a railway line

immediately to the south of which is the settlement of Langho. There is a pedestrian underpass beneath the railway line at the south western corner of the site linking the site to the main centre of Langho to the south. There is a public footpath running in a north westerly direction through the adjacent field.

The northern boundary of the site is adjoined by Longsight Road (A59) and a residential property known as 'Langholme', with its associated gardens and woodland. To the west, the site is adjoined by other agricultural land; and the eastern boundary comprises a row of trees, a brook and the rear gardens of several residential properties fronting Northcote Road.

The submitted site location plan shows (outlined in blue) a larger parcel of greenfield land extending from the western site boundary up to the boundary with Whitehalgh Lane that is also within the applicant's ownership.

### **Relevant History**

3/2014/0322/P – Screening opinion application under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 relating to residential development on this 5.3 hectare application site. The Local Planning Authority adopted the screening opinion that the proposal was not EIA development.

3/2014/0687/P – Outline application for up to 132 residential dwellings and associated access, landscaping and other necessary works. Refused.

### **Relevant Policies**

*Ribble Valley Core Strategy (Adopted Version)*

Key Statement DS1 – Development Strategy.

Key Statement DS2 – Presumption in Favour of Sustainable Development.

Key Statement EN2 – Landscape.

Key Statement EN3 – Sustainable Development and Climate Change.

Key Statement EN4 – Biodiversity and Geodiversity.

Key Statement H1 – Housing Provision.

Key Statement H2 – Housing Balance.

Key Statement H3 – Affordable Housing.

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMG3 – Transport and Mobility.

Policy DME1 – Protecting Trees and Woodland.

Policy DME2 – Landscape and Townscape Protection.

Policy DME3 – Site and Species Protection and Conservation.

Policy DMH3 – Dwellings in the Open Countryside and AONB.

National Planning Policy Framework (NPPF).

National Planning Policy Guidance (NPPG).

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

The matters for consideration in the determination of this application relate to the principle of the development; highway safety/traffic issues; infrastructure provision; ecology/tree considerations; effects upon the character, appearance and landscape of the countryside area; effects upon

residential amenity; affordable housing provision; and public open space and recreational facilities.

For ease of reference these are broken down into appropriate sub-headings for discussion.

### Principle of Development

In considering the acceptability or otherwise of this development in principle, it is considered appropriate to refer to the previous application 3/2014/0687/P that sought outline permission for a development of up to 132 houses on the same 5.3 hectare site as this current application.

That previous application was considered by Planning and Development Committee on 13 November 2014 (ie before the adoption of the Core Strategy). The report therefore referred to the relevant saved policies of the Districtwide Local Plan, the relevant policies of the Core Strategy Submission Version as proposed to be modified and NPPF. It was stated in that previous report that in the Core Strategy as proposed to be modified, Langho was identified as one of the nine Tier 1 settlements and that, at that time, it had a residual requirement of 18 units. Whilst Langho in general, and this site in particular, were seen as sustainable locations for development, it was considered that a development of up to 132 units (over 7 times the residual requirement for Langho) was unacceptable as it conflicted with the Development Strategy as defined in Key Statement DS1 and the strategic considerations of the Strategy as defined in Policy DMG2. The officer therefore recommended the application be refused for the following two reasons:

1. The proposal is considered to be contrary to Policies G5 and H2 of the Ribble Valley Districtwide Local Plan and Key Statement DS1 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy Submission Version as proposed to be modified in that a permission would lead to the creation of new dwellings in the open countryside outside the boundaries of a Tier 1 settlement considerably in excess of the identified residual number of dwellings for that settlement. The proposal is therefore without sufficient justification and would cause harm to the development strategy for the borough as set out in the emerging Core Strategy leading to unsustainable development.
2. The proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals which would have an adverse impact on the implementation of the emerging planning policies of the Council contrary to the interests of the proper planning of the area in accordance with the core principles and policies of NPPF.

Committee agreed with the recommendation and requested the addition of a third reason for refusal as follows:

3. The proposed development by virtue of its scale, size and location would result in an unacceptable visual intrusion into the local landscape and would have a significant adverse effect on the character, appearance and visual amenities of the area. As such, the proposal is contrary to Policies G1, G5, ENV3 and ENV13 of the Districtwide Local Plan and Policies DMG1, DME2 and Key Statement DS2 of the emerging Ribble Valley Core Strategy Submission Version as proposed to be modified.

The application was therefore refused by a Decision Notice dated 14 November 2014 for the three reasons stated above.

Since the refusal of the previous application, the Core Strategy has been adopted on 16 December 2014. Prior to that, at its meeting on 18<sup>th</sup> September 2014, Planning and Development Committee had resolved to continue to use settlement boundaries within the Districtwide Local Plan where appropriate for Development Management purposes. This application site is outside, but immediately adjacent to the existing settlement boundary of Langho.

Key Statement DS1: Development Strategy states that, *“the majority of new housing development will be concentrated within an identified strategic site located to the south of Clitheroe towards the A59; and the principal settlements of Clitheroe, Longridge and Whalley...In addition to the identified strategic site at Standen and the borough’s principal settlements, development will be focused towards the tier 1 villages, which are the more sustainable of the 32 defined settlements”*.

Due to the proximity of this site to the Settlement Boundary of Langho (a Tier 1 Settlement), the residual housing requirement for this village must be considered when assessing the application. As stated in Key Statement DS1 and table 4.11 of the adopted Core Strategy, the residual number of houses at Langho was 18. As stated in the latest published figures, as at 31 December 2014, the residual number for Langho is now 17.

Policy DMG2 (Strategic considerations) states that development should be in accordance with the Core Strategy Development Strategy and should support the spatial vision. It stipulates 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. As the proposed 18 units are adjacent to the Settlement Boundary of Langho, and represent just one more unit than the current residual requirement for Langho, it is considered that the proposal complies with adopted Policy DMG2.

National Planning Policy Framework (NPPF) para. 49 states that “Housing applications should be considered in the context of the presumption in favour of sustainable development.” This reiterates the Framework’s general presumption in favour of sustainable development set out at para. 14 and included in Key Statement DS2 of the Core Strategy.

Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. As previously indicated, this is not an isolated site but it is close to a variety of services within the Tier 1 Settlement of Langho and is therefore considered to be a sustainable location in principle for development.

In relation to five year supply, the Council’s latest published position as at 31 December is that there is a 5.54 year supply.

In conclusion, it was considered that, even in relation to the previous application for up to 132 dwellings, the site represented a sustainable location for residential development. It was, however, considered that a development of that scale would have seriously undermined the (at that time) emerging Development Strategy; would, if approved, have set an unwanted precedent, potentially causing more harm to the Development Strategy and (as stated in the third reason for refusal) would have resulted in an unacceptable visual intrusion in the local landscape.

This current application has sought to address the first two reasons for refusal of the previous application by proposing a much reduced number of dwellings that complies with the now adopted Development Strategy. It is considered that the application has succeeded in that objective, such that the development is acceptable in principle.

The effects of the proposal on the local landscape, and other detailed considerations to be made in respect of the application will be discussed in subsequent sections of this report.

### Highway Safety/Traffic Issues

Highway safety and traffic issues form a part of many of the letters of objection to this application. Mention is made that, since the refusal of the previous application, conditions on the local highway network have changed through a number of planning permissions, including permission 3/2014/1044 for the change of use of Carr Hall from garden centre to B1 Office Use (for up to 300 employees) including the retention of the existing B8 Storage Use.

In relation to the previous application for a much larger number of dwellings, the County Highway Authority was involved with the developers and their highways consultant even before the application was submitted. The traffic generation figures used in the Transport Assessment submitted with that application had been agreed in the pre-application scoping study and were considered to be acceptable by the County Highway Authority. The principle of vehicle access on to the A59 was also considered to be acceptable by the Highway Authority in relation to the previous application. Overall, subject to conditions and financial contributions towards highway improvements, the County Highway Authority had no objections to the previously proposed much larger development. That application was therefore not refused for any reasons relating to highway safety or traffic generation issues.

The detailed comments of LCC Highways on this current application have been stated earlier in this report. No objections are expressed to the proposal subject to a S106 financial contribution and the imposition on any Approval Notice of a number of Conditions and Advisory Notes.

I concur with the opinion that this current application for 18 dwellings is acceptable in relation to highway safety and traffic generation considerations. Also, I would comment that, in my opinion, any reason for refusal on this ground could not be sustained, when the previous application for up to 132 dwellings was not refused for such a reason.

### Infrastructure Provision

In relation to the previous application for up to 132 dwellings, concerns were raised by persons objecting to the application about the ability of local schools to cope with the additional demands generated by this development. Following an assessment at that time, however, the County Council confirmed that that larger proposed development would not contribute to a shortfall in either primary or secondary school places such that (in the event that that application had been approved) no developer financial contribution would have been sought towards the provision of school places.

Subject to appropriate conditions, both the Environment Agency and United Utilities did not express any objections to that previous application. It was stated in the previous report that doctors and dentists tend to be demand led and in this pleasant location, this should not be problematic. Overall, for these reasons, there did not appear to be any issues relating to

infrastructure provision in relation to the previous larger proposed development. That application was therefore not refused for any reason relating to this particular consideration.

Following a recent assessment, the County Council has confirmed that this current proposed development would not contribute to a shortfall in either primary or secondary school places such that (in the event that that the application is to be approved) no developer financial contribution would be sought towards the provision of school places.

Overall, I can see no legitimate reason for refusal of the application relating to effects on local infrastructure. Also, in my opinion, such a reason could not be sustained when no such reason was relatively recently given in relation to the previous proposal for up to 132 dwellings.

### Ecology/Tree Considerations

The Council's Countryside Officers were involved in pre-application discussions prior to the submission of the previous application 3/2014/0687/P. In accordance with advice given by the Countryside Officers, a preliminary Ecological Appraisal and Bat Survey Report was submitted with that previous application. This confirmed that the site is not within any protected ecological designation and that it was not considered that the previously proposed larger development would result in any adverse impacts on statutory or non-statutory natural designations. As part of the Ecological Appraisal, local trees were examined for bat roost potential in order to identify and evaluate the site's ecological value, identifying any protected habitats, assess the general potential roost site to support protected species, highlight any potential ecological constraints and advise on any further ecological survey, mitigation or licensing requirements.

The results of the Assessment were that the variety of habitat types at the site mean that it has a low to medium ecological value. The improved grass and field has limited biodiversity and has been damaged by grazing livestock. The woodland beyond the north west boundary of the site and northern hedgerows do offer a higher value in both the Flora and Fauna they support. The stream valleys and drainage ditches to the eastern and western boundaries support elements of badly degraded but formally diverse habitats. It was recommended in the report that the mix of habitat types should be retained and enhanced where possible in line with planning guidance and this was shown in the proposed master plan for the previous application through the retention of the woodland, the majority of the northern hedgerows and watercourses which are to be enhanced as part of the SUDs proposals for this site. The assessment concluded in relation to Great Crested Newts that there are no waterbodies within the survey area and desktop surveys and no record of this species within 1km of the site, and therefore no further survey licensing or mitigation was considered by the applicants at the previous application stage to be necessary. It was also stated that no bats had been found within the site but two trees were confirmed as having potential to support roosting bats and further surveys were commissioned. If any bats were found to be roosting whilst the site was being developed, then appropriate mitigation measures would need to be put in place.

The assessment found no evidence of otter, badger, water vole or reptiles and the opinion was expressed that the site does not offer potential habitat for breeding birds within the areas of scrub, hedgerows and trees. To prevent the damage or destruction of active bird nests, tree felling and vegetation clearance between the months of March and September would be avoided. Nest boxes targeting red-list species would be provided in trees and buildings to provide additional nesting sites.

The Council's Countryside Officers studied the ecology document submitted with the application and concurred with its findings and recommendations. The Countryside Officer therefore did not have any objections to the previous proposal with regards to ecology considerations. If permission had been granted in respect of that previous application, then, through the imposition of appropriate conditions, the development could result in a net gain in biodiversity through the enhancement of the site for bird and bat species and through the use of native plant species in the landscaping scheme.

A Tree Survey Report was also submitted with the previous application. This included a detailed assessment of trees and hedgerows affecting the site. The majority of the trees are either on or just outside the site boundaries with branches overhanging the site. Only two trees lie within the body of the site, as opposed to the boundary, and the opinion was expressed in the Report that these would provide major consideration with any proposed housing layout. It was stated in the report that all boundary trees, including Green Nook Wood could be accommodated by the creation of a suitable buffer zone for the protection of trees and ecology; and that the presence of the stream to the eastern boundary would significantly restrict root spread from trees growing to the east of the stream.

Three specific arboricultural recommendations were made in the Report as follows:

1. An Arboricultural Method Statement and Tree Protection Plan will need to be formulated under condition and agreed with the Local Planning Authority to protect trees and hedgerows that are to be retained.
2. There is a veteran Alder in the south west corner of the site that is of conservation value. This should be retained where possible for the benefit of the site ecology. Limited surgery or the use of supporting structures should be considered in this instance.
3. Permission should be sought to access private land and further investigate the structural stability of the trees along the eastern boundary. Where there is danger of collapse, agreement should be reached with the relevant landowner to take appropriate actions. Some ground stabilisation may be required where trees are being undermined, to extend the life of the trees and prevent collapse.

In relation to the previous application, the Council's Countryside Officers did not raise any issues in relation to the Tree Report. Therefore, in the event that outline permission had been granted for that development of up to 132 houses, the use of appropriate conditions would have ensured that the development would not be detrimental to the trees and hedges within the site and on or close to its boundaries. The previous application, therefore, was not refused for any reasons relating to ecological or arboricultural considerations.

The same documents relating to arboriculture and ecology have been submitted in support of this current application for a much reduced scheme of 18 dwellings.

Having considered the submitted documents within the context of the current application, the Countryside Officer has commented that it is stated within the documents that landscaping will be dealt with as part of reserved matters application. As such, the Countryside Officer has confirmed that he has no objection to the illustrative details included within the outline application but would like it made clear in any permission that they have been accepted on a 'minimum required' basis.

Therefore, in common with the previous application, subject to the imposition of appropriate conditions, this current proposed development is acceptable in relation to arboricultural and ecological considerations.

Overall, I can therefore see no legitimate reason for refusal of the application relating to these particular considerations. Also, in my opinion, such a reasons could not be sustained when no such reason was relatively recently given in relation to the previous proposal for up to 132 dwellings.

#### Effects Upon the Character, Appearance and Landscape of the Countryside Area

The site is not located in any protected landscape areas such as a national park, area of outstanding natural beauty, green belt or any other locally protected area. Nevertheless, in relation to the previous application for up to 132 dwellings, a Landscape and Visual Impact Assessment was submitted with the application. The Assessment confirmed that the loss of the existing field and alterations to the topography would have some impact on the rural landscape character of the area.

However, the opinion was expressed in the Assessment that such impacts would be minimised through the retention of existing landscaping features such as hedgerows, trees and a brook, with additional planting to provide screening and by working with the existing site levels. The previously submitted Assessment also concluded that the proposal would reinforce local townscape character and would also have a beneficial impact on public footpaths and recreation routes.

In terms of visual impact, the Assessment concludes that, whilst some views might suffer adverse impacts at certain time of the year, these impacts would be minimised through the retention of the existing landscape features and additional planting. It also noted that these impacts significantly reduce when the trees are in leaf and would reduce further as the landscape matures.

The Council's Countryside Officer had been involved in the formulation of that previously submitted Landscape and Visual Impact Assessment at pre-application stage. Other than a requirement for a significant tree buffer in the north eastern corner of the site, the Countryside Officer did not express any objections to that previous application in respect of its impacts upon visual amenity. In the report relating to the previous application, the Case Officer concurred with the opinion of the Countryside Officer and concluded that there would be no sustainable reason for refusal of the application relating to its effects upon the visual amenities of the locality. It was not therefore recommended in the report that the application be refused for any reason relating to this particular consideration.

Notwithstanding this, Members considered that, by virtue of its scale, size and location, the previous proposal would result in an unacceptable visual intrusion to the local landscape and would have a significant adverse effect on the character, appearance and visual amenities of the area contrary to the relevant saved policies of the Local Plan and the relevant policies of the emerging Core Strategy. A third reason for refusal in those terms was therefore added by Committee to the two reasons for refusal recommended by the Officers.

This current application is obviously for a considerably reduced number of dwellings, 13 of which would be within large curtilages. A new Landscape Visual Impact Assessment, relating to

the presently proposed development, has been submitted with this current application. This concludes that the current proposal would result in the following landscape impacts:

- a negligible impact on landscape character at the national level;
- a minor beneficial impact on landscape character at the regional level;
- a negligible impact on landscape character at the local level;
- a moderate beneficial impact on townscape character;
- a minor adverse impact on designated areas;
- a minor beneficial impact on public footpaths and recreational routes;
- a negligible impact on topography;
- a minor beneficial impact on other site features of value.

It is stated in the LVIA that the proposal has been formulated through a lengthy process involving environmental assessment and consultation. This process, it is stated, has allowed site constraints and opportunities to directly influence the evolution of the master plan and the landscape proposals as a result, mitigation measures form an inherent component of the detailed design of the landscape and surrounding built form.

The principal mitigation measures as stated in the LVIA are summarised as follows:

1. The housing around the western edge of the site is more rural in character, utilizing townscape features prevalent within the rural context beyond the railway line, within the wider valley; therefore this change will not be uncharacteristic when considered within the wider rural context.
2. Whilst the proposal would bring the hard surfaced area beyond the hedgerow/landscape boundary, in order to enhance the connectivity with the pedestrian underpass/station platform the design could utilize rural surface treatments to help assimilate the proposal into the landscape.
3. The retention of a hedgerow boundary to the north, and setting back of properties from the roadside to reflect the existing dwellings along Longsight Road, and providing opportunities for planting and tree planting within front gardens to soften the visual impact of development.
4. The proposed dwellings would be designed to a high standard in order to achieve a high quality overall development, thus minimising any potential landscape or visual impacts, the buildings will also be sensitively sited within the defined master plan area with careful consideration of topography and existing landscape features to minimise visual impacts and potential negative impact on landscape character, the layout of the buildings facilitates green linkages through the site, to create visual permeability and create green linkages into the surrounding countryside and woodland.
5. Incorporation of existing landscape features, such as the watercourse and existing trees and hedges, will ensure the proposals would be well integrated into the landscape and would also help to minimise landscape and visual impacts.
6. Additional planting proposed as part of the master plan, particularly along the eastern and western boundaries would provide further screening and softening of the proposed development and would also contribute to the overall habitat and ecological value of the site.

7. The proposals would have the potential to enhance connectivity into the wider footpath and cycle route network.
8. Substantial new areas of open space, including a semi-natural play area are proposed as part of the master plan which will form new well overlooked publicly accessible facilities available to the wider community.
9. The building design, plot layout and the master plan arrangement have all been informed by a careful townscape analysis to reflect high quality and characteristic elements present within the existing settlement of Langho and the wider rural context. This would ensure that the development would fit well within the local landscape and townscape setting.
10. Landscape proposals including the naturalisation and wild flower meadow planting around the western edge of the site; new hedgerows and street tree planting, which would visually break up and screen new housing to ensure that it appears embedded in the landscape.

The LVIA has been considered by the Council's Countryside Officer who does not disagree with its findings and conclusions. It is considered that, through the implementation of the mitigation measures outlined above and, as it is a development for a much reduced number of dwellings, the proposed development has satisfactorily addressed the third reason for refusal of the previous application. It is not, therefore, considered that this current application could legitimately be refused for any reasons relating to the effects of the proposed development on the local landscape or on the character, appearance and visual amenities of the locality.

#### Effects Upon Residential Amenity

The only existing dwellings that could be affected by the proposed development are a number of dwellings on Northcote Road whose rear gardens adjoin the eastern boundary of the site and a relatively large detached dwelling, Langholme, on Longsight Road, that has two boundaries with the application site. In respect of the previous application for up to 132 dwellings, the submitted illustrative layout showed existing tree screening between all of these properties and the application site; and it was stated in the submitted planning statement that a minimum separation distance of 30m would be provided between any proposed dwellings and the neighbouring existing dwellings. It was stated in the report for the previous application that, with appropriate consideration at reserved matters application stage, the proposed dwellings could be sited and orientated in such a way that they would not have any seriously detrimental effects upon the privacy or other residential amenities of any existing neighbouring residents. It is considered that that comment is either more applicable to this current application for 18 dwellings.

The previous application was not refused for any reasons relating to effects upon the amenities of existing nearby residents and I do not consider that this current proposal could be refused for any reason relating to this particular consideration.

#### Affordable Housing

As originally submitted, there was no on-site provision of affordable housing within the proposed development. The applicants considered that it would be more appropriate in this particular case to make a contribution towards the off-site provision of affordable dwellings. The Council's Housing Strategy Officer, however, commented that, having looked at the Housing Needs

Survey for Billington and Langho, it was evident that the need had not been fully satisfied by the Petre development and that, therefore, our priority would be on-site provision as the agreed policy is that we would only consider a commuted sum for off-site provision when there is no identified local need.

The applicants therefore liaised with the Housing Strategy Officer and have amended the proposal by the inclusion of five affordable dwellings of the sizes, dwelling types and tenure type in accordance with the Housing Strategy Officer's requirements. As amended, therefore, the proposal satisfies the Council's requirements in relation to affordable housing provision and the Housing Strategy Officer has confirmed that she has no objections to the application as amended. The provision and permanent retention of the five units would be the subject of a requirement in a Section 106 Agreement in the event that outline permission is granted. There is therefore no objection to the proposed development in relation to the provision of affordable housing.

### Public Open Space and Recreational Facilities

The submitted amended illustrative layout shows the provision of a band of public open space running through the centre of the site from its northern boundary with the A59 and culminating in a wider public open space area adjoining the southern site boundary with the railway line. This is shown to include a footpath that would give pedestrian access from the A59 through the site and leading to the subway under the railway line at Langho Station. Whilst the precise details of onsite open space provision would be covered at reserved matters application stage, the area shown on the illustrative layout is considered to be considerably more than adequate for a development of 18 dwellings (13 of which would have large private garden/curtilages). In the event that outline permission is granted, conditions would be required to ensure the provision of appropriate public open spaces as broadly shown on the illustrative master plan and also to ensure their future management and maintenance (that would be by the applicants and not by the Council).

Notwithstanding this level of on-site provision, the Council is currently in the process of undertaking an assessment of need in respect of the open space and sports facilities in the Borough. Whilst this is currently in draft form, the assessment is at an advanced stage of production and would be presented to both the Planning and Development Committee and the Community Committee once finalised.

In its current form, this paper has identified sports/recreational facilities that are needed in the Borough, the estimated total cost for which is £2,906,428. The required contribution per person, on an assessed increase in residents of 13,400 works out at £216.90. The number of persons in a development is calculated on the following basis:

1 bed unit	–	1.3 people
2 bed unit	–	1.8 people
3 bed unit	–	2.5 people
4 bed unit	–	3.1 people
5+ bed unit	–	3.5 people

As stated previously this proposed development comprises the following:

- 13 large open market detached dwellings with 4+ bedrooms; and

- 5 affordable homes comprising:
  - 3 x 3 bedroom bungalows (shared ownership);
  - 1 x 3 bed dwelling (rented); and
  - 1 x 2 bed dwelling (rented).

As it is not known at this stage how many of the market houses would have 4 bedrooms (3.1 persons) and how many would be 5+ bedroom houses (3.5 persons) the average of 3.3 persons has been taken to calculate the required contribution for the 13 market houses in the table below:

13 x 3.3 persons	=	42.9	persons
4 x 2.5 persons	=	10	persons
1 x 1.8 persons	=	<u>1.8</u>	<u>persons</u>
Total	=	54.7	persons

55 persons x £216.90 would amount to a required contribution of £11,865. In the event that outline permission is granted, a sum in the region of £11,865 (the precise figure to be determined when the total number of bedrooms within the development is known) would be included in a Section 106 Agreement.

#### Section 106 Agreement Content

In the event that outline planning permission is to be granted, a prior appropriate Section 106 Agreement would be required. This would need to cover the following:

1. The provision and permanent retention of the five units of affordable housing as detailed in the application and in accordance with the Council's policy. The applicants have engaged in discussions with the Council's Housing Strategy Officer and there is no dispute between the parties in respect of this element of the required Section 106 Agreement.
2. The payment of a financial contribution to Lancashire County Council not exceeding £39,600 to fund various off-site highway improvement works and improvements to the subway at the railway station. At the time of preparation of this report, the County Highway Authority had not given any precise details of the works that the requested contribution would fund. The applicants have stated that they are happy to pay this contribution as long as it can be demonstrated by the time of the Committee where this money will be spent, to ensure that it is CIL compliant. This section of the 106 Agreement will therefore be worded to the effect that the sum of £39,600 is a maximum and that the precise sum will be agreed at a later date when the precise off-site highway works have been specified and checked for compliance with CIL requirements.
3. The payment of a sum not exceeding £11,865 towards the provision of sports and recreation facilities in accordance with the Council's document "Sports Facilities Needs Assessment". Whilst this document is at an advanced stage, it has not yet been adopted. This section of the Section 106 Agreement will therefore be worded to the effect that the sum of £11,865 is a maximum and that the precise amount will be finalised at a later date to ensure compliance with the final adopted version of the Document and checked for compliance with CIL requirements which could even negate the requirement in its entirety.

For the avoidance of any doubt, in relation to this particular application, no financial contribution towards education provision will be required.

### Conclusion

The previous outline application for up to 132 dwellings on this site was determined at a time when the Council's Core Strategy was at submission stage. That application was refused on the basis that development for that number of houses would cause harm to the development strategy for the borough as set out in the emerging Core Strategy leading to unsustainable development; would set a harmful precedent; and would result in an unacceptable visual intrusion into the local landscape and would have a significant adverse effect on the character, appearance and visual amenities of the area.

This current application, which seeks to address those reasons for refusal of the previous application needs to be determined in accordance with the Council's now adopted Core Strategy.

As a development of only 18 houses, it would not be harmful to the development strategy as it is in line with the current residual number (17) for the Tier 1 Settlement of Langho. The first two reasons for refusal of the previous application have therefore, in my opinion, been overcome. For reasons explained in the report, it is also considered that this much lower density development would not (subject to conditions regarding landscaping etc) have any seriously detrimental effects upon the character and visual amenities of the locality. The application, therefore, in my opinion, has also overcome the third reason for refusal of the previous application.

I am mindful of the objections of the Parish Council and local residents but do not consider the issues raised constitute a valid reason for refusal in the light of statutory consultee comments and having regard to any visual impact. This is addressed in my report so it is not considered that there are any sustainable reasons for refusal of the application relating to any of the relevant detailed considerations (eg highway safety, residential amenity etc).

It is acknowledged that the density of the proposed development is lower than that of surrounding developments in Langho and the majority or other market housing developments coming forward in the borough. However, this is because the scheme has been deliberately designed to provide 13 large "executive" homes and 5 affordable homes in order to not cause harm to the now adopted development strategy. The need for the 5 affordable homes has been proven and it is considered that in Ribble Valley there will be sufficient demand for the 13 executive dwellings.

Section 6 of NPPF requires Local Planning Authorities to deliver a wide choice of high quality homes. It is considered that this application satisfies that objective.

Paragraph 12 of NPPF states that the Framework "does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that Local Planning Authorities should have an up-to-date plan in place".

This Council does now have an up-to-date plan in place. At paragraph 14 of NPPF it is stated that at the heart of the Framework is a "presumption in favour of sustainable development,

which should be seen as a golden thread running through both plan-making and decision-taking” and that for decision-taking this means “approving development proposals that accord with the development plan without delay”.

This proposal will provide the benefits of 13 executive houses, 5 affordable houses, substantial on-site public open space and footpath links plus improvements to the local highway and the subway under the railway line and the provision of sports/recreation facilities for the borough through Section 106 Agreement contributions.

The proposal does not, in my opinion, contravene the development plan (the adopted Core Strategy) therefore in accordance with the advice in NPPF, it is considered that outline permission should be granted subject to appropriate conditions.

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

1. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in condition 1 above, shall be submitted in writing to the local planning authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of [three] years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later
5. The submission of reserved matters in respect of layout, scale, appearance and landscaping shall be in general compliance with the Design and Access Statement, the 'illustrative master plan' (Drawing Number PL1352.AB-002 dated 19.02.15) and the Parameters Plan (drawing no PL1352.AB-003-01).

REASON: To define the scope of the permission.

6. The development hereby permitted in outline relates to the erection of 18 dwellings including 5 “affordable” homes. The application for reserved matters shall not exceed 18 dwellings.

REASON: To define the scope of the permission.

7. Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide details of:
  - i) The parking of vehicles of site operatives and visitors;

- ii) Loading and unloading of plant and materials;
- iii) Storage of plant and materials used in the construction of the development;
- iv) The erection and maintenance of security fencing;
- v) Wheel washing facilities;
- vi) Measures to control the emission of dust and dirt during construction; and
- vii) A scheme for recycling/disposing of waste resulting from construction works.
- viii) Periods when plant and materials trips should not be made to and from the site
- ix) Routes to be used by vehicles carrying plant and materials to and from the site.
- x) Details of how existing habitat features, hedgerows/streams shall be retained and protected during the lifetime of the development from the adverse effects of development works by maintaining construction exclusion zones the details of which shall have first been submitted to and approved in writing by the Local Planning Authority prior to commencement of each phase of development.

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

REASON: In order to ensure safe working practices on or near the highway in the interests of safety and in the interests of the amenities of nearby residents in accordance with the requirements of Policy DMG1 of the Core Strategy (Adopted Version).

8. The development hereby permitted in outline shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and drainage strategy dated December 2014 and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 300mm above existing ground level.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or any other period as may subsequently be agreed in writing by the Local Planning Authority.

REASON: To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site in order to prevent a mitigate the risks of flooding on and off site and to comply with the requirements Policy DMG1 of the Core Strategy (Adopted Version) and the requirements of the National Planning Policy Framework.

9. No development shall take place until a surface water drainage scheme for the site (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development) has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Surface water discharge from the site shall be limited to 29l/s as stated in the Drainage Strategy. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained in perpetuity thereafter in a condition commensurate with delivering the approved objectives.

REASON: To prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site in order to prevent a mitigate the risks of flooding on and off site and to comply with the requirements of Policy DMG1 of the Core Strategy (Adopted Version) and the requirements of the National Planning Policy Framework.

10. The development hereby permitted in outline shall be carried out in accordance with the conclusions and recommendations of the tree survey report (reference SE581T/H/01c/DH dated 21 July 2014), in particular:

- An Arboricultural Method Statement and a tree protection plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out fully in accordance with the approved details.
- A Veteran alder in the southwest corner of the site that has conservation value shall be retained where possible for the benefit of the site ecology. Consideration shall be given to limited surgery or the use of supporting structures should this be considered appropriate in this instance.
- Permission should be sought to access private land to further investigate the structural stability of trees along the eastern boundary of the site. Where there is danger of collapse, agreement should be reached with the relevant landowner to take appropriate actions. Some ground stabilisation may be required where trees are being undermined to extend the life of the trees and prevent collapse.

REASON: In order to ensure the retention and protection of existing trees in the interests of visual amenity and to comply with Policies DMG1, DME1 and DME2 of the Core Strategy (Adopted Version).

11. The development hereby permitted in outline shall be carried out in accordance with the ecological recommendations in Section 6 of the Preliminary Ecological Appraisal and Bat Activity Report (reference SE602/01b/LH dated 18 July 2014).

REASON: To ensure the protection and enhancement of the ecology of the site in accordance with Policies DMG1, DME2 and DME3 of the Core Strategy (Adopted Version).

12. The development hereby permitted in outline shall be carried out in accordance with the energy saving/conservation measures detailed in the Sustainability Statement (reference MAN.0139 dated December 2014) that was submitted with the application.

REASON: To ensure the provision of sustainable development in accordance with the requirements of Policy DMG1 of the Core Strategy (Adopted Version) and the requirements of the National Planning Policy Framework.

13. The vehicular access into the site shall be formed as shown on the illustrative master plan (drawing no PL1352AB-002) and in accordance with the precise details and specifications shown on drawing no SCP/14050/F01REVB within the Transport Statement (reference PT/14050/TS/01 dated December 2014) and shall be fully completed to the satisfaction of the Local Planning Authority prior to the first occupation of any of the dwellings on the site.

REASON: In the interests of highway safety and to comply with Policy DMG1 of the Core Strategy (Adopted Version).

14. The new estate road/access between the site and Longsight 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.

REASON: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in the interests of highway safety and to comply with Policy DMG1 of the Core Strategy (Adopted Version)

15. No part of the development shall be commenced until all necessary off site highway works have been constructed in accordance with a scheme that shall have first been submitted to and approved in writing by the Local Planning Authority.

REASON: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users and to comply with Policy DMG1 of the Core Strategy (Adopted Version)

16. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority.

REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to comply with Policy DMG1 of the Core Strategy (Adopted Version)

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

REASON: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works and to comply with Policy DMG1 of the Core Strategy (Adopted Version).

18. No development shall take place until a Landscape Management and Maintenance Plan for the public open space areas within the site has been submitted to and approved in writing by the Local Planning Authority. The Plan shall set out the management responsibilities and maintenance schedules for all landscaped areas, inclusive of trees, hedges ditches and balancing ponds. The development shall be undertaken in accordance with the approved details.

REASON: In order to ensure the satisfactory management and maintenance of the public open space areas within the site in the interest of visual amenity and to comply with Policy DMG1 of the Core Strategy (Adopted Version).

## INFORMATIVES

- 1 The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the contact the Environment Directorate for further information by telephoning the Developer Support Section (Area East) on 0300 123 6780, or writing to Developer Support Section,

Lancashire County Council, Environment Directorate, Burnley Highways Office, Widow Hill Road, Burnley BB10 2TJ or email [lhscustomerservice@lancashire.gov.uk](mailto:lhscustomerservice@lancashire.gov.uk)

- 2 This consent does not give approval to a connection being made to the County Council's highway drainage system.
- 3 The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. Public Right of Way 3-6-fp6a runs close/adjacent to the site.
4. This outline permission shall be read in conjunction with the Section 106 Agreement.