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Ribble Valley
Borough Council

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Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT** Committee will be held at **6.30 pm** on **THURSDAY, 21 SEPTEMBER 2023** in the **Council Chamber**.

I do hope you can be there.

Yours sincerely

M. H. Scott

CHIEF EXECUTIVE

AGENDA

1. **APOLOGIES FOR ABSENCE**
2. **TO APPROVE THE MINUTES OF THE PREVIOUS MEETING** (Pages 3 - 16)
3. **DECLARATIONS OF DISCLOSABLE PECUNIARY, OTHER REGISTRABLE AND NON REGISTRABLE INTERESTS**

Members are reminded of their responsibility to declare any disclosable pecuniary, other registrable or non-registrable interest in respect of matters contained in the agenda.

4. **PUBLIC PARTICIPATION**

ITEMS FOR DECISION

5. **PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990** (Pages 17 - 18)

Report of the Director of Economic Development and Planning – copy enclosed

- i) 3/2023/0421 - Fairfield Farm Longsight Road Clayton-le-Dale BB2 7JA (Pages 19 - 26)
- ii) 3/2023/0148 - Land south of Causeway Farm Balderstone (Pages 27 - 50)

Late agenda item enclosed

- iii) 3/2023/0100 - Land west of Preston Road Longridge (Pages 51 - 68)
PR3 3BE

Late agenda item enclosed

- iv) 3/2022/0966 - Crow Trees Farm Crow Trees Brow (Pages 69 - 104)
Chatburn BB7 4AA

Late agenda item enclosed

ITEMS FOR INFORMATION

6. **PLANNING ENFORCEMENT UPDATE** (Pages 105 - 108)

Report of the Chief Executive enclosed

7. **APPEALS (IF ANY)** (Pages 109 - 110)

8. **MINUTES OF WORKING GROUPS**

There are no minutes from working groups.

9. **REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES**

There are no reports from representatives on outside bodies.

10. **EXCLUSION OF PRESS AND PUBLIC**

ITEMS FOR DECISION

There are no items under this heading

ITEMS FOR INFORMATION

There are no items under this heading

Electronic agendas sent to members of Planning and Development – Councillor Anthony (Tony) Austin, Councillor Susan Bibby (Chair), Councillor Derek Brocklehurst, Councillor Ian Brown, Councillor Stella Brunskill JP (Vice-Chair), Councillor Louise Edge, Councillor Stewart Fletcher, Councillor Mark French, Councillor Simon Hore, Councillor Kevin Horkin MBE, Councillor Simon O'Rourke, Councillor James (Jim) Rogerson, Councillor Kieren Spencer, Councillor Nicholas Stubbs and Councillor Lee Jameson.

Contact: Democratic Services on 01200 414408 or committee.services@ribblevalley.gov.uk

Agenda Item 2

Minutes of Planning and Development

Meeting Date: Thursday, 24 August 2023, starting at 6.30 pm
Present: Councillor S Bibby (Chair)

Councillors:

T Austin	M French
D Brocklehurst	S Hore
I Brown	K Horkin
S Brunskill	K Spencer
L Edge	N Stubbs
S Fletcher	L Jameson

In attendance: Director of Economic Development and Planning, Head of Development management and Building Control and Solicitor

204 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors S O'Rourke and J Rogerson.

205 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 29th June 2023 were approved as a correct record and signed by the Chairman.

206 DECLARATIONS OF DISCLOSABLE PECUNIARY, OTHER REGISTRABLE AND NON REGISTRABLE INTERESTS

There were no declarations of disclosable pecuniary, other registrable or non-registrable interests.

207 PUBLIC PARTICIPATION

There was no public participation.

208 PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990

209 3/2023/0153 - OLD ROW WHALLEY ROAD BARROW BB7 9AZ (ALONG WITH LATE ITEM)

Mr Alistair Wood spoke in support of the application.

Councillor Birtwhistle was given permission to speak in respect of the application.

RESOLVED THAT COMMITTEE:

Grant planning permission subject to the following conditions:

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is 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. The development hereby permitted shall be carried out in full conformity with the following submitted plans and details received by the Local Planning Authority:

Location Plan BB7 9AZ-A-01
Site Plan BB7 9AZ-A-03 D
Proposed Ground Floor Plan BB7 9AZ-A-04.1
Proposed First Floor Plan BB7 9AZ-A-04.2
Proposed Roof Plan BB7 9AZ-A-06
Proposed West And East Elevations BB7 9AZ-A-05.1
Proposed North and South Elevations BB7 9AZ-A-05.2
Proposed West and East Courtyard Elevations BB7 9AZ-A-05.3
Proposed Dwelling Elevations 1 BB7 9AZ-A-05.4 A
Proposed Dwelling Elevations 1 BB7 9AZ-A-05.5 A
Site Sections BN23 6DW-A-07
Streetscene BB7 9AZ-A-11
Acoustic Fence Detail BB7 9AZ-A-12

Details of Solar PV - JAM60S21 355-375/MR MC4
Details of Solar PV - Easy Roof Data Sheet
Details of Battery Housing - PV01
Details of Bin Store SDL-033A
Details of Cycle Shelter - CYSH-PREM-2250 X 3000 X 2100
Details of EVCP - Quantum EV TOKEN MECH - PAYG Data Sheet -04
Details of Electric Meter House SDL-090.4A

Reason: For the avoidance of doubt and so the Local Planning Authority can be satisfied with the detail.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended or re-enacted) the care home development hereby approved shall only be used for the purposes of a Residential Care Home (C2) and for no other purpose, including any other purpose within Use Class C2.

Reason: To define the scope of the permission hereby approved and to ensure that the development remains compatible with the character of the area.

4. The approved boundary treatments shall be completed before the use hereby permitted is first commenced, or before the dwellings are first occupied. The approved details shall thereafter be maintained and retained.

Notwithstanding the provisions of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended or re-enacted) there shall be no amendments to the approved boundary treatments, or no new fences, walls, railings or other means of enclosure erected within the site, without express planning permission being obtained.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants / neighbours.

5. No development shall commence in any phase (phase 1 being the care home development with associated parking, access, landscaping and ground works, phase 2 being development of the three dwellings), save for demolition works, until a detailed, final surface water sustainable drainage strategy for that phase has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site specific flood risk assessment and indicative surface water sustainable drainage strategy submitted (January 2023 / Drawing No: 10-01 / RSK) and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly, and shall be limited to a maximum peak flow rate of 2l/s.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep

Calculations must be provided for the whole phase, including all existing and proposed surface water drainage systems.

- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

e) Evidence of an agreement in principle with the third party asset owner to connect to the off-site combined sewer.

The approved drainage strategy shall be implemented prior to occupation of the development of that phase and/or in accordance with the timing / phasing arrangements embodied within the scheme, and shall be retained thereafter for the lifetime of the development.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems, Policy EN3 and Policy DME6 of the adopted Core Strategy 2008 - 2028, Ribble Valley Local Plan.

6. No development shall commence in any phase (phase 1 being the care home development with associated parking, access, landscaping and ground works, phase 2 being development of the three dwellings), save for demolition works, until a Construction Surface Water Management Plan for that phase, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

7. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

a) A timetable for its implementation;

b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;

c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;

- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

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

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

8. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

9. The development shall proceed in accordance with the findings of the Geo-Environmental report prepared by Calabrian dated October 2022 (Report ref 7208/1), in particular the recommendations on "Contamination & remediation" at Section 13.6 of that report.

Reason: In order to protect the health of the occupants of the new development.

10. 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:

- a. 24 Hour emergency contact number;
- b. Details of the parking of vehicles of site operatives and visitors;

- c. Details of loading and unloading of plant and materials;
- d. Arrangements for turning of vehicles within the site;
- e. 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;
- f. Measures to protect vulnerable road users (pedestrians and cyclists);
- g. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- h. Wheel washing facilities;
- i. Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
- j. Measures to control the emission of dust and dirt during construction;
- k. Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
- l. Construction vehicle routing;
- m. 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 phases.

Note: Construction Management Plan.

- 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<<mailto:lhsstreetworks@lancashire.gov.uk>>
- All references to public highway include footway, carriageway and verge.

11. Within six months of the granting of planning permission details of the access arrangements for the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved access arrangements shall be implemented prior to first use of the care home development or occupation of any dwelling hereby permitted, whichever is the sooner.

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 the works are completed in a timely manner in the interests of general highway safety.

12. Prior to first occupation of any dwelling / first use of the care home development hereby approved, whichever is the sooner, the off-site works of highway mitigation, namely:

- Kerb build out adjacent to number 1 Cockerill Terrace and dropped crossing provided directly across the adopted carriageway;
- Traffic calming measures in the form of an enhanced gateway treatment on Whalley Road at the 30/40mph speed limit change to the north of the site and school, including a carriageway width restriction, enhanced signage and road markings; and
- A review of the traffic regulation orders in the vicinity of the site access on Whalley Road.

shall be carried out, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority, in which case the off-site highway works shall be carried out in accordance with any alternative approved timetable for implementation.

Reason: In order to ensure the timely delivery of the necessary off-site highway works in the interests of highway safety and to encourage sustainable travel.

13. Prior to first use of the care home development hereby approved, a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets to the satisfaction of the Local Planning Authority.

REASON: In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling.

14. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with LNT Construction drawing number BB7- 9AZ-A-09. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

15. Prior to first use of the care home development hereby approved, the motorcycle parking provision shown on the approved plans shall be constructed and made available for use. The area shall thereafter be kept free of obstruction and available for the parking of motorcycles only at all times.

REASON: To ensure the provision and availability of adequate motorcycle parking and to allow for the effective use of the parking areas.

16. Prior to first use of the care home development hereby approved, the cycle parking provision shown on the approved plans shall be constructed and made

available for use. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times.

REASON: To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport.

17. (A) Prior to the first occupation of any dwelling hereby approved, the dwelling shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently. These shall be retained thereafter for the lifetime of the development.

(B) Prior to first use of the care home development hereby approved, the electric vehicle charging points shown on the approved plans shall be installed and made available for use. These shall be retained thereafter for the lifetime of the development.

REASON: In the interests of supporting sustainable travel.

18. No dwelling hereby permitted shall be occupied until a cycle storage plan for the residential units has been submitted to the Local Planning Authority. These cycle facilities shall thereafter be kept free of obstruction and available for the parking of bicycles only at all times.

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.

19. Within six months of the granting of planning permission details of the pedestrian link along the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall be informed by an updated Arboricultural Impact Assessment, and include the precise route in relation to existing trees, construction methodology, surfacing and any tree protection measures.

Prior to first use of the care home development hereby approved the pedestrian link shall be constructed in accordance with the approved details and built up to the east and south site boundaries. This pedestrian link shall thereafter be maintained and remain open and unobstructed at all times.

Reason: To ensure that the development provides appropriate connections and sustainable linkages to neighbouring development and public open space.

20. Notwithstanding the submitted details, there shall be no building works above slab level, or no new boundary treatments within or around the site constructed, until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes, artificial bat roosting sites and measures to support hedgehog movements across the site, have been submitted to, and approved in writing by the Local Planning Authority.

The approved artificial bird/bat boxes and hedgehog features shall be provided before the buildings are first occupied/ brought into first use.

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

21. No demolition of 23-25 Old Row or scrub clearance within the curtilage of this building, shall take place until a methodology for dealing with the invasive species identified on site and preventing their spread, has been submitted to and approved in writing by the Local Planning Authority. The invasive species shall then be removed in accordance with the approved methodology.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981.

22. Prior to their installation details of a scheme for any external building or ground mounted lighting/illumination, shall have been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt the submitted details shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution and shall include details to demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated.

The approved lighting schemes(s) be implemented in accordance with the approved details prior to the occupation of the development hereby approved and retained as approved.

Reason: To enable the Local Planning Authority to exercise control over development which could prove materially harmful the character and visual amenities of the immediate area and to minimise/mitigate the potential impacts upon protected species resultant from the development.

23. All tree works/tree protection shall be carried out in strict accordance with the recommendations set out in the submitted Arboricultural Impact Assessment dated September 2022.

The specified tree protection measures shall remain in place throughout the demolition and construction phases of the development and the methodology hereby approved shall be adhered to during all site preparation/construction works.

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.

24. No development above ground level shall be commenced until details of the materials to be used in the construction of the external surfaces of the buildings hereby approved (including the external walls, roof, and windows) have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To safeguard the visual amenities of the locality.

25. No building works shall take place above slab level until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

The landscaping works shall be carried out in accordance with the approved details prior to first occupation or first use of any part of the development or otherwise in

accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 15 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology.

26. Prior to first occupation of the care home development hereby approved, the scheme of noise insulation measures set out in the supporting Noise Assessment submitted with the application [prepared by S&D Garritt Ltd, dated 23rd January 2023] namely acoustic bund and fencing; acoustic glazing and trickle ventilators to identified elevations shall be implemented. The approved noise insulation measures shall thereafter be retained.

Reason: To ensure there is no adverse effect on the health and quality of life of future occupants and to avoid an unacceptable impact on residential amenity by virtue of noise.

Informatives:

1. Cadent Gas Ltd own and operate the gas infrastructure within the area of the development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent Assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and/or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. Prior to carrying out works please submit details of the planned works for review.

2. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk<<mailto:developeras@lancashire.gov.uk>>, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number. Please be aware that the demand to enter into section 278 agreements with Lancashire County Council as the highway authority is extremely high. Enquiries are being dealt with on a first come first served basis. As such all developers are advised to seek to enter into Section 278 agreements at a very early stage.

3. Openreach records indicate that apparatus exists near to the area of your proposed works. Before commencing any work, or moving of heavy plant or equipment over any portion of the site the contractor shall confirm details of Apparatus, owned, leased or rented by the Company, within the site, with the Company Representative, who can be contacted for free on site assistance during office hours, prior to commencement of works :-E-mail: cbyd@openreach.co.uk<<mailto:cbyd@openreach.co.uk>>. Further information is available at: <https://www.openreach.com/network-services/locating-our-network>

Mr Peter Hitchen spoke in support of the application.

RESOLVED THAT COMMITTEE:

Refused planning permission for the following reasons:

1. The proposal would lead to the creation of a new residential dwelling outside of the settlement without sufficient justification insofar that it has not been adequately demonstrated that the proposal would meet any of the exception criteria including meeting a local housing need or providing regeneration benefits. The proposal therefore fails to accord with Key Statement DS1 and DS2 and policies DMG2 and DMH3 of the Ribble Valley Core Strategy 2008 – 2028.

2. The proposal would result in a large, dominant, dwellinghouse of modern design and materials which would have a visually harmful and urbanising impact upon the rural character of the area. It would also have a harmful impact on the simple architecture and traditional character and appearance of the Grade II* Listed Read Hall and its associated Parkland, the Grade II Listed Ice House and a number of non-designated heritage assets and their settings. Any public benefits from the development do not outweigh this less than substantial harm. The proposal therefore is contrary to the Planning (Listed Building and Conservation Area) Act 1990, the National Planning Policy Framework and Key Statement EN5 and Policies DMG1, DME2 and DME4 of the Ribble Valley Core Strategy 2008 - 2028.

3. The proposal would result in a large, dominant, dwellinghouse close to historic woodland and fails to demonstrate that the proposed dwelling and its surrounding large expanse of hard surfacing can be accommodated without resulting in an adverse impact on the root protection area of the historic woodland and in particular Trees T1 and T2. Therefore, the proposal is contrary to Policies DME1 and DME2 of the Ribble Valley Core Strategy 2008 – 2028.

4. The proposal would result in an elevated terraced area in close proximity to the neighbouring property to the west, known as The Stables. This would result in an unacceptable impact on the residential amenity of the occupiers of this neighbouring because of adverse levels of overlooking and loss of privacy that would be afforded. Therefore the proposal is contrary to Policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028.

S.106 MONIES - LANGHO FOOTBALL CLUB

The Director of Economic Development and Planning submitted a report seeking authority from Members to release section 106 contributions for sports facilities in Langho.

£28,066 has been received and it was proposed that this money should be awarded to Langho Football Club, who wish to make significant improvements to their facilities. The cost of the work is yet to be determined but will be dependent on the amount of funding received.

RESOLVED THAT COMMITTEE:

Agreed for the Director of EDP to have delegated authority to agree the sport facility improvements with Langho Football Club prior to commencement to ensure that the works undertaken comply with the requirements of the legal agreement and accord

with procurement procedures; and agree to the allocation of the commuted sum of £28,066 to Langho Football Club for the agreed improvement works on completion of the works.

212 PUBLICATION OF (UPDATED) LOCAL VALIDATION CHECKLIST

The Director of Economic Development and Planning submitted a report seeking authority from Members to publish a final version of the Council's updated Local Validation Checklist. The validation checklist documents set out the information that is required to validate a planning application.

A draft updated Local Validation Checklist had previously been published for a consultation period of six weeks. It was noted that seven organisations had responded and the report provided a summary of their views, which were taken into account when preparing the Local Validation Checklist.

RESOLVED THAT COMMITTEE:

Agreed for the LPA to publish the final version of the updated Local Validation Checklist on the Council's website and for it to be used as the basis for validating planning applications with immediate effect.

213 REVENUE OUTTURN 2022/23

The Director of Resources & Deputy Chief Executive submitted a report on the outturn for the financial year 2022/23 in respect of the revenue budget for the Committee.

It was noted that there had been a number of variations in both income and expenditure during the year, and this had given rise to an overall underspend of £280,615 on the net cost of services. After transfers to and from earmarked reserves, there was an overall underspend of £77,818. Details of the variations were outlined in the report.

214 REVENUE MONITORING 2023/24

The Director of Resources & Deputy Chief Executive submitted a report to let Members know the position for the period April 2023 to July 2023 of the year's original revenue budget as far as this Committee was concerned.

The comparison between actual and budgeted expenditure showed an overspend of £6,642 to July 2023 of the financial year 2023/24. After allowing for transfers to/from earmarked reserves, there was an underspend of £15,336. The report outlined the variations by cost centre.

215 CAPITAL MONITORING 2023/24

The Director of Resources & Deputy Chief Executive submitted a report outlining the progress on this Committee's 2023/24 capital programme for the period to the end of June 2023.

At the end of June 2023 there had been no spend or commitments made against the capital programme budget. There is currently one capital scheme for this Committee

with a budget of £26,420 and it is unlikely to be completed within the financial year. However, it was noted that due to the residual nature of the scheme, it should not cause concern for Members.

216 PLANNING APPLICATION STATISTICS

The Director of Economic Development and Planning submitted a report updating Committee on the key information in relation to the determination of planning applications.

It was noted that the Local Planning Authority met the Government performance targets for determining planning application in quarter one of 2023/24. Whilst the percentage of appeals allowed was slightly higher than Government targets for quarter one, appeal decisions are monitored and this does not raise any concern.

217 APPEALS (IF ANY)

Members noted the contents of the Appeals report.

218 MINUTES OF WORKING GROUPS

There were no minutes from working groups.

219 REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

There were no reports from representatives on outside bodies.

220 EXCLUSION OF PRESS AND PUBLIC

There were no items under this heading.

The meeting closed at 7.26 pm

If you have any queries on these minutes please contact the committee clerk, Jenny Martin 01200 413214 jenny.martin@ribblevalley.gov.uk.

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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: THURSDAY, 21 SEPTEMBER 2023
 title: PLANNING APPLICATIONS
 submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

<u>INDEX OF APPLICATIONS BEING CONSIDERED</u>				
	<u>Application No:</u>	<u>Officer:</u>	<u>Recommendation:</u>	<u>Site:</u>
A	APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS/REASONS FOR REFUSAL			
	NONE			
B	APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR APPROVAL:			
	3/2023/0421	Lucy Walker	AC	Fairfield Farm, Longsight Road, Clayton-le-Dale BB2 7JA
C	APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR REFUSAL:			
	3/2023/0148	Kathryn Hughes	REF	Causeway Farm, Balderstone
D	APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING BEING SATISFACTORILY COMPLETED			
	3/2023/0100	Will Hopcroft	AC	Land west of Preston Road, Longridge PR3 3BE
	3/2022/0966	Stephen Kilmartin	AC	Crow Trees Farm, Crow Trees Brow, Chatburn BB7 4AA
E	APPLICATIONS IN 'OTHER' CATEGORIES:			
	NONE			

LEGEND

AC Approved Conditionally
 REF Refused
 M/A/R Minded to Approve / Refuse

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RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

APPROVAL

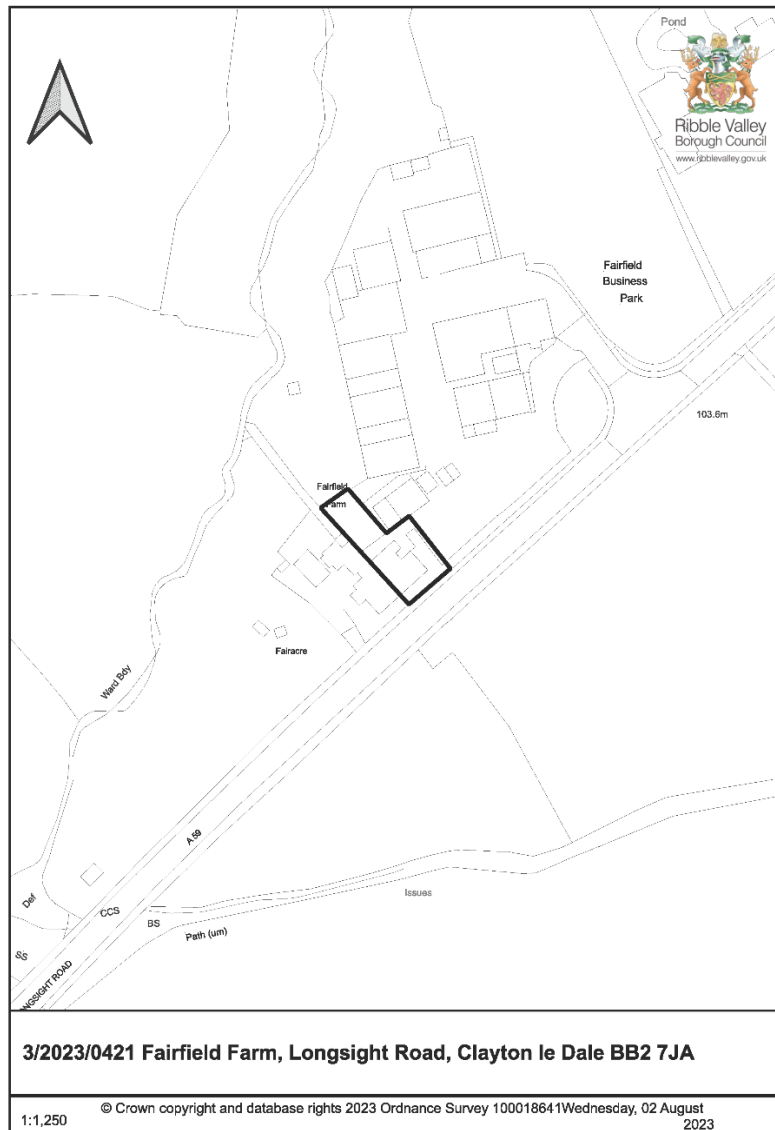
DATE: 21 September 2023
REF: LW
CHECKED BY: LH

APPLICATION REF: 3/2023/0421

GRID REF: SD 365139 432087

DEVELOPMENT DESCRIPTION:

PROPOSED ALTERATIONS AND EXTENSION TO EXISTING DWELLING INCLUDING SINGLE STOREY REAR/SIDE EXTENSION, RAISING OF ROOF PITCHES TO REAR, NEW CHIMNEY, FENESTRATION CHANGES TO FRONT AND ROOFLIGHTS TO REAR AT FAIRFIELD FARM, LONGSIGHT ROAD, CLAYTON-LE-DALE, BB2 7JA.



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Clayton-le-Dale Parish Council were consulted on 22nd June 2023; however, no comments have been received in respect of the proposal.

LOCAL HIGHWAYS AUTHORITY (LANCASHIRE COUNTY COUNCIL HIGHWAYS):

Initial response raised objections due to the obstruction of the public rights of way network.

Re-consulted on 18th August 2023 following receipt of revised plans. Response received 12th September 2023 confirms no objection to the amended scheme.

LANCASHIRE COUNTY COUNCIL FOOTPATHS:

Lancashire County Council Footpaths were consulted on 9th August 2023; however, no response has been received in relation to the proposal.

ADDITIONAL REPRESENTATIONS:

No representations received.

1. Site Description and Surrounding Area

- 1.1 The application relates to a two-storey semi-detached dwelling, located to the northern side of Longsight Road. The property predominantly comprises of natural stone and render to the external elevations, along with natural slate roof tiles and dark brown uPVC windows.
- 1.2 The original property has been previously extended by way of a two-storey extension to its north-western rear elevation and single storey porch to the north-eastern side elevation.
- 1.3 The site is located within the open countryside, situated between the defined settlement areas of Osbaldeston and Copster Green on the A59 highway. The property itself shares a common boundary with the adjoined residential properties of Fair Acre and Flat at Fair Acre, whilst Fairfield Business Park lies immediately to the north-east of the application site.
- 1.4 An existing Public Right of Way (FP-03-13-001 Clayton-le-Dale) also passes immediately adjacent the north-eastern boundary of the dwelling, providing access to the woodland and open fields which border the property to the rear.

2. Proposed Development for which consent is sought

- 2.1 Consent is sought for numerous alterations to the existing dwellinghouse. The works proposed include the erection of a single storey side/ rear extension, new chimney to the north-eastern gable elevation, raising of the roof pitch to the rear, external fenestration changes and addition of rooflights to the existing utility.
- 2.2 The application is being brought to this Committee for a decision as the applicant is a Ribble Valley Borough Councillor.

3. **Relevant Planning History**

3/1998/0401: Alterations and extensions to first floor and ground floor to create larger bathroom, bedroom with en-suite, porch, inglenook fireplace (Approved)

Adjacent property

3/1988/0625: Conservatory extension at side of Fair Acre, Longsight Road, Clayton-le-Dale (Approved)

3/1987/0602: Extension to form self-contained flat at Fair Acre, Longsight Road, Clayton-le-Dale (Approved)

3/1987/0245: Extension to form self-contained flat and first floor additional bedroom and study at Fair Acre, Longsight Road, Clayton-le-Dale (Refused)

4. **Relevant Policies**

Ribble Valley Core Strategy (Adopted Version)

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement DMI2: Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DMH5: Residential and Curtilage Extensions

Policy DMB5: Footpaths and Bridleways

National Planning Policy Framework

National Planning Practice Guide

5. **Assessment of Proposed Development**

5.1 Principle:

5.1.1 The application relates to a domestic extension and alterations to a residential property within the existing residential curtilage and is therefore considered acceptable in principle subject to an assessment of the material planning considerations.

5.2 Residential Amenity:

5.2.1 The single storey extension proposed to the side/ rear of the dwellinghouse would project 2m beyond the existing two storey rear extension and would be set approximately 4.6m from the common boundary with Fair Acre. Whilst it is acknowledged that no boundary treatment exists along this shared boundary, the proposal would comprise a relatively modest rearward projection and would not be sited directly adjacent any habitable room windows within the side elevation of Fair Acre. It is therefore not considered that the proposed development would result in any significant degree of overshadowing or loss of outlook in respect to this neighbouring property.

- 5.2.2 The proposed windows featured to the rear and north-eastern facing side elevations of the proposed single storey extension would provide similar views to those afforded by the existing window configuration to the side and rear elevations of the existing property and would not have a direct interface with any neighbouring residential properties. It is therefore not considered that these elements of the proposal would compromise the existing levels of privacy.
- 5.2.3 Furthermore, whilst the proposed full length glazing to the north-western facing side elevation of the extension would provide views towards an existing window featured within the side elevation of the Flat of Fair Acre, this neighbouring window does not serve a habitable room and is obscurely glazed. As such, it is not considered that the proposed glazing would result in any measurable harm upon the privacy of these neighbouring residents.
- 5.2.4 The proposed fenestration changes to the main dwellinghouse would also be sited in a similar position to the dwellings existing ground and first floor window openings and the addition of roof lights to the existing utility would not provide any new opportunities for direct overlooking or loss of privacy in this instance.
- 5.2.5 The proposed raising of the rear roof pitch and addition of the chimney would likely lead to additional occurrences of overshadowing, however these elements of the proposal would be sited towards the north-eastern side of the dwellinghouse and would therefore be adequately screened from the adjoined property of Fair Acre by the application dwelling itself. As such, any resultant overshadowing would primarily occur within the confines of the application site and the adjacent car parking area associated with the Fairfield Business Park. In this respect, the proposed works are not anticipated to result in any significant or measurable harm upon existing nearby residential amenities.

5.3 Visual amenity:

- 5.3.1 The original built form of the property has been substantially remodelled and extended throughout its history, with the property currently benefiting from an existing two-storey reverse gable extension to its rear elevation and single storey porch to the north-eastern side elevation. Whilst the principal elevation of the dwelling, for the most part, has retained its unassuming and largely rural character, the later additions to the side and rear of the original built form and use of more modern building materials has resulted in the dwelling having lost its rural vernacular towards the rear of the property.
- 5.3.2 Furthermore, whilst Fairfield Farm is a semi-detached property, forming the easterly dwelling of the semi-detached pair, the two residential properties are not characterised by a strong sense of uniformity. Although the front elevation of Fair Acre has retained its simple linear appearance, the dwelling as a whole has also undergone substantial alterations throughout its history, including alterations to the external fenestration design and the addition of a self-contained flat to the rear and conservatory to its side elevation. The principal elevations of the two properties also appear somewhat dissimilar by virtue of their differing window designs and the partial rendering of the front elevation of Fairfield Farm. As such, it is not considered that the proposed works would significantly unbalance the pair of semi-detached properties to a degree that would warrant refusal.
- 5.3.3 The proposed development comprises a relatively modest single storey side/rear extension which would project 3.2m from the side elevation and 2m from

the rear elevation of the existing two-storey addition, creating an L shaped wrap around extension. A flat roof form would be featured which would incorporate Velux rooflights and a green roof design, with the main access door to the property being located to the north-eastern side elevation and a set of sliding doors being installed to the rear.

- 5.3.4 The proposed extension would result in an increase of approximately 12% to the existing footprint of the dwelling which in turn would add an additional 30m² of internal floor space to the property. As such, the proposal would appear wholly subservient to the main dwellinghouse by virtue of its modest proportions and design.
- 5.3.5 Further alterations to the dwelling include the raising of the rear roof pitch to create a second reverse gable roof form, construction of a new chimney to the north-eastern side elevation, external fenestration changes including the addition of narrow windows and a glazed panel to the front elevation and installation of roof lights to the existing utility.
- 5.3.6 The application site is located within a visually prominent location along the A59 highway, with a Public Right Of Way also passing immediately adjacent the dwelling on its north-eastern boundary, providing access to the woodland and open fields to the rear of the site. As such, all elevations of the host property are clearly visible from within the public realm.
- 5.3.7 In view of the above, minor amendments have been sought since the initial submission of the application in order to reduce the visual impact of the proposed additions, including a reduction in the width of the proposed chimney to the north-eastern gable elevation and revisions to the proposed narrow window openings.
- 5.3.8 Following these revisions, the width of the proposed chimney has been reduced from 2.7m to 2.1m and minor amendments have been made to the window proportions.
- 5.3.9 Whilst the narrow windows to the principal elevation of the main dwellinghouse and the north-eastern elevation of the proposed extension remain, it is not considered that the proposed openings would appear an overtly incongruous or anomalous addition to the host property when viewed in context with the existing built form within the immediate vicinity and therefore would not warrant the refusal to grant planning permission in this instance.
- 5.3.10 The proposed construction of a second reverse gable roof form to the rear of the property would also visually integrate with the existing reverse gable roof form of the two-storey rear extension and would therefore not appear an anomalous or out of keeping addition to the primary dwelling.
- 5.3.11 In addition to this, the proposal would incorporate materials that are consistent with the external appearance of the host property and the adjoined dwelling of Fair Acre, including natural stone, off-white render, and natural slate roof tiles.
- 5.3.12 In view of the above, it is therefore considered that the proposed development would visually integrate with the existing built form and would not be of significant detriment to the visual amenities of the application property or the surrounding area.

5.4 Ecology:

- 5.4.1 The application has been accompanied by a preliminary bat roost assessment report, dated 19th May 2023, with a daytime bat survey having been carried out at the application site on 2nd May 2023 and an emergence survey on 18th May 2023. No evidence was recorded to suggest bats were roosting within the building and no bats were observed or recorded using the building for roosting, with the property being assessed as offering negligible roosting potential.
- 5.4.2 However, it has been recommended that additional mitigation measures be implemented on site with regards to the provision of a bat box by way of a planning condition.
- 5.4.3 A cautionary approach is also advised and in the unlikely event that any bats are discovered, disturbed, or harmed during the development, all work must cease immediately, and further advice be sought from a licenced ecologist.

5.5 Highways:

- 5.5.1 LCC Highways had initially raised concerns in respect of the application insofar that the proposal would obstruct the Public Right Of Way network.
- 5.5.2 Further to this response, the profile of the proposed extension has been amended to accommodate the existing Public Right of Way (FP-03-13-001 Clayton-le-Dale). The plans now show that the proposed extension would maintain the current distance between the footpath and the existing property. As such it is not considered that the proposed works would result in any significantly detrimental impact upon the Public Right Of Way network compared to the current situation.
- 5.5.3 LCC Highways were re-consulted following receipt of the revised plans and raise no objections to the amended scheme.
- 5.5.4 The granting of any 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. It is also advised that the applicant contacts Lancashire County Council's Public Rights of Way section to discuss the proposal before any development works begin. A note to this effect can be added to the decision notice.
- 5.5.5 The works proposed would not result in an increase in the number of bedrooms at the application property nor would it involve any alterations to the existing parking arrangements. As such there is no need to secure additional parking.

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

- 6.1 The proposal would not result any undue impact upon the amenity of any neighbouring residents, nor is it considered that the proposal would be harmful to the visual amenities of the area, surrounding ecology or highway safety. The matter of the public footpath is considered to have been addressed with the revised plans received.
- 6.2 As such, for the above reasons and having regard to all material considerations and matters raised, the application is recommended for approval.

RECOMMENDATION: That planning permission be APPROVED 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:

- Location Plan (dwg no.EX.00 Rev A)
- Proposed Site Plan, Floor Plans, and Elevations (dwg no. PL.01 Rev C)
- Proposed Roof Plan (dwg no. PL.02 Rev A)

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

3. The materials to be used on the external surfaces of the development as indicated within the application form and on approved drawing(s) 'Proposed Site Plan, Floor Plans and Elevations' (dwg no. PL.01 Rev C) shall be implemented as indicated.

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

4. The installation of a Greenwoods Ecohabitats Two Chamber Bat Box or Kent Bat Box shall be incorporated into the site during the construction stage of the development and made available for use before the extension(s) hereby approved is first brought into use and thereafter retained.

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

INFORMATIVE:

The granting of any planning permission does not entitle a developer to obstruct a right of way. Any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. The applicant is advised to contact Lancashire County Council's Public Rights of Way section by email on PROW@lancashire.gov.uk, quoting the location, district and planning application number to discuss their proposal before any development works begin.

BACKGROUND PAPERS

<https://webportal.ribblevalley.gov.uk/planningApplication/35442>

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RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

REFUSAL

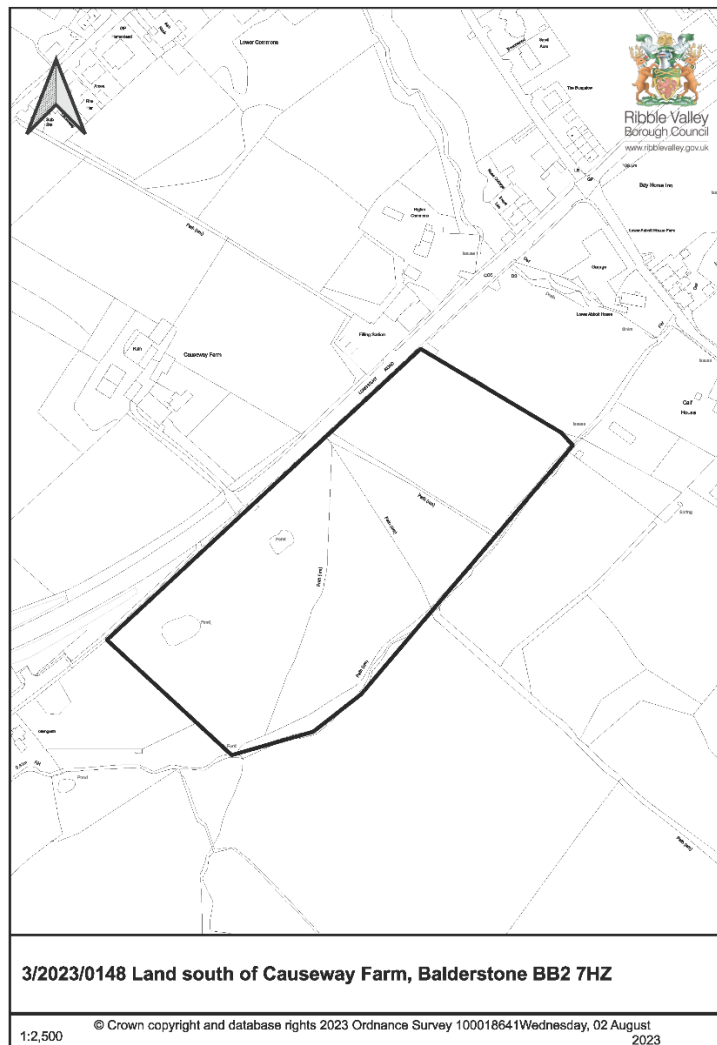
DATE: 21 SEPTEMBER 2023
REF: KH
CHECKED BY: LH

APPLICATION REF: 3/2023/0148

GRID REF: SD 364463431559

DEVELOPMENT DESCRIPTION:

OUTLINE PLANNING APPLICATION FOR UP TO 9,290SQ.M. OF EMPLOMENT DEVELOPMENT. (USE CLASS B2 – GENERAL INDUSTRIAL AND/OR USE CLASS B8 – STORAGE AND DISTRIBUTION) WITH ACCESS APPLIED FOR OFF A59 LONGSIGHT ROAD (ALL OTHER MATTERS RESERVED) ON LAND SOUTH OF CAUSEWAY FARM, BALDERSTONE BB2 7HZ



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

OSBALDESTON PARISH COUNCIL:

We object to this planning application as it conflicts with RVBC planning policies to build on a Greenfield site outside of the settlement.

MELLOR PARISH COUNCIL:

Although this isn't in our parish it does sit close to our boundary. We would like to object for the following reasons:

- The development is very large with a selection of industrial units not suitable for this area. The plans don't state what industries would reside in the units, some could be 24/7 operations and may cause unnecessary noise, air or light pollution;
- The area of the A59 houses a number of residential properties along with a petrol filling station and a car showroom, all these already cause lots of traffic movement. This development will cause additional traffic and possible congestion in an already busy road where in the past we have seen many minor accidents and unfortunately fatalities;
- There will be increased air pollution from this development, the report fails to take account of the local primary schools and churches on those using these facilities especially children. One school is probably under 500m from this proposed development;
- No provision has been made with regards to pedestrians passing the site in a safe manner;
- The land is currently rough grazing land with evidence of Badger sets and other wildlife habitat in the area, along with a stream and public footpath;
- The development would be unsightly for many local residents whose property currently overlooks farmland;
- Other industrial units are available locally at BAE Systems and Fairfield Business Park is there a need for similar facilities;

LOCAL HIGHWAY AUTHORITY (LCC HIGHWAYS):

Object to the outline application as presented. However, should the concerns below be suitably addressed by further submissions or conditions then we may withdraw our objections.

It is noted that there is a proposed access from the A59, whilst the general principle of this location for an access is acceptable there are a number of concerns that will need to be addressed prior to any development coming forward.

The main concerns are detailed below:

- The junction will have to provide a pedestrian traffic Island.
- The 30mph speed limit will need to be moved closer to the roundabout.
- There is no provision for cyclists.
- The exit from the site shall be limited to a left turn only for all traffic and physical restrains will be required and a robust signing strategy.
- Suitable footways will need to be provided across the new access.
- The Public Rights of Way will require a legal order for the diversions.

- The access will need to be formed prior to any works being carried out on the site, a section 278 agreement will be required.
- A drainage strategy will be required for the surface water connection to the highway drainage system is not permitted.

It is currently Lancashire County Council's policy that roads within industrial sites such as this are not accepted for adopted.

Should you wish to support the application we would look for conditions relating to construction management plan including deliveries and wheel washing, site access/off site highway mitigation, highway works to be constructed together with management and maintenance of streets to be attached to any grant of permission.

Further information has been submitted and LCC Highways has requested amended plans in relation to this.

UNITED UTILITIES:

No objection subject to the imposition of appropriate conditions.

LEAD LOCAL FLOOD AUTHORITY:

No objection subject to conditions relating to submission of a final surface water sustainable drainage strategy, construction surface water management plan, sustainable drainage system operation and maintenance and verification report.

LCC PUBLIC RIGHTS OF WAY TEAM:

No objection. Accept that re-routing of public right of ways that currently cross the site would be needed which would need to be subject to separate 'Diversion Order' procedures.

ADDITIONAL REPRESENTATIONS:

Approximately 100 letters of representation have been received objecting to the application on the following grounds:

- More vehicles onto a busy road.
- Take away more of our countryside.
- Green land near to a school.
- Lot of wildlife with at least 57 different species.
- This development is totally unrequited and unnecessary.
- There is plenty of industrial land available near British aerospace.
- Additional safety risk on the surrounding minor roads that feed into the A59. No detailed analysis regarding volume of traffic and flows.
- Another loss of green belt land.
- Safety and clean air issues.
- Asbestos and dust constitute health risks as well as activities involving industrial processes;
- The proposal would be an eyesore in views from Mellor.

- No evidence of any objectively assessed need and no assessment of alternative locations.
- In very close proximity to the NCF and SEZ creating thousands of jobs just a km away.
- A car dependent workforce is the reality increasing congestion, air pollution, noise pollution and greenhouse gas emissions with negative effect on climate change and net zero targets.
- The site is a valuable local amenity with 6 PTOW and an importance area for wildlife.
- The fields in which the development is proposed would result in the loss of feeding grounds for badgers with an active badger sett close by – these fields offer an ideal wildlife corridor to access neighbouring fields without having to cross the A59- as badgers are highly mobile an updated site walkover prior to development to identify any new badger setts and if necessary a Natural England License would be required.
- NPPF 126 all development should be of good design or refused NPPF 134.
- NPPF 131 all new development should be incorporating trees. Existing trees should be retained NPPF 131.
- No details of foul and surface water management.
- Sufficient commercial land identified within local plans in particular the large BAE site.
- Proposal is too large, in wrong place and outside the settlement boundary.
- The potential height of the buildings exceeds any existing and will be an eyesore.
- Extra 3,000 vehicles pending with the introduction of GCHQ.
- The land was not included in the 2020/21 study which focused on brownfield sites. This site is greenfield, there are other agreed developments and seems to be part of a bigger strategy to release a large swathe of industrial and residential land when all the applications are joined up.
- There is considerable vagueness and inaccuracy in the proposal with unsubstantiated claims about visual amenity and impact on increased traffic.
- Also consider the cumulative effect of this and all the proposals in the area.
- The threat to the identifies of local villages is considerable with existing public footpaths run through and converge on an industrial estate.
- It is extremely difficult to cross the A59 near to Pennine garage with parents walking children to school already having great difficulties.
- The houses at the Willows are in a high flood risk area.
- The old quarry at Abbots Brow is a monitored site due to methane build up with an exclusion zone on new builds.
- There are no buildings within the area of a height of nearly 13m – why is there a need for such tall buildings?
- Allowing this development would encourage further applications for similar development in the adjacent areas, leading to a widespread loss of open countryside.
- The proposed land was not included in the 2021 Ribble Valley Economic and Employment needs study.
- From our property we and many other would look down onto a vast expanse of metal roofing, at a height of twice that of the canopy of the petrol station.
- Approving this proposal would create a precedent which could turn the entire A59 from Mellor Brook to Gisburn into a 'linear industrial park' which conflicts with one of the Ribble Valley's 'unique selling points' as an area of outstanding natural beauty.
- This development would cause great harm to the landscape and detrimental visual impact in this sensitive area at the foot of Mellor Hill/Moor.

- Ecology – there is a woodland 20m to the southwest the development boundary which is part of the wildlife corridor that extends from Abbott Brow to Mellor Brook and on to Mammon Road. There are extensive signs of badger activity with some evidence of sett construction within the proposed site, with an historical badger sett within 300m of the development.
- The applicants focus on your housing and employment number rather than countryside and landscape.
- Travel along the A59 is already becoming a visual mess due to recent decisions in Clayton le Dale.
- The proposed development is located 240m from St Mary's Osbaldeston Primary School and would significantly increase traffic, no provision has been made to consider the safety of pedestrians crossing the A59. In recent years there have been a number of fatal accidents close by the petrol station and outside the Bay Horse along with a number of no fatal accidents resulting in damage to school premises.
- Traffic along the A59 is only set to increase due to the nearby Enterprise Zone at Samlesbury and the proposed development of Cuerdale Garden Village.
- This plan does not appear to enhance the rural environment in any way.
- There is finite parking space on the plans. Given that the intended use is as yet unspecified, it is impossible to claim that this would be adequate.

Members will additionally note that a ward councillor has requested that this application is determined by Planning and Development Committee.

1. **Site Description and Surrounding Area**

- 1.1 The application relates to an area of land outside of the defined settlement limits of Balderstone. The site is bounded to the northwest by the A59 and agricultural fields to the east and south. There are existing residential and commercial properties to the north and south, with the settlement of Osbaldeston to the north, whilst the settlement of Mellor lies to the south. The area is predominantly agricultural in nature largely defined by open fields and limited sporadic commercial and domestic development along the A59.
- 1.2 A number of public rights of way cross the site at present, namely FP030461, FP0304062, FP0304063 and FP0304064 and these are proposed to be re-routed within the site.
- 1.3 A mains water pipe crosses the site from the northeast corner to the southeast which presents a 3m easement on either side as well as overhead electricity lines along the southeast boundary of the site.
- 1.4 There are two ponds within the site as well as a watercourse which runs along the eastern boundary. A number of trees and shrubs are on the site together with a hedgerow to the A59 western boundary.

2. **Proposed Development for which Consent is Sought**

- 2.1 The application seeks consent for outline permission for the erection of up to 9, 290 sq.m. of industrial development (Use Class B2 - general industrial use and/or Use Class B8 - storage and distribution. All matters are reserved apart from access which is a detailed matter applied for. A new vehicular access would be created off the A59 Longsight Road.

- 2.2 An illustrative masterplan has been submitted which proposes that four units would be erected with a maximum ridge height of 12.75m in three development zones, each with parking, loading and turning areas, separated by the re-routed public rights of way which would cross the site. Although indicative, this carries some weight in demonstrating how the scale and type of development proposed could be accommodated on the site, and the level of impact it would have.
- 2.3 Proposed materials are timber cladding with aluminium roofs, however, this is only indicative as details of appearance have been reserved.
- 2.4 Existing trees and planting will be retained where possible with enhanced planting proposed. An 8m buffer along the northeast boundary is proposed as well as the retention of existing hedgerows within the site with internal access road proposed to utilise existing breaks in these hedgerows.

3. **Relevant Planning History**

None.

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement DMI2 – Transport Considerations
Key Statement EN3 – Sustainable Development
Key Statement EN4 – Biodiversity and Geodiversity
Key Statement EN5 – Heritage Assets
Key Statement EC1 – Business and Employment Development
Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport & Mobility
Policy DME1 – Protecting Trees and Woodlands
Policy DME2 – Landscape and Townscape Protection
Policy DME3 – Site and Species Protection and Conservation
Policy DME4 – Protecting Heritage Assets
Policy DME5 – Renewable Energy
Policy DME6 – Water Management
Policy DMB1 – Supporting Business Growth
Policy DMB5 – Footpaths and Bridleways

National Planning Policy Framework (NPPF)

5. Assessment of Proposed Development

5.1 Principle of Development:

5.1.1 Policy DMG2 of the Ribble Valley Core Strategy seeks to restrict development within the open countryside and Tier 2 Village settlements except where they meet explicit criteria. Key Statement DS1 reaffirms these criteria and sets out the overall spatial aspirations for development within the Borough.

5.1.2. In respect of assessing the submitted proposal, Policy DMG2 is fully engaged. Policy DMG2 is two-fold in its approach to guiding development. The first part of the policy - DMG2(1) - is engaged where development proposals are located with principal and tier 1 settlements whilst the second part of the policy - DMG2(2) - is engaged when a proposed development is located outside defined settlement areas or within tier 2 villages, with each part of the policy being engaged in isolation and independent of the other, dependant on the location of the proposal.

5.1.3 The site is located outside of a defined settlement and within the designated open countryside. In this respect, when assessing the locational aspects of development, Policy DMG2(2) remains engaged which states that:

Within the tier 2 villages and outside the defined settlement areas development must meet at least one of the following considerations:

1. *The development should be essential to the local economy or social wellbeing of the area.*
2. *The development is needed for the purposes of forestry or agriculture.*
3. *The development is for local needs housing which meets an identified need and is secured as such.*
4. *The development is for small scale tourism or recreational developments appropriate to a rural area.*
5. *The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.*

5.1.4 In order to be considered acceptable the proposal would need to meet the exception criterion above. One such criterion is where development is considered 'essential to the local economy or social wellbeing of the area'. To accord with policy a case would need to be made that this criterion is satisfied, however as the Council still has existing employment sites to deliver during the current plan period it is difficult to see how a case could be successfully made. It is considered that the other criterion listed do not readily apply. Therefore, it is considered that the proposal does not meet any of the exception criterion contained within Policy DMG2 and so would conflict with this policy and the overarching spatial strategy.

5.1.5 Further to the above, Policy DMG2 also requires 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 by virtue of its size, design, use of materials, landscaping and siting'.

5.1.6 Taking account of the quantum, scale and nature of the proposed development, it cannot be argued that the proposal is in keeping with the character of the area nor

that of the character of designated open countryside. The site would introduce large scale commercial built form and activity within an open countryside location of a scale which could not be easily integrated into this location even with the introduction of extensive landscaping. Further assessment on visual impact set out later in this report.

- 5.1.7 Key Statement EC1 outlines that the spatial strategy for employment development during the current plan period is to be directed towards the main settlement of Clitheroe, Whalley and Longridge as well as locations well related to the A59 corridor. It states that the Council aims to allocate an additional 8 hectares of land for employment purposes in line with the supporting evidence base. The actual need as determined by the Housing and Economic Development DPD was identified as a residual requirement for 2.41ha of employment land. The DPD allocates three sites to deliver this; not all of them have come forward to date. The current plan period runs until 2028 therefore existing site allocations continue to be available to deliver the councils employment needs for the remainder of the plan period. As such there is not considered to be a shortage of sites to meet the current local plan requirements to 2028 and so this policy is not considered out-of-date. It also does not offer explicit support for new employment development in the location proposed.
- 5.1.8 Policy DMB1 supports proposals intended to support business growth and the local economy in principle; although there is a requirement that proposals will be determined in accordance with the development plan. This policy is similar to the NPPF which supports sustainable economic development. Where such over-riding conflict is identified, e.g. with Policy DMG2 in particular in this case, the general support afforded by Policy DMB1 is considered to be fully disengaged.
- 5.1.9 For the above reasons the principle of development is not supported by the development plan and would be in conflict with the development strategy for the Borough. This carries significant weight. Whilst there would be some economic benefits from the development, this carries limited weight given the availability of existing employment sites to meet current needs. There are no material considerations in this case that would justify a deviation from the development plan.

5.2 Visual Impact and Design:

- 5.2.1 The submitted details propose the erection of up to 9,290 sqm. Indicative plans suggest this could be delivered by four units with a maximum ridge height of 12.75m. The largest two of these illustrative units are shown as being approximately 94m and 107m in length. The submitted Design and Access Statement provides more details how the four units have been derived and that larger units would offer the most efficient use of space.
- 5.2.2 In terms of the three development zones, illustrative plans show that Zone A would accommodate a 30,000sq.ft. unit (approx. 94m in length) and the relocated access, Zone B would accommodate the 25,000sq. ft unit and two of the rerouted public rights of way, whilst Zone C would accommodate two units totalling 45,000 sq. Ft

(the largest being approx. 107m in length), a rerouted PROW and the water mains exclusion zone.

- 5.2.3 A Landscape and Visual Impact Assessment (LVIA) has been submitted which identifies the existing baseline landscape and visual context of the site and then goes onto do an impact assessment. This methodology is accepted.
- 5.2.4 It considers that the loss of a small section of hedgerow along the site frontage as well as internal field boundary will result in some change in residential views as well as public views from the footpaths crossing the site. The report concludes that overall, the perception of the distinctiveness of the wider Landscape Character Area (LCA) and Landscape Character Type would not be compromised. In terms of the temporary construction phase this is rated as a Temporary Major Adverse effect on the site, but a Temporary Moderate Adverse Effect on the LCA. The operational phase would result in a complete change to the site itself and is considered would have a degree of consistency with the existing settlement edge of Mellor Brook to the west and the uses associated with the A59. It is considered that this would result in a Moderate Adverse effect on the site and a Moderate-Minor adverse effects on the LCA as only a small proportion of the LCA will be changed and no fundamentally defining features will be lost (a small area of privately owned agricultural land, two ponds and short sections of boundary hedgerows only).
- 5.2.5 The applicant's own LVIA accepts visual and landscape harm ranging from moderate-minor to major adverse. Having reviewed the submitted LVIA it is considered that the impacts for both construction and operational phases have been downplayed. The quantum of development proposed on a site which is currently open grassland and sits alongside areas of open grassland and sporadic small-scale residential and commercial development nearby, together with the loss of over 100m of hedgerows, would have a major detrimental impact on the site and this countryside location. Furthermore the LVIA does not appear to consider the impact on users of the public rights of way to be diverted through a large commercial/industrial site across roads and between car parks and commercial units as this would clearly result in a major detrimental impact on the experience of users who are currently able to access open fields within the countryside.
- 5.2.6 The A59 is an arterial route road between York and Liverpool which provides access to towns such as Harrogate, Skipton and Preston and not a destination in its own right. Locally it meets the M6 at junction 21 and the A677 for Blackburn serving BAE at Samlesbury and continuing on to Gisburn before heading across the Yorkshire Border. The A59 is not a destination in its own right.
- 5.2.7 Appearance has been reserved for later consideration therefore details of a suggested palette of materials have been submitted in the form of a Design Code. This includes timber cladding on the elevations which the applicant considers would aid in blending the building with their surroundings and promote renewable materials in the scheme. The roof of the built form is proposed to be aluminium with standing seam joints which the applicant considers is a take on agricultural architecture in the local context. Integrated roof lights and concealed drainage pipes where possible are also suggested with painted steel shutters to windows and doors.

- 5.2.8 This suggested materials do raise concerns. Their scale and function and layout means they would not resemble agricultural buildings - furthermore the inclusion of roller shutter doors is industrial - and so attempting to replicate something which they are not would result in the buildings appearing incongruous, particularly as there is little use of this material at this scale in the vicinity of the site and so it would not blend in with its surroundings as intended. Although appearance is not applied for, it is not considered that a material could be successfully chosen that would in any way address the concerns identified above.
- 5.2.9 The proposed hard surfaces suggested are asphalt/tarmac to service yards, compacted gravel to PROW's and car parking areas lined with recycled timber sleepers or natural stone setts to mark the spaces. Whilst this is accepted it does not in any way address the concerns identified above.
- 5.2.10 In this respect, the type and amount of built form proposed as well as the overall scale of the proposed development would fail to accord with Policy DMG1 in that the proposal fails to meet criterion (2) of the Policy which requires that development proposals be '*sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials*'.

5.3 Impact on Residential Amenity:

- 5.3.1 The site is located on agricultural fields and is some distance from residential dwellings, however, it will be seen from residential viewpoints and as such consideration must be given in respect of the potential for the proposal to result in undue impacts upon existing or future residential amenities.
- 5.3.2 Regard must be given in respect of Causeway Farm (Grade II Listed) sited approximately 80m to the northwest, Calf House Farm approximately 175m to the East, Glengarth just over 90m to the southwest together with properties on Whalley Road 160m to the southwest. There are also a number of properties along Whalley Road in Mellor Brook and those properties rising up Mellor Brow to the southwest ranging from 132 to 64 and those at Elswick Gardens which are orientated in a manner whereby their rear elevations and rear garden areas face onto the proposed development. Albeit these properties are between 200m and 400m away they would have clear, open views of the proposed development from their raised vantage points.
- 5.3.3 Taking into account the above interface distances none of the properties would experience any direct impacts, however, the elevated properties would have unrestricted open views of the development that will affect their outlook and the sense of openness currently afforded from their private garden areas and rear elevations. But this in itself is not a reason to refuse the application.
- 5.3.4 Taking account of the above matters, the proposal would accord with Policy DMG1 (Amenity) of the Ribble Valley Core Strategy insofar that the proposed development would result in no significant harm to the residential amenities of adjacent properties due to the distances involved. Noise and air quality issues are addressed separately later in this report.

5.4 Impact on Heritage Assets:

- 5.4.1 Causeway Farm is Grade II Listed and sited across the site to the west. An Historic Environment Assessment has been submitted with this application which states that as the proposed development is to be located on the south side of Longsight Road (A59) it would have no impact on the immediate setting of the listed farmhouse. This assessment is accepted and any impact would be limited which accords with Key Statement EN5 and policy DME4 of the Ribble Valley Core Strategy.

5.5 Impact on Trees and Ecology:

- 5.5.1 The application has been accompanied by an Arboricultural Impact Assessment which identifies that trees within and adjacent to the site are protected by Tree Preservation Order 7/19/3/224 (Whalley Road, Mellor Brook)
- 5.5.2 There are a total of 21 trees within or adjacent to the site of various categories including category A and B trees, as well as seven groups and three hedgerows.
- 5.5.3 The survey identified three hedgerows all of which meet the description of the Habitat of Principal Importance as well as tree groups G2 and G6 are linear boundary features that also meet this description.
- 5.5.4 The assessment states that tree removal and retention is a reserved matter and would not be determined by this application except for the tree removal that is necessary to facilitate detailed parts of the layout i.e., the access. These are known effects and anticipated effects.
- 5.5.5 For this proposal the known effects would be the loss of one category U Ash tree (T21) and part of one hedgerow equating to 103m in order to facilitate the access together with a 40m retained length reduced in height to 1.5m together with the removal of 4 trees located within the hedgerow.
- 5.5.6 Further tree and hedgerow removal is anticipated to accommodate the amount of built form proposed. Most of the trees scheduled for removal are Ash and have symptoms of ash die-back or are poor quality category U trees and therefore their removal is accepted in principle. The amount of hedgerow to be removed which is Habitat of Principle Importance is a concern at over 100m and this would have a significant impact on the visual impact on the site. Even if this was replaced the impact would not be immediately mitigated and therefore this would be contrary to Policies DME1 and DME2.
- 5.5.7 Any tree work would need to be undertaken outside the bird nesting season or after a detailed inspection by a qualified ecologist to confirm the absence of nesting birds prior to works.
- 5.5.8 The woodland located to the southwest of the site is part of a wildlife corridor which extends from Abbots Brow to Mellor Brook and then Mammon Wood. This would need to be considered as part of a habitat buffer with any potential lighting

schemes taking into account this route in terms of protecting potential wildlife habitat.

- 5.5.9 A landscaping masterplan has been provided in respect of proposed detailed landscaping, with the landscaping shown on the proposed site plan being considered as being indicative with details of species mix and density being provided. In this respect the authority cannot ascertain whether the proposal would align with the requirements of Key Statement EN4 which requires a 'net enhancement in biodiversity'. However, it is accepted that a suitable condition would be able to achieve this.
- 5.5.10 An ecology report, bat survey and Great Crested Newts (GCN) report have been submitted in support of the application. Whilst the conclusions of the ecology and bat survey are agreed in principle, the report relating to great created newts is scant in detail and states that further surveys should be carried out. These have not been done and the agent has confirmed that they intend to apply for a licence to remediate this. However, specific details of the GCN including numbers, type, etc are required in order to obtain a licence (either from Natural England (NE) or Lancashire County Council) and therefore surveys would be necessary to ascertain this information. Without this information it is not possible to ascertain what the potential impacts are and to ensure that appropriate mitigation measures can be provided to mitigate these impacts.
- 5.5.11 In the event that a NE licence is required, then in order for it to be granted, NE requires 3 tests for the development to be met: (a) Preserving public health or public safety or other imperative reasons of overriding public interest; (b) there is no satisfactory alternative; and (c) the action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range. As competent authority the Habitats Directive places a duty on local planning authorities to consider whether there is a reasonable prospect of a licence being granted and apply the three tests.
- 5.5.12 In terms of the first test, the proposal to provide employment development which is unacceptable in principle (for the reasons already explained) is not considered to provide overriding public interest. In terms of the second test, no explanation has been provided as to why the development could not be relocated elsewhere. The final test is an ecological one, which again is not satisfied as it is not known at this stage that appropriate compensation / mitigation is possible. The development is therefore considered to fail the test. As such it would fail to satisfy policy DME3 of the Ribble Valley Core Strategy which seeks to resist development proposals likely to have an adverse effect on protected species unless it can be clearly demonstrated that the benefits outweigh the local and wider impacts.
- 5.5.13 The Preliminary Ecological Appraisal states that there are no records or badgers within the 2km search area. However, due to the presence of a sett less than 300m away from the site it would be appropriate to require a further walkover as well as reasonable avoidance measures to ensure that any setts or presence of badgers is addressed prior to any development. This can be controlled by an appropriate condition attached to any grant of permission.

5.6 Highway Safety and Public Rights of Way:

- 5.6.1 LCC Highways have raised some concerns in respect of the proposed access to the development insofar that further information is required in order to ensure that a safe and suitable access can be provided for vehicles entering and egressing the site. It is expected that this will be provided and that LCC Highways will then provide their final comments on this. The final position will be reported to the meeting on the Late Items Sheet.
- 5.6.2 Public Rights of Way (PROW) 60, 61, 62, 63, 64 and 65 cross or bound the site. It is proposed to retain PROW 60 and 62, re-route 61 to a new PROW to the western side of the site and retain 63, 64 and 65. This would result in PROW's 60 and 62 being routed over the proposed new access road between the parking area for units A and B and units B and D. This does not enhance the experience for these users as claimed in the applicant's Design and Access Statement (DAS). The new PROW to replace 61 would be sited along the western boundary between the A59 and the back of unit C and then around the back of Unit D which would clearly result in a significant change of experience for the users and would deter walkers from using this PROW.
- 5.6.3 The DAS states that this would be more desirable than walking on the access road. This is clearly not the case and the proposal would conflict with policy DMG1 which requires proposals to consider the protection and enhancement of PROW and access. Moreover, policy DMB5 seeks to retain, maintain and improve public rights of way particularly given the character of this rural area and the contribution these PROW make to leisure, health and tourism.
- 5.6.4 Therefore the quantum of development proposed would significantly undermine the level of openness experienced by users of the PROW to an unacceptable degree and therefore the application fails to accord with policies DMG1 and DMB5 in this regard.

5.7 Drainage/Flooding Issues:

- 5.7.1 The site is located within flood zone 1 (lowest risk of flooding). The principle of the drainage strategy is accepted subject to appropriate conditions.
- 5.7.2 In this respect the proposal accords with Policy DME6 of the Ribble Valley Core Strategy which requires that all development proposals provide adequate drainage strategies to avoid flooding on the site or to nearby land.

5.8 Noise/Contamination/Air Quality Issues:

- 5.8.1 A Noise Assessment has been submitted which concludes that the effects of operational noise would result in low impact to nearby residential receptors and therefore mitigation measures are not considered necessary subject to the eventual site layout. This is sufficient to conclude that impact of noise is not a reason to refuse this outline permission. In the event of outline permission being granted a condition could be imposed requiring an updated noise assessment to accompany a reserved matters application once full details are known to ensure that the development would not result in an unacceptable noise impact.

5.8.2 A Phase 1 Site Investigation Report has been submitted which concludes that further investigations are required to determine whether pollutants are present on the site and appropriate remediate measures if this is proven to be the case. An appropriate condition requiring this can be attached to any grant of permission.

5.8.3 An Air Quality Assessment has been submitted which concludes that a Construction Environmental Management Plan (CEMP) to minimise emissions during construction would be required and that the proposed development trip generation did not exceed the relevant screening criteria outside of an Air Quality Management Area therefore detailed dispersion modelling was not required. An appropriate condition requiring submission of a CEMP can be attached to any grant of permission.

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

6.1 For the reasons outlined above the proposed development is considered to be in significant direct conflict with Policies DMG1, DMG2 and EC1 of the Ribble Valley Core Strategy insofar that approval would result in a form of development that will significantly undermine and compromise this open countryside location outside of a defined settlement or existing employment area.

6.2 The proposed development would result in the introduction of an incongruous and discordant form of development that fails to respond positively to the inherent character of the area particularly when viewed from public footpaths which cross the site. This environmental harm is further exacerbated by the loss and reduction of a significant length of hedgerow along the site frontage. As such the development is in direct conflict with Policies DMG1, DMG2, DME1, DME2 and DMB5 of the Ribble Valley Core Strategy.

6.3 Furthermore insufficient information has been provided to enable a full assessment of the impact on Great Crested Newts which may be present on the site with no details of mitigation being provided and with no confirmation on whether a Natural England license is required. As such the development is contrary to Policies EN4, DME1, DME2 and DME3 of the Ribble Valley Core Strategy.

RECOMMENDATION: That the application be REFUSED for the following reasons:

1. The proposed development would result in large scale commercial development outside of a defined settlement boundary which fails to meet any of the exception criteria for allowing development in such locations and which would be dependent on the use of private motor vehicles. The harm that would arise by allowing this inappropriate development in a countryside location would be contrary to Policies DMG1, DMG2 and EC1 of the Ribble Valley Core Strategy 2008 -2028 as well as the National Planning Policy Framework which supports sustainable patterns of development. There are no material considerations which justify deviating from the Development Plan in this case.

2. The proposed development, by virtue of its overall scale and footprint, would result in the introduction of an incongruous, unsympathetic, and discordant form of development, of an overtly suburban appearance, particularly when viewed from the A59 approaching the site and Public Footpaths FP0304060, FP0304061, FP0304062, FP0304063 and FP0304064. The loss of over 100m of hedgerow (classed as Habitat of Principle Importance) adjacent


to the prominent road frontage together with a further 40m of hedgerow being reduced to 1.5m in order to accommodate the site access and sightlines would result in further environmental harm. The resultant impact fails to protect key landscape features or respond positively to the inherent visual and landscape character of the area contrary to Policies DMG1, DMG2, DME1, DME2 and DMB5 of the Ribble Valley Core Strategy 2008 – 2028.

3. The proposal fails to demonstrate that appropriate assessments have been carried out to fully assess the impacts upon Great Crested Newts and appropriate mitigation required. As such there is uncertainty over whether a Natural England (protected species) license is required, and in the event that it is required, then it is the Local Planning Authority's view that it is unlikely to be granted. Therefore, the proposal fails to adequately protect and enhance protected species and habitat contrary to Key Statement EN4 and policy DME3 of the Ribble Valley Core Strategy 2008 -2028 as well as the National Planning Policy Framework.
4. The proposal fails to demonstrate that the proposed site access arrangements are safe and suitable to serve the development. These highway safety concerns mean the development is contrary to Policy DMG1 of the Ribble Valley Core Strategy 2008 - 2028 as well as the National Planning Policy Framework.

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2023%2F0148

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Late Items – Planning & Development Committee				 Ribble Valley Borough Council www.ribblevalley.gov.uk	
Meeting Date: 21st September, 2023					
Briefing version		Issue Date:			
Committee Version	•	Issue Date:	21/09/23		
Application Ref:	3/2023/0148	OUTLINE PLANNING APPLICATION FOR UP TO 9,290SQ.M. OF EMPLOMENT DEVELOPMENT. (USE CLASS B2 – GENERAL INDUSTRIAL AND/OR USE CLASS B8 – STORAGE AND DISTRIBUTION) WITH ACCESS APPLIED FOR OFF A59 LONGSIGHT ROAD (ALL OTHER MATTERS RESERVED) LAND SOUTH OF CAUSEWAY FARM, BALDERSTONE BB2 7HZ		REC:	REFUSAL

Since the publication of the Committee Agenda the Committee are asked to note the following updates on this application:

1. The response from Balderstone Parish Council was not reported in the correct place within the published committee report and is as follows:

Of the 32 responses to the agent's pre application consultation, 25 are unsupportive (only one showed any broad support). Balderstone Parish Council not only wishes to emphasise this lack of local support but also add its own strong objection to the application.

The site lies in open countryside and is a significant distance and totally detached from the established business locations within Balderstone, which lie to the west of the defined settlement area .The site lies to the east and adjacent to the residential area of Mellor Brook and would effectively sandwich the village between industrialised areas.It is understood the application is for general industrial use (B2) which is usually associated with industrial parks, not next to a residential area or within open countryside . Such use has potential for noise and other environmentally negative effects.

The massing and scale of the buildings is incongruous and totally discordant with the locality. The proposed units are significantly larger in area and height when compared to adjacent businesses and properties. The site is also far from flat, rising above the level of the A59 which would make any buildings overbearing in height. The following image underlines this point in a powerful way, showing that the units would dwarf any other buildings in the locality.

The proposed development would not be in keeping with the character of the area which is open farmland with links via designated, well used footpaths to countryside which in turn, lead to extensive and spectacular vistas towards the Lancashire plain and across the Ribble Valley. This would result in a significant change to the experience of those that use the three footpaths running through the site and as such, have a huge negative impact on amenity value.

Of great concern would be the potential loss of yet more valuable habitat, particularly the two ponds and open grassland, with threats to hedgerows and trees. Ecological impoverishment is a subject of national and local debate , developments such as that proposed , even with mitigation, are at odds with a drive to improve and protect the diversity of our native flora and fauna. The positive eDNA test indicating the presence of Great Crested Newts in the ponds, plus local observations of a wide variety of woodland song birds, Barn and Tawny Owls along with large mammals such as Roe Deer show there is a mature and diverse ecosystem.

It was disappointing to note that the agent a Page 48 half of the applicant in their Statement of Community Involvement failed to include Balderstone Parish Council amongst those listed in 4.8 of

the Planning Statement 'Consultation with Local Councillors.' A clear oversight which deprived the Council an early opportunity to comment on the proposal.

2. A letter has been received from Avison Young acting as agents for this application which is appended to this Late Items Sheet. A summary of the officers response to this letter is as follows:

The relevant development plan policies have been identified in the published committee report on page 32. An assessment of the development against the key policies is then made in section 5 of the report which includes Policy DMG2 and Key Statement EC1. Policy DMG2 is intended to steer development to the most appropriate locations in order to ensure sustainable development and to protect rural landscapes. Key Statement DMG2 is not considered to be out of date and the settlements have been reviewed in the last five years. A recent appeal decision upheld this view. It very much aligns with the NPPF and it is incorrect to suggest it is not up-to-date, particularly when there is not a shortage of sites to meet the current local plan employment requirements as reported in the published committee report (paragraph 5.1.7). It is also incorrect to suggest that it is at odds with Key Statement EC1.

Key Statement EC1 outlines the spatial strategy for employment development. However this key statement does not allocate land, which you would not expect it to with it being an overriding strategic policy, but is to inform the decision on where to allocate land. There is also a suggestion that in considering where this land will be located priority will be given to the use of appropriate brownfield sites. The decision on where to allocate land was done as part of the Housing and Economic Development DPD published in 2019. At that time the residual requirement for employment land had reduced from 8 hectares to 2.41ha and three sites were allocated accordingly to meet this need. Therefore it is incorrect to say that this policy overrides or conflicts with Policy DMG2. Of the three sites identified in the Housing and Economic Development DPD only one site has been fully built out and occupied and that is the Land at Sykes Holt, Mellor. Therefore there remains employment sites available to bring forward.

It is also incorrect to state that EC1 is out-of-date because of the Ribble Valley Economic and Employment Land Needs Study, dated 17 December 2021. This is an evidence document that was commissioned for the purpose of informing the new Local Plan, and the decision whether or not to accept the findings on need will be informed by various matters in preparing the Plan including whether or not it aligns with the overall housing and economic development growth strategy for the Borough going forward. It carries very limited weight for development management purposes.

Therefore the tilted balance in the NPPF at paragraph 11(d) is not engaged and the council's assessment in the published committee report remains unchanged. For the avoidance of doubt officers consider that the adverse impacts of allowing the development would outweigh the benefits.

3. Further information has been received from the agent today (21/09/23) with regards to the outstanding highway issues and this has been sent to LCC Highways for comments. LCC Highways have responded that they are not able to get a response prior to the meeting due to the short timeframe and therefore it is recommended that Members continue to consider the application at Committee, where the highway refusal reason remains. Should the Committee agree with the officers recommendation to refuse the application then the agent may choose to continue their dialogue with LCC Highways post decision, and should this matter be resolved then the Council would then withdraw its highway refusal reason as part of any appeals process.
4. A Certificate relating to Great Crested Newts (GCN) has also been received today (21/09/23), however, this is a payment mechanism and not a License. The assessment in the published committee report that there is insufficient information on GCN remains, and therefore this matter has not been satisfactorily addressed.

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Our Ref: VR/CA/61001

Your Ref:

15 September 2023

Kathryn Hughes
Principal Planning Officer
Economic Development and Planning
Ribble Valley Borough Council

By Email Only

Dear Kathryn

OUTLINE PLANNING APPLICATION FOR UP TO 9,290SQM OF EMPLOYMENT DEVELOPMENT

LAND SOUTH OF CAUSEWAY FARM BALDERSTONE BB2 7HZ

APPLICATION REF: 3/2023/0148

On 31st August 2023, you wrote with a summary of your assessment of our Client's proposals for land to the south of Causeway Farm. In a separate email on the following day (1st September 2023), you advised that (i) you had concluded that this is not a case in which the NPPF tilted balance is engaged (see NPPF paragraph 11(d); and (ii) that you would be recommending that the application be refused. It is understood that you are aiming to have the application determined at the meeting of the Council's Planning Committee on 21 September 2023.

The purpose of this letter is to correct some fundamental errors in your assessment of the proposals. Your Report to Planning Committee has recently been made available, and we will comment on this in due course, either in writing or verbally at the meeting itself.

Most Important Policies for the Determination of the Planning Application

The NPPF requires the Council to identify the development plan policies that are of most importance to the determination of the planning application and to make an assessment as to whether any of these are out of date. If any such policies are out of date, and there are no NPPF footnote 7 policies applying¹, then the tilted balance will be engaged and planning permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits of the proposals.

A large number of the development plan's policies are 'relevant' to the determination of the planning application but only two are 'most important' to its determination. These are **EC1** and **DMG2**.

Policy EC1 articulates a strategy for the delivery of employment development within the Borough and although the strategy is based on an employment development requirement (8ha) that is demonstrably out of date (see the more recent assessment of employment development needs contained in the Ribble Valley Economic and Employment Land Needs Study, dated 17 December 2021) it allows for more than 8ha of development so long as this is in locations within and adjacent to Clitheroe, Whalley and Longridge, at Barrow Enterprise Site, at the Lancashire Enterprise Zone at Samlesbury and in locations well related to the A59

¹ There are no Footnote 7 policies applying to this case

corridor. We read Policy EC1 as a policy that is designed to be flexible enough to accommodate needs not anticipated in the plan, and to enable a rapid response to changes in economic circumstances consistent with NPPF paragraph 82(d). As a consequence, we find EC1 to be up to date and consistent with the NPPF and so a Policy that may be afforded full weight. Our Client's proposals would be located within the A59 corridor and so comply with EC1.

Policy DMG2 is most definitely out of date. The Policy, and the settlement boundaries that it refers to, were defined almost 10 years ago and are underpinned by development requirements that have long since been superseded. Moreover, these are requirements that no longer look ahead at least 15 years in accordance with paragraph 22 of the NPPF and have not been reviewed every 5 years in accordance with NPPF paragraph 33. Finally, the Policy does not allow for a balanced approach to be taken to the assessment of proposals outside settlement boundaries and goes further in its approach to protecting the open countryside, which paragraph 174 of the NPPF states that planning policies and decisions should merely recognise the intrinsic character and beauty of the countryside. Policy DMG2 is also at odds with Policy EC1 which supports the delivery of employment development in locations not preferred for development by DMG2.

You referred to **Policy DS1** in your email. This makes no reference to employment development of the type proposed at Causeway Farm and, like DMG2, is at odds with EC1. In the light of the fact that EC1 deals specifically with proposals of the type under consideration here, it must be applied over DS1. If we are wrong about that and DS1 is to be applied, then it is also out of date for the reasons given in respect of DMG2.

As a consequence of the above, the tilted balance is without doubt engaged in this instance and so planning permission must be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Harm v Benefits

Benefits

The proposed development will deliver a number of key benefits as follows:

Employment land supply and spatial distribution - the proposed development would deliver 9,290sqm of industrial/distribution floorspace in a location that is consistent with the provisions of Policy EC1. The latest economic and employment land need report, published in December 2021, demonstrated that Ribble Valley has a minimum shortfall of 10.49ha of employment land, with the greatest need being for industrial and distribution floorspace.

You mentioned in your email dated 31st August, that the Housing and Economic Development DPD allocates three sites to deliver a residual requirement for 2.41ha of employment land, and that not all of them have come forward to date. Analysis contained within appendix 1 of the Council's own latest Economic and Employment Land Needs study, and through our own research, demonstrates the latest position on these sites:

- Policy EAL1 – Land at Sykes Holt, Mellor – **Built out – location of Daniel Thwaites HQ**
- Policy EAL2 – Land at Time Technology Park, Simonstone – **Site almost fully built out and all existing units fully let.**
- Policy EAL3 Land at Higher College Farm, Longridge – **planning consent granted 9/1/23**

As demonstrated above, two out of the three sites have already been built out. In the case of Higher College Farm, there was previously an outline planning application submitted for residential development which was dismissed at appeal in December 2020. Furthermore, the strategic road access for the site is classified as 'very poor' in the Economic and Employment Land Needs study 2021 as access to the A59 would be via the B6245 which is a country road with single lane bridges. Both the site assessment, and the previous residential development planning application indicate that there may be some issues with this site delivering employment floorspace, despite the recent planning consent being in place.

The proposed development at Causeway Farm however would help to fulfil the most recent employment land need for the Borough, and it has direct access onto the A59 corridor, which is deemed a suitable location for employment development in the Ribble Valley Core Strategy.

Job creation - the proposed development would create local jobs for local people. Jobs will be created both during construction and then operation. On completion, the development will create approximately 181 full time equivalent jobs. As such, the proposed development would make a significant positive contribution to the local economy at a time when the development plan is failing to deliver the growth that is demonstrably required.

Paragraph 81 of the NPPF states that *"Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"*. The economic benefits of the proposals must, therefore, be afforded significant weight in the planning balance.

Social benefits – the proposed development will deliver enhancement measures to the existing PROW routes and hedgerows, thereby enhancing the experience of the users of the PROWs within and around the site. The sensitively landscaped design of the site will impact positively on the wellbeing of future workers. Paragraph 92(c) of the NPPF supports development which enables healthy lifestyles. The site is in close proximity to the village of Osbaldeston and will therefore provide an employment use which supports neighbouring and vibrant local communities, which is key to fulfilling the social objectives of the NPPF as specified under paragraph 8b).

Environmental benefits – the proposal is for a highly accessible development which can encourage staff to travel using more sustainable modes of transport such as walking and cycling and public transport, with frequent services along the adjacent A59. Paragraph 104 of the NPPF supports development proposals which provide opportunities to promote walking, cycling and the use of public transport. In addition, the proposed landscaping scheme will deliver boundary hedgerow enhancement with new native planting, will deliver green corridors along footpath routes, incorporate new tree planting in the form of new standalone trees and tree copses, and wildflower planting. All of these measures would produce an overall net gain in terms of biodiversity. Paragraphs 174 d) and 180 d) of the NPPF support proposals which deliver net gains for biodiversity.

Harms

You appear to be asserting that the development would cause harm because it would be at odds with the spatial strategy articulated through Policies DS1 and DMG2. This is not correct. The development plan allows for employment development in locations well related to the A59 corridor. The application site is immediately adjacent to the A59. Moreover, the proposals are essential to the local economy as they will help meet a need for employment development that is not currently being satisfied. As a consequence, the proposals accord with Policy DMG2. They are not, as you suggest, at odds with it.

If we are wrong about the spatial strategy, then the harm that arises from a failure to comply with a strategy that is demonstrably out of date and at odds with the provisions of the NPPF must be very slight indeed.

We accept that the proposals will cause some harm to the local landscape. However, the site and surrounding area is ordinary countryside, it is not a valued landscape in NPPF terms and the landscape and visual effects of the proposed development will be minor. Only a very small proportion of the landscape character area will be affected, no fundamentally defining features will be lost, and those features that will be impacted will be compensated for. The proposed scheme will make localised improvements to the landscape features in the site, which include improvements to the condition of the existing hedgerows, the introduction of site wide soft landscaping. The development will be visible within a limited visual envelope and to a relatively small number of visual receptors. Importantly, the visual context is such that when the site is visible, it is viewed through the filtering effect of the site boundary vegetation. The site is well

contained by its own boundary vegetation but parts of the boundaries are less intact which affords greater intervisibility with the surrounding landscape to the north and north-west. There are no views within which the site is seen as an important component of the landscape in its current usage, and even for the more sensitive of visual receptors, the development of the site would still not result in the loss of any important scenic qualities or valued visual features. No residential views from Mellor Brook will be interrupted or curtailed. A small number of more distant residential views will experience a change in the composition of their overall view, whereby the development proposed will alter a small part of the middle-ground or background of their view, but the change would be consistent with other components already seen within their wider views.

Overall, the adverse effects of granting planning permission will be limited.

The Planning Balance

Paragraph 11d of the NPPF provides that where the development plan policies which are most important for determining the appeal are out-of-date, planning permission must be granted unless either:


- i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

It is clear in this case that the development plan policies which are most important for determining this application are out-of-date. Moreover, there are no policies in the Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development. As a consequence, the tilted balance at paragraph 11(d) of the NPPF is very clearly engaged.

As regards the application of the tilted balance, there is no prospect at all in this case of the adverse impacts of the development significantly and demonstrably outweighing the benefits of the proposals when assessed against the policies in the NPPF taken as a whole. The adverse effects of granting permission would be very modest indeed and the benefits of the proposals substantial. Accordingly, planning permission should be granted.

We would be grateful if you could make these submissions available to the Members of the Council's Planning Committee. We will be talking to them when we appear on our Client's behalf at the relevant Meeting.

Yours sincerely



Vanessa Rowell

For and on behalf of Avison Young (UK) Limited

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

DEFER AND DELEGATE

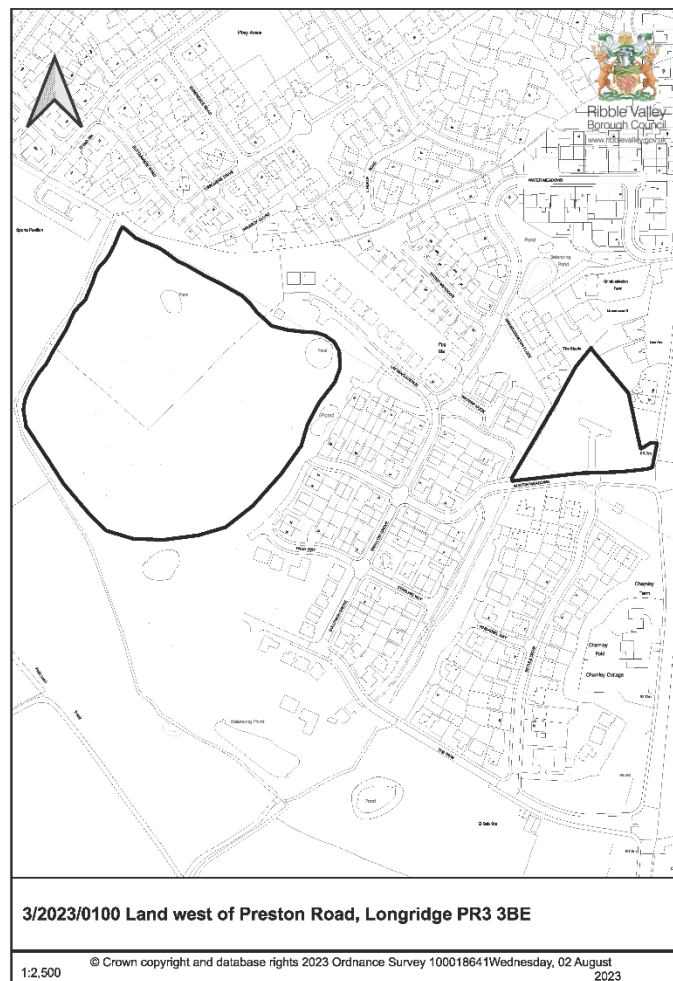
DATE: 21 SEPTEMBER 2023
REF: WH
CHECKED BY: LH

APPLICATION REF: 3/2023/0100

GRID REF: SD 364160 431150

DEVELOPMENT DESCRIPTION:

RESIDENTIAL DEVELOPMENT OF 91 UNITS (PLOTS 150-222 AND 251-268) TOGETHER WITH ACCESS ROADS, LANDSCAPING, FOOTPATHS, PUBLIC OPEN SPACE AND CHILDREN'S PLAY AREA (AMENDMENT TO PREVIOUSLY APPROVED RESERVED MATTERS SCHEME 3/2021/0470 INVOLVING RE-PLAN OF SITE AND NET GAIN OF 12 RESIDENTIAL UNITS) ON LAND WEST OF PRESTON ROAD, LONGRIDGE, PR3 3BE



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No representations received in respect of the application.

LOCAL HIGHWAY AUTHORITY (LCC HIGHWAYS):

Request amendments in relation to the width and turning areas of the access road serving the proposed community centre (NB this community centre has now been removed from the plans and as such the amendments are not required). The LHA also request amendments to the parking provision for some of the plots to ensure it is more related to the plots they serve, and to the boundary treatments to individual plots to ensure adequate visibility. Require 1no. electric vehicle charging point to be provided at each dwelling, cycle storage and appropriate surfacing of internal footpath.

LEAD LOCAL FLOOD AUTHORITY:

No objection subject to the imposition of conditions.

UNITED UTILITIES:

Request details of full drainage prior to determination or as a pre-commencement condition.

RVBC ENGINEERS:

No objection.

HEALTH AND SAFETY EXECUTIVE:

Do Not Advise Against.

LANCASHIRE FIRE AND RESCUE SERVICE:

Standard response outlining obligations towards the relevant Building Regulations.

ELECTRICITY NORTH WEST:

No response.

LOCAL EDUCATION AUTHORITY (LCC EDUCATION):

Final response confirms the uplift in units compared to the previously approved scheme requires a contribution towards 4 primary school places.

ADDITIONAL REPRESENTATIONS:

Seven letters of representation have been received objecting to the application on the following grounds:

- Impacts upon character and visual amenities of the area

- Loss of privacy
- Impact upon the environment
- Unacceptable highways impact

1. **Site Description and Surrounding Area**

- 1.1 The application site relates to a partially complete residential development off Preston Road, Longridge, known as Alston Grange. The majority of the application site relates to Phase 3 of the development, currently grassland, sited to the north-west of phases 1 and 2, to the east of Mardale Playing Fields and to the south of Millbeck Close (part of the Mardale estate). The application site also includes a smaller area immediately north of the existing access off Preston Road and to the south of Grimbledeston Court and properties fronting Preston Road. This is currently being used as a site compound area for the development.
- 1.2 The site has good access to a wide range of facilities and services, as well as strong public and private transport connections.

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

- 2.1 The proposal seeks consent to erect 91 units, together with access roads, landscaping, footpaths, public open space and children's play area in the form of a re-plan of the previously approved reserved matters scheme under 3/2021/0470. The replan would incorporate a net gain of 12 units. The approved scheme included a community centre within this phase. However due to uncertainty over delivery and operator it was communicated to the applicant that an off-site contribution towards community facilities in lieu of an on-site community centre would be more preferable. This has subsequently been agreed and removed from the scheme. In order to accommodate the additional 12 units without compromising on design or amenity, the layout has been subject to some minor amendments to house-types, plot boundaries and siting of units.
- 2.2 The schedule of accommodation for the 63no. market sale accommodation reads as follows:
- 8no. 2-bed bungalows
16no. 3-bed dwellings
39no. 4-bed dwellings
- 2.3 Of the 91 units proposed, 28 (30%) will be affordable dwellings, the schedule of accommodation for which reads as follows:
- 3no. 2-bed bungalows
2no. 2-bed dwellings
23no. 3-bed dwellings
- 2.4 18no. dwellings are to be shared ownership, with 10no. allocated as affordable rent, which can be found within the approved site plan. The dwellings will be owned and managed by a Registered Provider. These affordable dwellings will be secured via the signing of a S106 agreement.

3. **Relevant Planning History**

3/2016/0974: Erection of 275no. dwellings, a local neighbourhood centre, access arrangements and landscaping/wildlife infrastructure – Approved

3/2018/0105: Reserved matters in relation to app. 3/2016/0974 for the erection of 256 dwellings, a local neighbourhood centre, access arrangements and associated landscaping/wildlife infrastructure – Approved

3/2019/0110: Discharge of condition 8 (siting, scale and appearance) 9 (landscaping) and 10 (protected species mitigation) – Approved

3/2019/0506: Non-material amendment to reserved matters approval to allow plots 166, 167 and 245-250 to open market dwellings and plots 22-25 and 15-18 to affordable dwellings – Approved

3/2019/0519: Discharge of condition 8 (play equipment) – Approved

3/2019/0754: Modification of S106 agreement to allow amendment of terms for affordable housing provision – Approved

3/2019/0690: Amendment to reserved matters to add a turning head to plot 33 – Approved

3/2020/0411: Discharge of condition 9 (landscaping) – Approved

3/2021/0470: Variation of condition 1 (materials and house type changes) – Approved

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1: Development Strategy

Key Statement DS2: 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

Key Statement DMI1: Planning Obligations

Key Statement DMI2: Transport Considerations

Policy DMG1: General Considerations

Policy DMG2: Strategic Considerations

Policy DMG3: Transport & Mobility

Policy DME1: Protecting Trees & Woodland

Policy DME2: Landscape & Townscape Protection

Policy DME3: Site and Species Protection and Conservation

Policy DME6: Water Management

Policy DMH1: Affordable Housing Criteria

Policy DMB4: Open Space Provision
Policy DMB5: Footpaths and Bridleways

National Planning Policy Framework (NPPF)
National Planning Practice Guidance
Technical Guidance to National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 Principle of Development:

5.1.1 The site is located outside of the defined settlement boundary of Longridge where residential development which does not meet an identified rural need would normally be resisted. However in this instance the principle of residential development on this site is established, given the plan areas have extant consent for residential development and this application only seeks to replan areas which already have the benefit of permission.

5.1.2 The re-plan proposed would result in a total number of 268 dwellings on this development. Although this is 12 more than the permitted reserved matters application(s) which were for 256 dwellings, it falls within the threshold of the outline application which was permitted for 275 dwellings.

5.1.3 Housing targets are expressed as a minimum and the principle of introducing additional dwellings onto an approved residential development in this instance is acceptable in principle subject to other material planning considerations as outlined below.

5.2 Impact upon Residential Amenity:

5.2.1 As per Core Strategy (CS) Policy DMG1, development must:

1. Not adversely affect the amenities of the surrounding area.
2. Provide adequate day lighting and privacy distances.
3. Have regard to public safety and secured by design principles.
4. Consider air quality and mitigate adverse impacts where possible.

5.2.2 In this sense the proposal is considered broadly compliant with the above. On review, it is evident that the minimum recommended separation distances have been achieved with regard to direct elevation interface. Where separation distances are below the recommended 21m (primary elevation to primary elevation) between plots internally within the development, it is considered that the orientation of these dwellings provides sufficient mitigation and is not considered to result in unacceptable overlooking or loss of privacy issues for any future occupiers. This is particularly evident with regards to Plots 207-212 inclusive which were subject to layout amendments and are now considered acceptable. Rear garden sizes are considered sufficient and largely reflective of what has already been approved. It is not considered that any one dwelling is likely to overbear any other, nor have any other privacy or loss of light issues been identified.

- 5.2.3 With regard to any impact upon existing dwellings (notably those in the smaller parcel north of the site access which sit adjacent to existing dwellings of Preston Road and Grimbledeston Court, this has been carefully considered. However, it is noted that the closest dwelling affected here sits at least 15m to the west of the proposed dwellings with the relationship being gable to rear elevation. In addition, these proposed dwellings would be bungalows, are oriented facing different directions and there is an area of open space sitting between the dwellings which would further mitigate any potential impact on residential amenity.
- 5.2.4 Likewise the relationship with Plots 265 and 266 and 140 and 138 Preston Road raises no concerns – there is a substantial difference in orientations as well as a separation distance of approximately 21m which is considered acceptable. Officers have not identified any other impact on any aspect of the existing dwellings. Given the above the proposal is considered compliant with CS Policy DMG1 (Amenity).

5.3 Visual Amenity/External Appearance

- 5.3.1 As per CS Policy DMG1, all development must be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials. Policy DMB4 ensures that residential sites over 1ha will provide adequate and usable open space.
- 5.3.2 Further consideration is given to CS Policy DME2, which states that ‘development proposals will be refused which significantly harm important landscape or landscape features including:
1. Traditional stone walls
 2. Ponds
 3. Characteristic herb rich meadows and pastures
 4. Woodlands
 5. Copses
 6. Hedgerows and individual trees (other than in exceptional circumstances where satisfactory works of mitigation or enhancement would be achieved, including rebuilding, replanting and landscape management)
 7. Townscape elements such as the scale, form and materials that contribute to the characteristic townscapes of the area
- 5.3.3 The layout has been assessed and reviewed by Officers, with amendments sought and received by the applicant where issues of unsatisfactory design have been identified. Following this process, the layout is considered to be reflective of a good level of design, encouraging appropriate siting and density which is broadly reflective of the principles identified in the existing site.
- 5.3.4 In addition, the house-types are considered satisfactory and incorporate commonly seen, functional and visually acceptable architectural and elevational features that are again broadly reflective of good design and the design principles established on the wider site. The materials (a variety of colours of main facing brick, reconstructed stone, render and dark grey roof-tiles) are considered acceptable and will not seem out of keeping or incongruous with the immediately adjacent residential development.

- 5.3.5 It is accepted that plots 267 and 268 sit forward of the previously approved building line. This is considered acceptable given they are still set back somewhat off the highway and do not encroach upon or intrude the established streetscene.
- 5.3.6 The general areas of open space (POS) and play areas previously shown in this phase of development are largely unchanged and the Council's Head of Cultural and Leisure Services is satisfied that the quantum of on-site POS previously secured for this development remains adequate to serve the uplift in units.
- 5.3.7 Preliminary floor levels have been submitted demonstrated that the development can be accommodated without requiring undue changes in site levels. Full details can be secured by condition and considered alongside a drainage scheme for the development.
- 5.3.8 Given the above the proposal is considered compliant with CS Policy DMG1 (Design, Access), DME2 and DMB4.

5.4 Landscape and Ecology:

- 5.4.1 The proposal is accompanied by a Landscaping Plan, the contents of which is largely similar to the previously approved layout and will be secured via a condition. With regards to Ecology, the application is accompanied by an updated Ecological Walkover survey which has come to largely similar conclusions as previously identified. Notably, the site supported a medium population of Great Crested Newts (GCN) which have previously been captured and translocated from the development footprint and placed on adjacent land. With the exception of two small areas of encroachment into the newt receptor area (requiring a modification to the newt licence and subject to additional hand searches for GCN), the development of the Phase 3 area will have no impact on GCN which will be safeguarded within the adjacent receptor area for the duration of construction. Ensuring a modification to the existing license is obtained (which will include mitigation measures such as additional hand searches for GCN) can be secured by condition. No further ecological surveys are considered necessary. To support biodiversity enhancement a condition requiring details of bat/bird boxes and other measures deemed appropriate can be secured by condition.
- 5.4.2 With regard to trees, the submitted Arboricultural Impact Assessment has identified a small number of trees to be removed – all of which are Grade C or U and offer little to no amenity value within the site. In any case these trees were also proposed to be removed in the previously consented scheme and as such no further issue has been identified when looking at removal of these trees. Given the above the proposal is compliant with CS Policies EN4, DME1 and DME3.

5.5 Highway Safety and Accessibility:

- 5.5.1 The internal highway layout is unchanged. Whilst further information was requested by the Highways Authority this was in relation to the road serving the previously proposed community centre, which has now been removed from the application.

- 5.5.2 The highway authority note that the outline permission was for 275 dwellings and that the site access was designed to serve that number. It is therefore acceptable to support the net gain of 12 units given the total development falls below this threshold. For this same reason the highway authority raise no concerns regarding the impact the development would have on highway safety given that a previous assessment has judged 275 dwellings to be acceptable.
- 5.5.3 Comments made about boundary treatments, surfacing of internal footpath, cycle storage and electric vehicle charging points can be secured by condition.
- 5.5.4 Given the above the proposal is considered satisfactory from a Highways perspective and no additional impact on the local highways network is considered likely ensuring compliance with CS Policies DMG3 and DM12.

5.6 Water Management

- 5.6.1 Following consultations with United Utilities and the LLFA, no objection has been raised subject to the imposition of conditions relating to appropriate drainage, water management and SuDS. As such the development is considered compliant with CS Policy DME6 with no further issue identified.

5.7 Planning Obligations:

- 5.7.1 In lieu of the previously approved on-site community centre the applicant is making a financial contribution of £60,000 towards improvements to community facilities at Kester Lane Recreation Ground. This facility is considered to be within reasonable walking distance to the site. These monies will need to be secured in a S106 agreement.
- 5.7.2 The applicant is making a financial contribution towards 4 primary school places in light of the uplift in units compared to the previously approved scheme. This contribution is either £77,700 or £92,768 dependent on whether it is needed towards the expansion of an existing school or the proposed new primary school on land east of Chipping Lane, Longridge. LCC have been asked to review the named existing school which the contribution would go towards to ensure it is one within the Borough boundary. This will be reported on the Late Items Sheet.
- 5.7.3 The S106 agreement will also secure the affordable dwellings.

6. Observations/Consideration of Matters Raised/Conclusion

- 6.1 For the reasons outlined above the proposed development is considered to be compliant with the relevant policies outlined within the Ribble Valley Core Strategy as well as the NPPF. The principle of the development is established, with the proposed amendments seeking to provide for a net-gain of 12 dwellings compared to the previously approved scheme in addition to a S106 contribution towards community facility improvements in Longridge in lieu of the previously approved community centre on the site.
- 6.2 As such the proposal is recommended for approval, subject to the conditions listed below and the completion of a section 106 agreement securing 30% affordable housing, £60,000

towards improvements to community facilities and £77,700 or £92,768 towards four primary school places.

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 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 accordance with the proposals as detailed on drawings:

- Location Plan Dwg no LOC01
- Site Plan 1 Dwg no PL01 REV F
- Single & Twin Garage Types Dwg no GAR-01
- The Sandford SAND-01, SAND-02 and SAND-03
- The Rensford RENS-01, RENS-02 and RENS-03 (plot 268 only)
- The Lemsford LEMS-01, LEMS-02
- The Chelford CHEL-01, CHEL-02
- The Scotswood SCOT-01
- The Hartwood HART-01
- The Cedarwood CEDA-01
- The Denton DENT-01
- Bungalow BUN-01, BUN-02, BUN-03
- Landscape Masterplan Dwg no R/2012/19F
- Landscape Details Dwg no R/2012/20E
- Landscape Details Dwg no R/2012/21C
- Landscape Details Dwg no R/2012/22A
- Landscape Details Dwg no R/2012/23E
- Materials Plan Dwg no MP01 REV E

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

3. The materials to be used on the external surfaces of the development as indicated on Proposed Plan: Materials Plan Dwg no MP01 REV E shall be implemented as indicated unless otherwise agreed in writing by the Local planning Authority.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

4. The approved landscaping scheme (Landscape Details Dwg no R/2012/20E, Landscape Details Dwg no R/2012/21C, Landscape Details Dwg no R/2012/22A, Landscape Details Dwg no R/2012/23E and Landscape Masterplan Dwg no R/2012/19F) shall be implemented in accordance with a timetable that shall be submitted to and approved in writing by the Local Planning Authority prior to slab level being reached for any dwelling

hereby approved. Once implemented, the approved landscaping 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.

REASON: To ensure that the site is sufficiently landscaped within an appropriate timescale and to comply with Policy DMG1 of the Ribble Valley Core Strategy.

5. No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to those dwelling(s) has been constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level.

In the event that the new estate road is not proposed for adoption by the Local Highway Authority then details of their road construction (surface materials and depth) and highway infrastructure (footways, street lighting, drainage) shall be submitted to, and approved in writing by, the Local Planning Authority. No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to that dwelling has been constructed in accordance with the approved details.

REASON: To ensure that the road surfaces are visually acceptable and that any private roads are of sufficiently adequate construction to support any loading applied to them to enable effective waste management and emergency services access, and that the necessary infrastructure is provided.

6. Prior to the first occupation of any dwelling, the proposed arrangements for future management and maintenance of the roads/ footways/ cycleways within the development shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include a plan showing areas of highway proposed for adoption by the Local Highway Authority and any areas proposed for private management.

Should the plan required as per the above show that any highway within the estate would be privately managed, details of a Road Management Plan to detail how those sections of highway would be maintained in perpetuity, such as a private management and maintenance company to be established if applicable, shall be submitted to and approved in writing by the Local Planning Authority. The highway shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

Should the plan required as per the above show that any highway within the estate would be proposed for adoption by the Local Highway Authority, those roads/ footways/ cycleways shall be made up to, and retained thereafter to, the Local Highway Authority's Adoptable Standards.

REASON: To ensure that all highways, footways and cycleways will be maintained to a sufficient standard by either the Local Highway Authority or by a site management company.

7. Prior to occupation of the 50th residential dwelling hereby approved, the new footpath/cycleway as shown on drawing number Site Plan 1 Dwg no PL01 REV F shall be provided within the site and extending up to the site boundaries.

For the avoidance of doubt the footpath/cycleway shall be constructed to a minimum width of 3.5m, surfaced and with footway lighting provision. Details of construction, surfacing, lighting, management and maintenance will be required to be submitted prior to commencement of the construction of the footpath/cycleway.

REASON: To provide a safe and adequate standard of provision for the movement of pedestrians and cyclists within the site and to ensure adequate permeability and connectivity with adjacent development and the existing highway/pedestrian network in accordance with Key Statement DMI2 and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

8. The works hereby approved are to be carried out in accordance with the Construction Environmental Management Plan Version 1 (January 2023).

REASON: In the interests of highway safety and residential amenity in accordance with DMG1.

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

REASON: To prevent stones and mud being carried onto the public highway and to ensure the continued safe operation of the highway during the construction phase(s) of the development in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

10. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site specific flood risk assessment [and indicative surface water sustainable drainage strategy] submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;

- ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
- iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Existing and Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
- d) Evidence of an assessment of the existing on-site watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
- e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

REASON: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

- 11. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted

to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements. Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

REASON: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

12. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

REASON: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

13. Within 3 months of commencement of any phase of development hereby approved, full details of the siting, scale, appearance, delivery timeframe and management arrangements of all play equipment or street furniture shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the submitted details shall include the phasing and timings of the installation of such provision and equipment. The development shall be carried out in strict accordance with the approved details.

REASON: To comply with Policies DMG1 and DMB4 of the Ribble Valley Core Strategy, to ensure a satisfactory standard of appearance in the interests of the visual amenities of

the area to ensure adequate usable open space provision is provided for future residents/occupier of the development within an appropriate and acceptable timeframe.

14. Prior to commencement of any development hereby approved the applicant shall obtain a modified European Protected Species Mitigation Licence for any licensable works as required by Natural England and as modified as outlined within the Updated Ecology Survey dated 19th January 2023. A copy of the licence obtained shall then be submitted to and approved in writing by the local planning authority.

The actions, methods & timings included in the mitigation measures identified and the conditions of the Natural England Licence shall be fully implemented and adhered to throughout the lifetime of the development.

REASON: To ensure the protection of species/habitat protected by the Wildlife and Countryside Act 1981 (as Amended) and in the interests of biodiversity and to enhance habitat opportunities for species of conservation concern/protected species and to minimise/mitigate the potential impacts upon protected species resultant from the development in accordance with Key Statement EN4 and Policy DME3 of the Ribble Valley Core Strategy.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, amending or re-enacting that Order), all garages hereby permitted shall be maintained as such and shall not be converted to or used as additional living accommodation that would preclude its ability to accommodate parked motor vehicles unless a further planning permission has first been granted in respect thereof.

REASON: To allow for the effective use of the parking areas in accordance with Policy DMG3 of the Ribble Valley Core Strategy.

16. The car parking and manoeuvring areas for each dwelling as shown on the approved plans shall be marked out and made available for use before each dwelling hereby permitted becomes operative and permanently maintained thereafter.

REASON: To allow for the effective use of the parking areas in accordance with Policy DMG3 of the Ribble Valley Core Strategy.

17. Prior to the first occupation of any dwelling hereby approved details of the provision of electric vehicle charging points within the boundary of the site shall have been submitted to and approved in writing by the local planning authority. These shall have been made available for use prior to the first occupation of the dwelling and thereafter retained as such.

REASON: To contribute towards sustainable transport objectives and the reduction of harmful vehicle emissions.

18. Prior to the commencement of development details of the existing and proposed ground, slab and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority.

The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details.

REASON: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity and has a minimum risk of flooding.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (Schedule 2, Part 1, Classes A to E), or any subsequent re-enactment thereof, no development of that permitted in the above order shall be constructed on plots 252-254, 203, 207, 156-157, 186-194 and 217-222 without express planning permission first being obtained.

REASON: To ensure that the development has a satisfactory impact on neighbouring residential amenity.

20. Cycle storage shall be provided within the site in the locations identified on the approved plan (Site Plan 1 Dwg no PL01 REV F) prior to the occupation of the dwelling to which they relate. All cycle storage shall be enclosed and lockable. The approved details shall be retained and made available for use at all times thereafter.

REASON: In order that the Local Planning Authority may ensure that the development provides adequate provision for the storage of bicycles to encourage the use of sustainable means of transport.

21. Notwithstanding the details submitted, details of the alignment, height, and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the development shall have been submitted to and approved in writing by the Local Planning Authority prior to slab level being reached for any dwelling hereby approved. The approved details shall be provided prior to first occupation of the dwelling to which they relate.

REASON: To ensure that the development has a satisfactory visual impact on the streetscene and a satisfactory impact on highway safety.


22. Prior to slab level being reached for any dwelling hereby approved, a scheme which identifies opportunities for biodiversity enhancement on site including (but not limited to) bat bricks and/or tubes within the new development, bird boxes, bat boxes and suitable sized gaps/corridors at ground level to encourage wildlife movement shall be submitted to and approved in writing by the Local Planning Authority.

The approved details shall be implemented prior to occupation of the dwelling to which they relate or, if within public areas, at the same time as those areas are delivered. The agreed scheme shall be retained in perpetuity and the wildlife corridor shall thereafter remain free from obstructions which would preclude their use by wildlife.

REASON: Such a scheme was not submitted with the application but is necessary to secure opportunities for the enhancement of the nature conservation value of the site in the interests of ecology and biodiversity and in accordance with the Wildlife and Countryside Act 1981.

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2023%2F0100

Late Items – Planning & Development Committee				 Ribble Valley Borough Council www.ribblevalley.gov.uk
Meeting Date: 21 SEPTEMBER 2023				
Briefing version		Issue Date:		
Committee Version	•	Issue Date:	21/9/23	
Application Ref:	3/2023/0100	RESIDENTIAL DEVELOPMENT OF 91 UNITS (PLOTS 150-222 AND 251-268) TOGETHER WITH ACCESS ROADS, 200SQM COMMUNITY HALL AND ASSOCIATED PARKING, LANDSCAPING, FOOTPATHS, PUBLIC OPEN SPACE AND CHILDREN'S PLAY AREA (AMENDMENT TO PREVIOUSLY APPROVED RESERVED MATTERS SCHEME 3/2021/0470 INVOLVING RE-PLAN OF SITE AND NET GAIN OF 12 RESIDENTIAL UNITS). LAND WEST OF PRESTON ROAD, LONGRIDGE		REC: DEFER AND DELEGATE

Since the publication of the Committee Agenda the Committee are asked to note the following updates:

1. The Local Highways Authority (LCC) have confirmed their final position is no objection subject to a number of conditions which are already covered by the conditions drafted within the published committee report therefore no further amendment is necessary.
2. The Local Education Authority (LCC) were asked to review options for a contribution towards an existing primary school within Longridge or within the Borough boundary. They have responded to confirm that:-
 - There are no Ribble Valley primary schools within close proximity to the development that have capacity to expand. This is informed by recent engagement with all Longridge schools and a review of the sites at each school, including Alston Lane Primary School which is just outside the Ribble Valley boundary, which showed that no school would have sufficient external playing space to accommodate an expansion. The closest school to the development that could expand is Goosnargh Oliverson CE Primary School.
 - To support the named school being Goosnargh, over the past 2 years our Basic Need Scoping and our pupil projections have considered Longridge planning area demand in conjunction with Goosnargh and Grimsargh planning area. In addition to having no expansion options available in the Longridge planning area, our Pupil access (Admissions) colleagues advise us that if pupils are unable to access a school place in Longridge schools there are most likely to consider schools in the Goosnargh and Grimsargh planning area as the next preferred option, rather than other Ribble Valley schools. Goosnargh Oliverson is located in this planning area. In terms of delivering new school places to address demand LCC have a statutory duty to consider parental preference, and our parental preference evidence supports that naming of Goosnargh Oliverson as the most suitable infrastructure project to mitigate the impact of this development.
 - As is reported in the published committee report LCC have also named provision of the New School at East of Chipping Lane as an alternative infrastructure project. It is always our preference to provide Local school places, providing Longridge school places for Longridge pupils, and should the scale of Longridge demand support it we will bring forward the proposal to establish a new school. However, at present birth rates are falling in many areas and it is therefore important that we have a suitable alternative option.

3. To summarise, the Local Education Authority still want the option of contributions towards a new primary school in Longridge, but if there is not the demand for a new school, then to mitigate the impact of the development, contributions towards an expansion of an existing primary school (Goosnargh Oliverson CE Primary School) is considered by LCC to be the best option.
4. Paragraph 6.2 of the published committee report which summarises the S106 obligations therefore remains unchanged, but Members are asked to note the above detail on where the contributions would be collected for.

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

DEFER AND DELEGATE

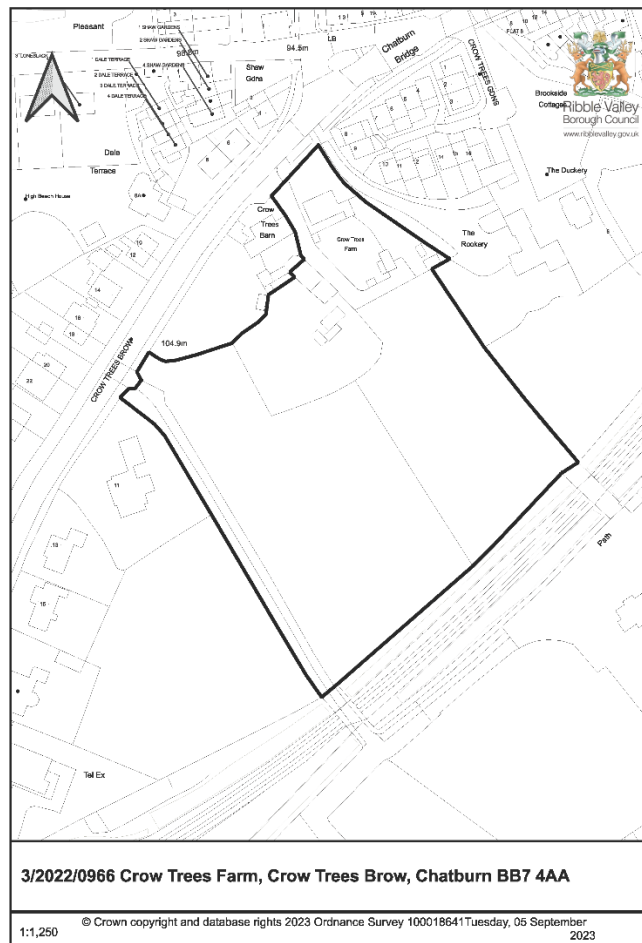
DATE: 21 SEPTEMBER 2023
REF: SK
CHECKED BY: LH

APPLICATION REF: 3/2022/0966

GRID REF: SD 376774 444018

DEVELOPMENT DESCRIPTION:

PROPOSED ERECTION OF 37 AFFORDABLE RESIDENTIAL UNITS WITH ACCESS, PARKING AND LANDSCAPING. CONVERSION AND EXTENSION OF FORMER DAIRY OUTBUILDING TO OPEN-MARKET RESIDENTIAL UNIT AND REFURBISHMENT / MODERNISATION OF CROW TREES FARMHOUSE (OPEN-MARKET DWELLING) INCLUDING RECONFIGURATION, ROOFLIGHTS, SIDE WINDOW AND EXTENSION OF TWO OUTBUILDINGS TO FORM GARAGES AT CROW TREES FARM, CROW TREES BROW, CHATBURN BB7 4AA



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Chatburn Parish Council has offered the following observations:

- Access to the main road is dangerous. Parking is at a premium in Chatburn and vehicles park on the roadside from the junction of Bridge Road.
- The proposed development is located outside of the village boundary.
- Originally a Mill Village at least 60% of the housing is affordable.
- There is insufficient infrastructure to support a further 39 houses.

LOCAL HIGHWAY AUTHORITY (LANCASHIRE COUNTY COUNCIL HIGHWAYS):

Following the receipt of revised/additional information no objection is raised subject to a number of conditions which include securing improvements to the access serving the proposed 37 residential units as well as off-site highway improvements as follows:

- Tactile paving provided on both sides of the footway at the two junctions serving the site.
- Highway signage improvement scheme from the site to Mill Hay Barn, Sawley Road, Chatburn

UNITED UTILITIES:

No objection subject to the imposition of a condition requiring the submission of details of a Sustainable Surface water Drainage Scheme.

LEAD LOCAL FLOOD AUTHORITY (LANCASHIRE COUNTY COUNCIL FLOOD TEAM):

The Lead Local Flood Authority have raised no objection to the proposal subject to the imposition of conditions relating to the following matters:

- That the development be carried out in strict accordance with the submitted Flood Risk Assessment
- Details of a final Surface Water Drainage Strategy for the proposal to be submitted
- The requirement to submit a Construction Surface Water Management Plan
- The requirement to submit a Sustainable Drainage System Operation and Maintenance Manual
- The requirement to submit a verification report in relation to the constructed sustainable drainage system

LOCAL EDUCATION AUTHORITY (LANCASHIRE COUNTY COUNCIL EDUCATION):

The development will need to make a financial contribution towards 2 secondary school places. No contribution towards primary school places is required.

Request a re-consultation immediately before the application is presented to Committee to allow for a final impact assessment and identify the named school(s). This final position will be presented to Committee on the Late Items Sheet.

NETWORK RAIL:

Suitable fencing must be erected along the site boundary with the railway line. No drainage soakaways or attenuation within 30m of the railway boundary. Applicant required to enter into agreements with Network Rail before commencing works on site.

CADENT GAS:

Site in close proximity to gas infrastructure. No objections raised. Informative Note to be added to decision notice.

EAST LANCASHIRE NHS TRUST:

Contribution of £66,554 requested to address the direct impact the development will have on the Trust.

LCC ARCHAEOLOGY:

Recommend a condition requiring a phased programme of investigation prior to development commencing as it is possible that the fields could retain buried evidence of prehistoric or Roman activity in this vicinity.

LANCASHIRE FIRE AND RESCUE SERVICE:

Standard response highlighting relevant building control considerations.

ADDITIONAL REPRESENTATIONS:

23 letters of representation have been received objecting to the application on the following grounds:

- Increase in traffic in the area
- Insufficient infrastructure to support additional housing in the area
- Detrimental impacts upon residential amenity
- The development is out of character for the area
- Inadequate access provision
- Environmental impacts and additional pollution in the area
- Loss of wildlife
- Impacts upon designated heritage assets
- Site is outside the settlement boundary
- No identified housing need in the area
- Design of the dwellings is out of keeping with the area
- Disruption during construction

1. Site Description and Surrounding Area

- 1.1 The application site comprises approximately 1.3ha of land bounded by Crow Trees Brow and Crow Trees Barn to the north and the railway line to the south. To the east of the site lies detached property 'The Rookery' and a field behind. To the west of the site lies 11 Crow Trees Brow and a field behind.

1.2 The site largely comprises two fields with a central hedgerow interspersed by trees. At the north of the site lies the Grade II Listed Crow Trees Farmhouse and its gardens, curtilage listed garden shelter, garages and coalhouse. Also at the north of the site to the south-west of the farmhouse is the dairy and workshop. To the south of the dairy is a Dutch barn and remains of an orchard. At the western edge there is an access track running through the site serving two dwellings outside of the site beyond the railway line. The land rises from the rear of the farmhouse up to the southern boundary.

1.3 The front part of the site where the farmhouse and outbuildings are located is within the defined settlement boundary of Chatburn. The remainder of the site is located outside the boundary within land designated as Countryside in the Ribble Valley Local Plan. The front part of the site is also located within Chatburn Conservation Area.

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

2.1 The application seeks consent for the erection of 37 affordable residential dwellings with associated parking and landscaped areas. These dwellings would be accessed from an existing access off Crow Trees Brow which is to be upgraded.

2.2 It is proposed that the new build dwellings would be a mixture of two-storey and bungalows. Their external walls would be a mixture of stone and/or render with slate colour roof tiles.

2.3 Also proposed is the conversion and extension of a former dairy outbuilding to an open-market residential unit including conversion and extension of Dutch Barn to the south to provide annex accommodation to the newly converted dwelling. A new detached garage is also proposed to the rear (west).

2.4 Also proposed is the refurbishment / modernisation of the Grade II Listed Crow Trees Farmhouse (which is to remain an open-market dwelling) to include reconfiguration, rooflights, side window and extension/alteration of a curtilage building to the Farmhouse to form a domestic garage. The alterations to the Listed Farmhouse and its curtilage building are also subject to a separate Listed Building Consent application.

3. **Relevant Planning History**

3/2022/0967: Application for Listed Building Consent for refurbishment/modernisation of Crow Trees Farmhouse including internal reconfiguration, rooflights, side window and extension of outbuilding to form garage. (Undetermined live application)

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1: Development Strategy

Key Statement DS2: Sustainable Development

Key Statement EN2: Landscape

Key Statement EN3: Sustainable Development and Climate Change

Key Statement EN4: Biodiversity and Geodiversity

Key Statement EN5: Heritage Assets

Key Statement H1: Housing Provision

Key Statement H2: Housing Balance
Key Statement H3: Affordable Housing
Key Statement DMI1: Planning Obligations
Key Statement DMI2: Transport Considerations

Policy DMG1: General Considerations
Policy DMG2: Strategic Considerations
Policy DMG3: Transport & Mobility
Policy DME1: Protecting Trees & Woodland
Policy DME2: Landscape & Townscape Protection
Policy DME3: Site and Species Protection and Conservation
Policy DME4: Protecting Heritage Assets
Policy DME5: Renewable Energy
Policy DME6: Water Management
Policy DMH1: Affordable Housing Criteria
Policy DMH3: Dwellings in the Open Countryside and AONB
Policy DMH4: The Conversion of barns and other Buildings to Dwellings
Policy DMB4: Open Space Provision
Policy DMB5: Footpaths and Bridleways

Planning (Listed Buildings and Conservation Areas) Act
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The farmhouse and curtilage building along with the dairy building and Dutch barn, which are proposed to be altered and converted/extended respectively to create one additional open market dwelling with ancillary annex, are located within the defined settlement boundary of Chatburn. Chatburn is a Tier 1 village where residential development within the boundary is supported in principle by the development strategy outlined in the Ribble Valley Core Strategy (RVCS). As such the principle of these proposals which include re-use of buildings is acceptable.

5.1.2 The 37 new build affordable residential dwellings are proposed on land outside of the settlement boundary. In which case Policy DMG2 of the RVCS restricts development to a limited number of exceptions. One such exception is that the development is for local needs housing which meets an identified need and is secured as such. This policy aligns with the National Planning Policy Framework (NPPF) which identifies at paragraph 78 that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local need, which this site is effectively being put forward as.

5.1.3 The Council's Housing Team are satisfied that the 37 affordable units would be addressing an evidenced need in Chatburn. There has been no additional affordable housing delivered for well over 15 years in Chatburn and during this time the number of households in the parish with an affordable need has continued to increase. The current stock which is delivered by 3 Registered Providers

(Progress Housing, Accent and Onward Homes) provide a total of 40 units in the parish. Of these units 18 are for over 55 year olds and 22 are for general needs. There is currently no affordable homeownership available in the parish.

- 5.1.4 The affordable scheme would be providing 8 No. 1 bed apartments, 5 No. 2 bed bungalows, 10 No. 2 bed houses, 10 No. 3 bed houses and 4 No. 4 bed houses. The mix of housing types supports the identified need identified by the Council's housing team. As does the proposed tenure mix of 20 shared ownership and 17 affordable rent, which is considered a good tenure split to address this need. This mix of house types and tenure will help to encourage a sustainable community to be formed on site. The requirement for these to be owned or rented by people with a local connection can be secured by legal agreement. The legal agreement would secure delivery of all of the 37 dwellings as being affordable and ensure they remain affordable in perpetuity.
- 5.1.5. The site is located on the edge of the settlement boundary with good accessibility and connectivity to services and facilities within Chatburn. There is also good access to bus services allowing sustainable access to services and facilities further afield. The site is therefore considered to be a sustainable location to support a new residential development of this scale.
- 5.1.6 Taking account of the above, the principle of development does not raise any significant over-riding conflicts with the development strategy for the borough, policy DMH1 of the RVCS or the NPPF in respect of the need to make provisions for development which meets an identified local need and the need to provide sustainable development.

5.2 Impact upon Residential Amenity:

- 5.2.1 The northern boundary of the proposal site has a direct interface and relationship with 'Crow Trees Barn', with the eastern extents of the site sharing a boundary with the residential curtilage of 'The Rookery' to the east, as such consideration must be given in respect of the potential for the proposal to result in undue impacts upon existing or future residential amenities.
- 5.2.2 In respect of Crow Trees Barn, it is proposed that a terrace block of four residential dwellings will be located within close proximity of the shared boundary with this dwelling, with the north (side) gable elevation orientated in such a manner that it benefits from a facing relationship with the shared boundary of the existing dwelling.
- 5.2.3 It is proposed that the north facing elevation of the proposed terrace block will accommodate one window at first floor serving a landing. Given the window does not serve a primary habitable room, it is not considered that the presence of the window will result in significant direct overlooking into the private garden area of Crow Trees Barn. However, in the interests of protecting the amenities of existing residential occupiers of the affected dwelling, the authority considers it appropriate to impose a condition that will require the first-floor north facing window to be obscure glazed.

- 5.2.4 In relation to the 'The Rookery' to the east, it is proposed that a number of dwellings (Plots 25 -33) will back on to the shared boundary with the garden areas associated with the existing property. As such, consideration must be given in respect of the potential for these dwellings to result in undue impacts upon the residential amenities of existing occupiers by virtue of overbearing impact, loss of light or direct overlooking from an elevated (first floor) position.
- 5.2.5 In respect of the above, the proposed offset distances between the proposed dwellings and the shared boundary are within the tolerances normally accepted by the authority. Furthermore plots 25-27 which have a more direct interface with the existing dwelling are proposed as bungalows. As such it is not considered that the proposal will result in any significant measurable undue impact(s) upon the residential amenities of the occupiers of the existing dwelling to a degree that would warrant the refusal to grant planning permission on this basis.
- 5.2.6 The western extent of the site includes and utilises a shared access track that serves a small number of dwellings to the south on the opposing side of the rail track which bounds the southern extents of the proposal site. In this respect, whilst it is likely that the occupiers of existing dwellings to the west and south of the site will experience an element of change resultant from the proposal, including increased vehicular/pedestrian activity along the track, it is not considered that this perceived change will result in any direct negative measurable impacts upon the occupiers of the existing dwellings.
- 5.2.7 The layout demonstrates an acceptable interface distance internally between the proposed dwellings and each plot would be provided with adequate internal floorspace and external amenity space. As such it is not considered that the proposal will result in any significant measurable undue impact(s) upon future occupiers of the development.
- 5.2.8 A noise and vibration report has been submitted with the application. This confirms acceptable noise and vibration levels for future occupiers of the development from nearby noise sources (the railway and road) subject to a number of measures being implemented including standard thermal glazing, trickle vents, ventilation system and acoustic fencing. These can be secured by condition.

5.3 Visual Amenity/External Appearance

- 5.3.1 The submitted details propose the erection of 37 dwellings of varying configurations consisting of two-storey apartments, two-storey dwellings and bungalows. The scale and type of development will inevitably have an urbanising effect on the site given its current (grassland) undeveloped state. It will also introduce built form along a section of Crow Trees Brow which is largely characterised by ribbon development to the north and west. However, the development will be contained by the railway line to the south which is a strong physical barrier which also provides a barrier to the more denser pattern of development to the east towards the centre of Chatburn.
- 5.3.2 In respect of the elevational language of the proposed dwellings the submitted details propose that they will be faced in a variety of materials ranging from coursed natural stone, chalk render and grey roof slates, precise details of the

specifications of the materials will be secured by way of the imposition of planning condition(s). It is proposed that the dwellings will benefit from buff coloured stone heads, jambs and sills with 'dummy' rafter-feet and stone corbel detailing at eaves. A number of the dwellings will also benefit from stone band detailing that will delineate transitions in materials. The dwellings will also benefit from chimney detailing to ensure adequate animation and visual interest within the roofscape, allowing the proposal to have a positive visual relationship with the character of the immediate area.

- 5.3.3 The use of feature gables on the primary elevations only serve to reinforce the visual interest. With the exception of a small parking court to serve plots 1-4, parking will be to the side of dwellings allowing for landscaped areas to the front of plots to help soften the development and reduce the impact of parked cars dominating the streetscape. This also helps to create gaps between dwellings so that it does not appear a cramped form of development. It is proposed to break up the small parking court with landscaping, again to soften the impact particularly as this is sited close to the site frontage and viewed from the conservation area. A condition can secure appropriate material surfacing.
- 5.3.4 The main spine road serving the development will run along the western boundary behind a line of existing and proposed trees and hedgerow before extending eastwards into the site. Plots 1-12 front onto this western section of road and will face outwards so that views of the development are of (more attractive) principle elevations. Plots 19-24 are splayed to achieve a more organic layout and revised plans secure a pair of bungalows in the south-west corner (plots 23-24) to help transition the development with the field to the west.
- 5.3.5 The proposed dairy building, Dutch barn and listed (curtilage) outbuilding to the farmhouse are all proposed to be converted and extended. The conversions are considered to be visually acceptable and represent good design which is sympathetic to the existing buildings yet allows them to be suitable for the intended purpose. Principle elevations are generally preserved and there is a mixture of traditional and modern materials proposed to be used (which can be secured by condition). Revised plans have been secured such that the extensions are now considered subordinate and low key in scale.
- 5.3.6 The National Planning Policy Framework requires development to add to the overall quality of the area', be *'sympathetic to local character.. including the surrounding built environment'*, be *'visually attractive as a result of good architecture'* and further states that *'development that is not well designed should be refused'*.
- 5.3.7 As such, taking all of the above matters into account. The proposal is considered to be in broad compliance with Policy DMG1 of the Ribble Valley Core Strategy and Paragraphs 130 and 134 of the National Planning Policy Framework.

5.4 Historic Environment:

- 5.4.1 The site includes Crow Trees Farmhouse and curtilage listed garden structures including garages, garden shelter and coalhouse, which are Grade II Listed. Also included in the site is the dairy which is identified as a non-designated heritage

asset. Beyond the northern site boundary lies Crow Trees Barn which is also identified as a non-designated heritage asset. The front part of the site which contains Crow Trees Farmhouse, curtilage buildings and the dairy falls within Chatburn Conservation Area.

- 5.4.2 In determining the application it is therefore a requirement to consider the Planning (Listed Building and Conservation Areas) Act 1990 (the Act). The principal statutory duty under the Act is to preserve the special character of heritage assets, including their setting. Relevant sections of the Act state the following:-

Listed Buildings - Section 16(2)

In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Listed Buildings - Section 66(1)

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Conservation areas - Section 72(1)

In undertaking its role as a planning authority the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

In relation to conservation areas decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and that development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.

- 5.4.3 Paragraphs 194, 195, 197, 199, 200, 202 and 203 of the NPPF are a significant material consideration that should be considered alongside the Council's development plan policies (DME4 and EN5 of the RVCS).

- 5.4.4 The key heritage considerations to consider are as follows:

1. Whether the direct works preserve the significance of the grade II listed Crow Trees Farmhouse; and curtilage listed garages, garden shelter and coal house;
2. Whether the proposed new development preserves the special interest of the grade II listed Crow Trees Farmhouse, dairy, garages, garden shelter and coalhouse through development in their settings;
3. Whether the proposed new development preserves or enhances the character or appearance of the Chatburn conservation area including through development in its setting.

- 5.4.5 Crow Trees Farmhouse is of significance as a late C17 farmhouse in two storeys with a further storey in the attic. The north elevation fronts Crow Trees Brow and the principal south elevation faces into the gardens to the south and towards the proposed affordable dwellings. Both elevations retain historic glazing and frames. To the west is the later Cheese Room containing a modified stone sink and a cheese press. The listed building is enclosed behind a historic stone wall which provides a strong sense of enclosure.
- 5.4.6 The curtilage listed coal house, garages and garden shelter illustrate how the farmstead was used historically. The garage retains its stone slate roof and historic hardwood timbers and open frontage which gives the building its distinctive character. The undeveloped fields to the south of the farmhouse that form part of the application site make a strong contribution to the farmhouse's significance.
- 5.4.7 The Chatburn conservation area is characterised by C17 and C18 farmhouses reflecting the agricultural beginnings of the village, and the close proximity of open fields, which provide a rural setting to the village (page 3 of the Chatburn conservation area appraisal). The view down the southern access road to the application site is identified as a key view in the appraisal. The application site therefore makes a strong contribution to the significance of the conservation area.
- 5.4.8 The non-designated heritage asset Crow Trees Barn is of significance as a circa C17-C18 barn historically forming the barn to the listed farmhouse. The immediate setting of the barn including the farmhouse and attached outbuildings make a strong contribution to significance. There is also an historic associative relationship between the undeveloped fields in the site and the barn, so these fields make a small contribution to its significance.
- 5.4.9 The former dairy is of some architectural and historic interest and is associated with Crow Trees Barn to the north and farmhouse to the northeast. The principal east elevation is highly attractive, with a circular pitching window at first floor and doorway directly below, flanked by windows either side. Consideration has been given as to whether it is curtilage listed but both heritage advisors to the Council and the applicant conclude that it is not considered to be a designated heritage asset in its own right for the purposes of this assessment.
- 5.4.10 The proposal for repair and refurbishment of the listed building is welcomed. The listed farmhouse has been vacant for approximately 2 years and severe water ingress and damp is evident. Its re-use brings forward some public benefit. The scheme will retain existing fenestration and involve an additional gable end window and rooflights, which are considered acceptable and justified. The removal of internal partition walls and additional staircase is not considered to harm significance and the original layout remains legible. Removal of the stone sink from the cheese room is acceptable as these has been altered, but this should be retained on the site if possible. The cheese press is to be retained which is positive.
- 5.4.11 It has been confirmed that the removal and replacement of historic windows and mullions does not form part of the scheme proposal. It has also been confirmed that the removal of render to address damp is only on sections of the building where repair and retention is not appropriate. These matters can be secured by condition.

- 5.4.12 Re-use of the curtilage store/garage is supported. To enable the building to be used as a functional garage for the farmhouse it is proposed to extend the front of the building by 2.4m to achieve an internal depth of 6m. In bringing forward the front wall this has the effect of altering the mono-pitch roof so that it is shallower. Originally it was proposed to remove the original roof covering and replace with a new zinc. Revised plans show the original stone roof material to be re-used on the new roof pitch along with matching stone slate material. This would be more sympathetic to the significance of the building and also the conservation area which identifies that traditional roofing materials should be retained. There would still be some limited (*low level of less than substantial harm*) harm caused by altering the roof pitch and losing the existing open frontage to the appearance of the building and the wider group.
- 5.4.13 Re-use of the dairy as a dwelling represents an optimum viable use. The harm caused by the loss of the interior is minor when weighed against the benefit of bringing the redundant dairy back into use. The changes required to the exterior appear to be reasonable and are necessary to achieve a suitable conversion. The extension to the later workshop (Dutch barn) to the south will have no discernible impact on any significant fabric. The new build single storey extension to the west is considered sympathetic and neutral in its impact. Importantly the most significant east elevation will be retained almost unaltered.
- 5.4.14 The proposed housing development will cause a low level less than substantial harm to the significance of the listed building and stores/garage through the changed rural setting and the contribution that makes to the significance of the designated group. The proposed housing development will cause a similar level of harm to the contributing value of the setting to the significance of the non-designated heritage assets (Crow Trees Barn and Dairy).
- 5.4.15 Overall, any harm to designated heritage assets requires clear and convincing justification (paragraph 200, NPPF) and the Local Planning Authority can weigh any harm against the public benefits of the scheme (paragraph 202, NPPF) ensuring to give great weight (paragraph 199, NPPF) to any harm to designated heritage in that balancing exercise.
- 5.4.16 The proposed repair and re-use of the farmhouse and dairy bring forward benefits that outweigh any harm caused by the direct works. To ensure the benefits are delivered it is recommended that a condition is imposed which secures implementation of this before the curtilage building is altered and extended.
- 5.4.17 The proposed housing development will bring forward significant benefits associated with delivery of 37 affordable housing units to meet an identified local need. Efforts have been made to reduce the harm to the group of heritage buildings with the chosen siting of the open space and bungalow properties within their immediate setting. Efforts have been made to reduce the harm to the conservation area with the set back of plots 1-4 from the site access and provision of soft landscape buffer. There are considered to be significant public benefits in this case which outweigh the less than substantial harm caused from the housing development to the setting of the designated and undesignated heritage assets.

5.4.18 Overall the proposed development achieves a positive balance and so the scheme is deemed to have met the specific duties *to preserve* under the Act and would be in accordance with the objectives of Chapter 16 of the NPPF and policies DME4 and EN5 of the RVCS.

5.5 Landscape and Ecology:

5.5.1 The application has been accompanied by an Arboricultural Impact Assessment. This identifies the removal of the entire length of hedgerow (H1) close to the western boundary to accommodate the estate road as well as sections of hedgerow centrally within the site (H2 and H3) to accommodate the development. Positively the landscape masterplan submitted shows a large section of H2 and H3 are to be retained together with trees within the hedge, and H1 is to be replaced with an almost identical length of hedgerow along the western boundary which is to be interspersed with trees.

5.5.2 Existing trees along the site edges are to be retained unless they have been identified as category U (not worthy of retention). In which case new tree planting will be secured as necessary. It was originally proposed to plant a new hedgerow along the southern edge with the railway which would also form the rear boundary to residential curtilages. However following safety concerns raised by Network Rail about this not providing an adequate protection barrier revised plans have been received showing a timber fence. Whilst a timber fence will have a more urbanising impact, it is accepted that the need to ensure public safety outweighs visual impact in this case, and it is not considered to be significantly harmful.

5.5.3 The landscape masterplan is considered acceptable as a framework, however as no details of species mix or density have been provided, and clarification needed regarding new tree planting, a condition would be required which secures full landscape details.

5.5.4 A preliminary ecological appraisal has been submitted. No bats were recorded roosting on the site. The mature trees and hedgerows are to be largely retained. Birds are likely to use scrub for nesting therefore a suitable condition securing no removal during bird nesting season is appropriate. No other notable or protected species were recorded. Mitigation is recommended which again can be secured by condition.

5.5.5 A bat, bird and barn owl survey of the heritage buildings has been submitted. The farm house, the cheese room and the dairy barn are confirmed to be used by bats for roosting. As such it is considered that a Natural England (NE) Protected Species Mitigation Licence (PSML) for bats will be required.

5.5.6 In order for the NE licence to be granted, NE requires 3 tests for the development to be met: (a) Preserving public health or public safety or other imperative reasons of overriding public interest; (b) there is no satisfactory alternative; and (c) the action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range. As competent authority the Habitats Directive places a duty on local planning authorities to consider whether there is a reasonable prospect of a licence being granted and apply the three tests.

- 5.5.7 In terms of the first test, the proposal to refurbish the farmhouse and re-use the dairy barn could be considered a reason of overriding public interest. In terms of the second test, there is no satisfactory alternative to achieve the refurbishment and conversion without disturbing bat roosts. The final test is an ecological one, which the submitted ecology survey says will be met as appropriate compensation / mitigation is possible. As all three tests have been met there is a reasonable prospect that NE would grant a licence for this development. Therefore the proposal would satisfy policy DME3 of the RVCS which seeks to resist development proposals likely to have an adverse effect on protected species unless it can be clearly demonstrated that the benefits outweigh the local and wider impacts.
- 5.5.8 There is potential for barn owls however no evidence of use was found. There is potential for nesting birds and old inactive nests have been found. One active nest was observed in the open barn. There is no specific mitigation for barn owls and it is advised that some provisions for nesting birds be included in the proposed development. Subject to appropriate conditions being secured there are no ecological concerns.

5.6 Highway Safety and Accessibility:

- 5.6.1 Following the receipt of additional and revised information the Local Highways Authority (LHA) have raised no objection to the proposal stating that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
- 5.6.2 The site will be accessed off Crow Tress Brow which is a C classified road subject to a 30mph speed limit. The site will utilise two existing accesses to serve the proposal.
- 5.6.3 One access currently serves 2 dwellings located to the south of the railway track. This access will be improved and used to serve the proposed 37 units as well as the 2 existing dwellings to the south of the application site. The LHA is satisfied that the access is safe and suitable for the development, with a refuse vehicle being able to safely enter and exit the site. Therefore they have no concerns regarding the access width. The access can provide visibility splays of 2.4m x 63m to the north and 2.4m x 61m to the south. The LHA has no concerns regarding vehicular visibility at the site.
- 5.6.4 The other access which will serve the farmhouse and the converted barn and outbuildings is already existing and all farm operations will cease following the application, meaning that the site will generate less trips than its existing use. Therefore, the LHA has no concerns regarding the use of this access to serve the two dwellings.
- 5.6.5 There have been no Personal Injury Collisions recorded within 200m of the site in the last 5 years and therefore there are no pre-existing highway safety concerns.
- 5.6.6 The proposed development could generate approximately 39 two-way car trips in the peak hours. The LHA consider that the proposed development will not have a severe impact on the local highway network. However, this is subject to site access

and off site improvements (widening of the site access serving the proposed 37 dwellings, tactile paving being provided on both sides of the footway at the two accesses and a highway sign improvement scheme for the centre of Chatburn).

- 5.6.7 The proposed internal layout is to an acceptable standard. Grass verges within the development would not be adopted and would need to be maintained by a private management company.
- 5.6.8 The parking arrangements comply with the parking guidance as defined in the Joint Lancashire Structure Plan, given the number of bedrooms each dwelling will occupy. Electric Vehicle charging points should be provided along with storage provision for cycling.
- 5.6.9 The site is located a short walking distance away from key local amenities in the centre of Chatburn where facilities such as a convenience shop, primary school, among other facilities can be found. They are all served by footways along Crow Trees Brow. Approximately 140m from the site along Bridge Lane there are two bus stops providing east and west bound services. These bus services provide regular access to Clitheroe, Barley, Preston and Skipton. The LHA do not request any improvements / contributions towards cycling or public transport infrastructure.
- 5.6.10 The Local Highways Authority have further requested, that should consent be granted, that conditions relating to the following matters be imposed:
- Submission of a Construction management Plan
 - Timings for the implementation and completion of the proposed site access
 - Protection and retention of visibility splays
 - Highways works to be completed to first occupation
 - Details of highways management and maintenance to be submitted
 - Details of the full engineering, drainage, street lighting and constructional details of the streets proposed for adoption to be submitted
 - Provision(s) of electric vehicle charging points
 - Provision(s) of dedicated cycle storage
 - Controls to be imposed in relation to the occupation of the proposed 'annexe' building
- 5.6.11 Subject to securing the aforementioned conditions then the proposal is considered to meet the requirements of the NPPF and RVCS key statement DM12 and policies DMG1 and DMG3.

5.7 Infrastructure

- 5.7.1 The proposal will include provision of public open space (POS) on site in the form of natural and semi-natural greenspace. However in the absence of any formal children's play facilities it is reasonable for a development of this scale to make a contribution towards improvements to existing play facilities in Chatburn which are within reasonable walking distance of the site. Policy DMI1 of the RVCS provides the policy framework / justification for such requirements.

- 5.7.2 POS contributions are calculated based on the impact of the proposed development on the Borough's current provision and its identified future needs. A total cost figure of open space, sport and leisure requirements has been used to generate a per head contribution that relates overall resident numbers to the overall combined costs of the various open space requirements.
- 5.7.3 Applying the Council's cost per head figure to this development results in a contribution requirement of £16,896.51. This can be secured in a Section 106 agreement.
- 5.7.4 The Local Education Authority (LEA) have applied their methodology to the development proposal and identified a requirement for a contribution towards two secondary school places. They have requested a re-assessment at the point the application is ready to be determined by the Committee to ensure the assessment is based on the most up-to-date data e.g. population demographics, committed developments and cost per place. This final assessment will identify the named school(s) to receive the contributions. The LEA have been asked to provide a re-assessment and this will be reported to Committee on the Late Items Sheet. Any contributions identified can be secured in a Section 106 Agreement. Policy DMI1 of the RVCS provides the policy framework / justification for upholding such requirements.
- 5.7.5 The East Lancashire NHS Trust has requested contributions towards health care provision, with the Trust suggesting in their response that Government funding they receive towards the cost of providing a service for the new residents will only be in three years' time and will not be backdated. However, unlike the education and POS contributions, Policy DMI1 of the RVCS does not provide a policy framework for upholding such requirements. And even applying the more general NPPF and National Planning Practice Guidance, the formula provided has not been demonstrated to be directly related to the development and so the request fails to meet the test for securing obligations. As such this request will not be upheld.

5.8 Flood Risk and Drainage

- 5.8.1 A Flood risk assessment has been submitted which identifies the site as being within flood zone 1 (lowest risk of flooding). It includes a Drainage Strategy which indicates that surface and foul water will drain into a combined sewer along Crow Trees Brow. Both the Lead Local Flood Authority and United Utilities raise no objection but request full details to be submitted, which will be controlled by conditions.

6. Observations/Consideration of Matters Raised/Conclusion

- 6.1 For the reasons outlined above the proposed development is considered to be compliant with the relevant policies outlined within the Ribble Valley Core Strategy as well as the NPPF. The visual impact of the development has been reasonably mitigated and the proposal is considered to represent good design. The heritage impact has been reasonably mitigated and any (low level) *less than substantial* harm is considered to be significantly outweighed by the public benefits of the development. The removal of existing landscape features has also been reasonably mitigated with replacement planting. The impact upon bats has been considered in the conversion and extension elements of the

proposal, but it is likely that a Natural England licence would be issued and there are public benefits which outweigh the impacts. No other matters have been identified which raise significant concern or that cannot be addressed by conditions.

- 6.2 As such the proposal is recommended for approval, subject to the conditions listed below and the completion of a section 106 agreement securing 100% affordable housing, £16,896.51 towards public open space improvements and education contributions (subject to confirmation from the Local Education Authority).

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 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 accordance with the proposals as detailed on drawings:

- Location Plan Ref 21/139/L01
- Proposed Site Layout Ref 21/139/P01D
- Mews Block Proposed Floor Plans & Elevations Ref 21/138/AF01B
- The Bristow (Apartment Block) Proposed Floor Plans & Elevations Ref 21/139/AF02B
- The Marsden (2H795) Proposed Floor Plans & Elevations Ref 21/139/AF03A
- The Bransfield (3H951) Proposed Floor Plans & Elevations Ref 21/139/AF04A
- The Wainwright (3H1079) Proposed Floor Plans & Elevations Ref 21/139/AF05A
- The Wainwright (3H1057) Proposed Floor Plans & Elevations Ref 21/139/AF06A
- The Ruxton (2B719) Proposed Floor Plans & Elevations Ref 21/139/AF07B
- The Hastings and Burton Semi (2B744) Proposed Floor Plans & Elevations Ref 21/139/AF09A
- Proposed Main House Refurbishment and Extension of Store to form Garage Ref 21/139/CO1A
- Proposed Barn Conversion & Extension Floor Plans & Elevations Ref 21/139/C02A
- Proposed Dutch Barn Conversion (Annex accommodation to dwelling) Floor Plans & Elevations Ref 21/139/C03A
- Site Sections and Street Scene Ref 21/139/SS01C
- Proposed Boundary Treatment Details Ref 21/139/PO4B
- Detached Garage to Barn Conversion Ref 21/139/GO4
- Landscape Layout 4265/101D

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

3. Notwithstanding the submitted details, the 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 in writing by the Local Planning Authority before their use in the proposed development. The approved materials shall be implemented within the development in strict accordance with the approved details.

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

4. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services. The details will be expected to be in general accordance with the approved Landscape layout plan (4265/101D).

The soft landscaping works shall be carried out in accordance with the approved details within the first planting season following occupation of the dwelling to which they relate to, or in the case of landscaping within public areas, prior to occupation of the 20th dwelling hereby approved. The hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the dwelling to which they relate.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 10 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology and to ensure compliance with the Wildlife and Countryside Act 1981.

5. (a) The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level for a distance of 10 metres into the site from the highway before any other development takes place within the site.

(b) No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to those dwelling(s) has been constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level.

(c) In the event that the new estate road is not proposed for adoption by the Local Highway Authority then details of their road construction (surface materials and depth) and highway infrastructure (footways, street lighting, drainage) shall be submitted to, and approved in writing by, the Local Planning Authority. No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to that dwelling has been constructed in accordance with the approved details.

REASON: To ensure that the road surfaces are visually acceptable and that any private roads are of sufficiently adequate construction to support any loading applied to them to enable effective waste management and emergency services access, and that the necessary infrastructure is provided.

6. (a) Prior to the first occupation of any dwelling, the proposed arrangements for future management and maintenance of the roads/ footways/ cycleways within the development shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include a plan showing areas of highway proposed for adoption by the Local Highway Authority and any areas proposed for private management.

(b) Should the plan required as per the above show that any highway within the estate would be privately managed, details of a Road Management Plan to detail how those sections of highway would be maintained in perpetuity, such as a private management and maintenance company to be established if applicable, shall be submitted to and approved in writing by the Local Planning Authority. The highway shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

(c) Should the plan required as per the above show that any highway within the estate would be proposed for adoption by the Local Highway Authority, those roads/ footways/ cycleways shall be made up to, and retained thereafter to, the Local Highway Authority's Adoptable Standards.

REASON: To ensure that all highways, footways and cycleways will be maintained to a sufficient standard by either the Local Highway Authority or by a site management company.

7. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on LMP drawing number 21/139/P01 Rev D have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

8. 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 mitigation namely:

- Tactile paving provided on both sides of the footway at the two junctions serving the site.
- Highway signage improvement scheme (from the site to Mill Hay Barn, Sawley Road, Chatburn).

has been submitted to, and approved in writing by, the Local Planning Authority including a timetable for implementation. The works shall be completed in accordance with the approved details including approved timetable.

REASON: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

9. 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 phases.

10. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 63 metres to the north and 2.4 metres by 61 metres to the south have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 1 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

11. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with LMP drawing number 21/139/P01 Rev D. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

12. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (September 2022 / Flood Risk Assessment and Drainage Strategy – 22.1150 / Reford Consulting Engineering Limited).

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

REASON: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

13. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to and approved in writing by the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site specific flood risk assessment [and indicative surface water sustainable drainage strategy] submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum:

- a) Sustainable drainage calculations for peak flow control and volume control for the:
- i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep.

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Existing and Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;

- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components.
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
 - d) Evidence of an assessment of the existing on-site watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
 - e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

REASON: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

- 14. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

REASON: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

15. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:
- a) A timetable for its implementation;
 - b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
 - c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
 - d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
 - e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
 - f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
 - g) Means of access for maintenance and easements. Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

REASON: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

16. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

REASON: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

17. Prior to the commencement of development, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site, and validation of the approved measures

shall be submitted to, and approved by, the Local Planning Authority in writing on completion of the works. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

REASON: The development is for a sensitive end use and insufficient information has been submitted with the application as to the potential contamination risks of the site. The potential for contamination must therefore be addressed in order to safeguard the development in accordance.

18. No demolition, ground works, site / vegetation clearance or construction in respect of the Grade II Listed Farmhouse shall commence until the Local Planning Authority has been provided in writing with either:

- a licence issued by Natural England pursuant to Regulation 39 of the Conservation of Habitats and Species Regulations 2010 in respect of the likely harm to bats as a result of the demolition / development authorising the specified activity / development go ahead; or
- a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a licence.

REASON: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and Section 15 of the National Planning Policy Framework.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, amending or re-enacting that Order), all garages hereby permitted shall be maintained as such and shall not be converted to or used as additional living accommodation that would preclude its ability to accommodate parked motor vehicles unless a further planning permission has first been granted in respect thereof.

REASON: To allow for the effective use of the parking areas in accordance with Policy DMG3 of the Ribble Valley Core Strategy.

20. The development hereby approved shall be implemented in full accordance with the Ecological Appraisal submitted with the planning application [Preliminary Ecology Appraisal, Envirotech, 7903, 1/9/2022] including all the mitigation measures set out in that report.

REASON: To ensure compliance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

21. Prior to the first occupation of any dwelling hereby approved details of the provision of electric vehicle charging points within the boundary of the site shall have been submitted to and approved in writing by the local planning authority. These shall have been made available for use prior to the first occupation of the dwelling and thereafter retained as such.

REASON: To contribute towards sustainable transport objectives and the reduction of harmful vehicle emissions.

22. Prior to the commencement of development details of the existing and proposed ground, slab and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority.

The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details.

REASON: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity and has a minimum risk of flooding.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no fences, gates, walls, railings or other means of enclosure shall, at any time, be constructed/erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts on to a highway without express planning permission first being obtained.

REASON: To safeguard the appearance of open plan development.

24. Prior to slab level being reached, details of the location and appearance of cycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority for those plots which do not have garages within their curtilage. The development shall be implemented in accordance with the approved details, prior to first occupation of any part of the approved development and thereafter maintained and retained.

REASON: In the interests of the appearance of the site and locality and to promote sustainable transport as a travel option, encourage healthy communities and reduce carbon emissions.

25. The annexe (existing Dutch barn outbuilding) hereby approved shall only be used ancillary to the enjoyment of the approved dwelling (existing dairy building) and shall not be used by way of sale or sub-letting to form separate residential accommodation.

REASON: To avoid the creation of separate dwellings which require further consideration against relevant Local Plan policies.

26. Prior to slab level being reached for any new-build dwelling hereby approved, or in the case of the dairy building, prior to conversion works commencing, a scheme which identifies opportunities for biodiversity enhancement on site including (but not limited to):

- bat bricks and/or tubes within the new development
- bird boxes
- bat boxes
- Native tree and shrub planting
- Hedgerow planting
- Bolstering of existing hedgerows
- Creation of suitable sized gaps/corridors at ground level to encourage wildlife movement

shall be submitted to and approved in writing by the Local Planning Authority.

The approved details shall be implemented prior to occupation of the dwelling to which they relate or, if within public areas, at the same time as those areas are delivered. The agreed scheme shall be retained in perpetuity and the wildlife corridor shall thereafter remain free from obstructions which would preclude their use by wildlife.

27. Notwithstanding the details submitted, details of the alignment, height, and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the development shall have been submitted to and approved in writing by the Local Planning Authority prior to slab level being reached for any dwelling hereby approved. The approved details shall be provided prior to first occupation of the dwelling to which they relate.

REASON: To ensure that the development has a satisfactory visual impact on the streetscene and a satisfactory impact on highway safety.

28. Prior to first occupation of the development hereby approved, the noise mitigation measures set out in the supporting Noise Assessment submitted with the application [Martec Environmental Consultants Ltd, 12.4.2022] shall be implemented. The approved noise mitigation measures shall thereafter be retained and maintained.

REASON: To ensure there is no adverse effect on the health and quality of life of future occupants and to avoid an unacceptable impact on residential amenity by virtue of noise.

29. No works to the application buildings, including any clearance/demolition or preparation works shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological building recording as set out in "Understanding Historic Buildings" (Historic England 2016). The recording should be to Level 3 for Crow Trees farmhouse, and Level 2 for the barn/dairy and other 19th century or earlier ancillary buildings. No record is required for the Dutch Barn. Wherever possible the recording of the farmhouse should also include observation and recording during opening-up and other investigative works to the building structure. This work must be carried out by an appropriately qualified and experienced professional contractor to the standards set out by the Chartered Institute for Archaeologists and in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

30. No new development, site clearance/preparation, or demolition shall commence until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the local planning authority. The programme of works shall include an initial phase of field investigation to include trial trenching, as well as the compilation of a report on the work undertaken and the results obtained. These works should aim to establish the presence or absence of buried archaeological remains and their nature, date, extent and significance. If remains are encountered then a subsequent phase of impact mitigation (which may include preservation in situ by the appropriate design or siting of new roads, structures and buildings, formal excavation of remains or other actions) and a phase of appropriate

analysis, reporting and publication shall be developed, and a further written scheme of investigation submitted to and agreed with the local planning authority before development commences. Copies of all reports should be deposited directly with the Lancashire Historic Environment Record. All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA). The development shall be carried out in accordance with the agreed details.

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

31. Prior to the first occupation or use of the development hereby approved, the first floor window(s) in the north elevation(s) of plot 1 shall be:
- i) obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and
 - ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The window(s) (including any subsequent repaired or replacement window) shall be maintained and retained thereafter in accordance with this detail.

REASON: To safeguard the privacy of adjoining residents.

32. No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (March to August inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance, has been submitted to and approved in writing by the Local Planning Authority, demonstrating that nesting / breeding birds have been shown to be absent.

REASON: To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

33. No works to alter and extend the existing (Listed) curtilage building to the Farmhouse shall commence until the approved renovation works to the Farmhouse have been implemented in full.

REASON: To ensure that the public benefits identified to justify the assessed level of harm are delivered.

34. Prior to the commencement of the development hereby approved in respect of the Listed Farmhouse, details of the extent of new render to be applied to the elevations shall be submitted along with a specification for the render to be used (including mix ratio and finishing) together with a methodology for its application shall have been submitted to and approved in writing by the Local Planning Authority. Dependent on the extent of new render required and approved, there may also be a requirement to provide a sample panel on site to be inspected and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

After completion, only the approved details shall be subsequently used as a repair or replacement.

REASON: To preserve or enhance the architectural and historic character of the Listed Building.


INFORMATIVES/NOTES

1. Construction Management Plan.
 - 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
2. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278 and Section 38), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number. Please be aware that the demand to enter into section 278 agreements with Lancashire County Council as the highway authority is extremely high. Enquiries are being dealt with on a first come first served basis. As such all developers are advised to seek to enter into Section 278 agreements at a very early stage The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 38), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.
3. Relevant archaeological standards and a list of registered contractors can be found on the ClfA web pages: <http://www.archaeologists.net>. Contact details for other non-registered contractors can be found on the BAJR web site: <http://www.bajr.org>. "Understanding Historic Buildings" can be accessed online at <https://historicengland.org.uk/images-books/publications/understanding-historicbuildings/>.

4. Relevant archaeological standards and a list of registered contractors can be found on the ClfA web pages: <http://www.archaeologists.net>. Contact details for other non-registered contractors can be found on the BAJR web site: <http://www.bajr.org>

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2022%2F0966

Late Items – Planning & Development Committee				 Ribble Valley Borough Council www.ribblevalley.gov.uk	
Meeting Date: 21 SEPTEMBER 2023					
Briefing version		Issue Date:			
Committee Version	•	Issue Date:	21/9/23		
Application Ref:	3/2022/0966	PROPOSED ERECTION OF 37 AFFORDABLE RESIDENTIAL UNITS WITH ACCESS, PARKING AND LANDSCAPING. CONVERSION AND EXTENSION OF FORMER DAIRY OUTBUILDING TO OPEN-MARKET RESIDENTIAL UNIT AND REFURBISHMENT / MODERNISATION OF CROW TREES FARMHOUSE (OPEN-MARKET DWELLING) INCLUDING RECONFIGURATION, ROOFLIGHTS, SIDE WINDOW AND EXTENSION OF TWO OUTBUILDINGS TO FORM GARAGES CROW TREES FARM, CROW TREES BROW, CHATBURN BB7 4AA		REC:	DEFER AND DELEGATE

Since the publication of the Committee Agenda the Committee are asked to note the following updates to this application:

1. The Local Education Authority (LCC) were asked to confirm their final position on the need for contributions to mitigate the impact of the development. They have responded to confirm that an education contribution is not required towards either primary or secondary school places.
2. Therefore paragraph 6.2 of the published committee report which summarises the S106 obligations is updated to the effect that the S106 agreement for this development would secure 100% affordable housing and £16,896.51 towards public open space improvements.
3. Supporting correspondence from MSV Housing Group has been received stating the following:-

We support the planning application by Pringle Homes for the affordable housing units at Chatburn.

As a key housing provider in Ribble Valley, we are pleased that such additional housing units are coming forward in the Borough.

We have been in discussions with Pringle Homes for some time on the delivery of these houses that can cater for families and smaller households.

We have worked with Pringle on their scheme at Northcote Park, Langho; that development includes a range of affordable housing units (affordable rent and shared ownership) that MSV secured for allocation to future residents and for their ongoing management. We have found the houses to be of a very high standard of design and fit out and were delivered to time. The wider site area including landscaping and open space areas also serve to support the residents and provide a high quality living environment.

We look forward to these new houses at Chatburn also being added to the Borough housing provision for local people.

4. The following conditions have been updated, mainly to allow for a phased delivery of development such that the conversion element of the application can be brought forward separately from the new build, and vice versa, and also to provide some clarification (new text is underlined, deleted text is shown with a strikethrough).

Condition Updates

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

- Location Plan Ref 21/139/~~LO1L02-LB~~
- Proposed Site Layout Ref 21/139/P01D
- Mews Block Proposed Floor Plans & Elevations Ref 21/138/AF01B
- The Bristow (Apartment Block) Proposed Floor Plans & Elevations Ref 21/139/AF02B
- The Marsden (2H795) Proposed Floor Plans & Elevations Ref 21/139/AF03A
- The Bransfield (3H951) Proposed Floor Plans & Elevations Ref 21/139/AF04A
- The Wainwright (3H1079) Proposed Floor Plans & Elevations Ref 21/139/AF05A
- The Wainwright (3H1057) Proposed Floor Plans & Elevations Ref 21/139/AF06A
- The Ruxton (2B719) Proposed Floor Plans & Elevations Ref 21/139/AF07B
- The Hastings and Burton Semi (2B744) Proposed Floor Plans & Elevations Ref 21/139/AF09A
- Proposed Main House Refurbishment and Extension of Store to form Garage Ref 21/139/CO1A
- Proposed Barn Conversion & Extension Floor Plans & Elevations Ref 21/139/C02A
- Proposed Dutch Barn Conversion (Annex accommodation to dwelling) Floor Plans & Elevations Ref 21/139/C03A
- Site Sections and Street Scene Ref 21/139/SS01C
- Proposed Boundary Treatment Details Ref 21/139/PO4B
- Detached Garage to Barn Conversion Ref 21/139/GO4
- Landscape Layout 4265/101D

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

5. (a) The new estate road for the new build dwellings phase of development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level for a distance of 10 metres into the site from the highway before any other development associated with that phase takes place within the site.

(b) No new build dwelling hereby approved shall be first occupied until the new estate road(s) affording access to those dwelling(s) has been constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level.

(c) In the event that the new estate road is not proposed for adoption by the Local Highway Authority then details of their road construction (surface materials and depth) and highway infrastructure (footways, street lighting, drainage) shall be submitted to, and approved in writing by, the Local Planning Authority. No new build dwellings hereby approved shall be first occupied until the new estate road(s) affording access to that such dwellings has been constructed in accordance with the approved details.

REASON: To ensure that the road surfaces are visually acceptable and that any private roads are of sufficiently adequate construction to support any loading applied to them to enable effective waste management and emergency services access, and that the necessary infrastructure is provided.

6. (a) Prior to the first occupation of any new build dwelling, the proposed arrangements for future management and maintenance of the roads/ footways/ cycleways ~~within~~ associated with that phase of the development shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include a plan showing areas of highway proposed for

adoption by the Local Highway Authority and any areas proposed for private management.

(b) Should the plan required as per the above show that any highway within the estate would be privately managed, details of a Road Management Plan to detail how those sections of highway would be maintained in perpetuity, such as a private management and maintenance company to be established if applicable, shall be submitted to and approved in writing by the Local Planning Authority. The highway shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

(c) Should the plan required as per the above show that any highway within the estate would be proposed for adoption by the Local Highway Authority, those roads/ footways/ cycleways shall be made up to, and retained thereafter to, the Local Highway Authority's Adoptable Standards.

REASON: To ensure that all highways, footways and cycleways will be maintained to a sufficient standard by either the Local Highway Authority or by a site management company.

7. No part of the new build phase of development hereby permitted shall be occupied until such time as the access arrangements shown on LMP drawing number 21/139/P01 Rev D have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

8. No part of the new build phase of development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway mitigation namely:

- Tactile paving provided on both sides of the footway at the two junctions serving the site.
- Highway signage improvement scheme (from the site to Mill Hay Barn, Sawley Road, Chatburn).

Has been submitted to, and approved in writing by, the Local Planning Authority including a timetable for implementation. The works shall be completed in accordance with the approved details including approved timetable.

REASON: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

9. No part of the new build phase of 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 phases.

10. No part of the new build development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 63 metres to the north and 2.4 metres by 61 metres to the south have been provided at the western site access. These shall thereafter be permanently maintained with nothing within those splays higher than 1 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

11. No dwelling ~~The development~~ hereby permitted shall not be occupied until such time as the applicable parking and turning facilities servicing that dwelling have been implemented in accordance with LMP drawing number 21/139/P01 Rev D. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

13. No development shall commence in any phase (one phase being the new build development, the other phase being the dwelling conversion) until a detailed, final surface water sustainable drainage strategy for ~~the site~~ that phase has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site specific flood risk assessment [and indicative surface water sustainable drainage strategy] submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
- ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
- iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- v. Existing and Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

~~d) Evidence of an assessment of the existing on-site watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.~~

d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

e) Evidence of an agreement in principle with the third party Water and Sewerage Company to connect to the offsite combined sewer.

The sustainable drainage strategy shall be implemented in accordance with the approved details prior to occupation of the development of that phase and/or in accordance with the timing / phasing arrangements embodied within the approved scheme, and shall be retained thereafter for the lifetime of the development.

REASON: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

14. No development shall commence in the new build phase of development until a Construction Surface Water Management Plan for that phase, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the

approved plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

15. The occupation of the new build phase of development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of that phase of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements. Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

REASON: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

16. The occupation of the new build development phase shall not be permitted until a site-specific verification report for that phase, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

REASON: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

17. Prior to the commencement of development of any phase (one phase being the new build dwelling development, the other phase being the dwelling conversion) a detailed site investigation for that phase shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of ~~the site~~ that phase shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to ~~the any development of the site~~ that phase, and validation of the approved measures shall be submitted to, and approved by, the Local Planning Authority in writing on completion of the works. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken on that

phase.

Reason: The development is for a sensitive end use and insufficient information has been submitted with the application as to the potential contamination risks of the site. The potential for contamination must therefore be addressed in order to safeguard the development in accordance .

20. The development hereby approved shall be implemented in full accordance with the Ecological Appraisal submitted with the planning application [Preliminary Ecology Appraisal, Envirotech, 7903, 1/9/2022] including all the mitigation measures set out in that report.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981, Policy DME3 of the Ribble Valley Core Strategy and section 15 of the National Planning Policy Framework.

22. Prior to the commencement of development of any phase (one phase being the new build dwelling development, the other phase being the dwelling conversion) details of the existing and proposed ground, slab and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority.

The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details.

REASON: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity and has a minimum risk of flooding.

24. Prior to slab level being reached, details of the location and appearance of cycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority for those plots which do not have garages within their curtilage. The development shall be implemented in accordance with the approved details, prior to first occupation of any relevant part of the approved development and thereafter maintained and retained.

Reason: In the interests of the appearance of the site and locality and to promote sustainable transport as a travel option, encourage healthy communities and reduce carbon emissions.

28. Prior to first occupation of the new build development dwellings hereby approved, the noise mitigation measures set out in the supporting Noise Assessment submitted with the application [Martec Environmental Consultants Ltd, 12.4.2022] shall be implemented. The approved noise mitigation measures shall thereafter be retained and maintained.

Reason: To ensure there is no adverse effect on the health and quality of life of future occupants and to avoid an unacceptable impact on residential amenity by virtue of noise.

31. Prior to the first occupation of plot 1 of the new build element ~~or use of the development hereby approved~~, the first floor window(s) in the north elevation(s) of plot 1 shall be:

- i) obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and
- ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The window(s) (including any subsequent repaired or replacement window) shall be maintained and retained thereafter in accordance with this detail.

Reason: To safeguard the privacy of adjoining residents.

33. No works to alter and extend the existing (Listed) curtilage building to the Farmhouse shall commence until the approved renovation works to the external elevations of the Farmhouse have been implemented in full.

Reason: To ensure that the public benefits identified to justify the assessed level of harm are delivered.



RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: 21 SEPTEMBER 2023
title: PLANNING ENFORCEMENT UPDATE
submitted by: CHIEF EXECUTIVE
principal author: HEAD OF LEGAL AND DEMOCRATIC SERVICES

1 PURPOSE

1.1 To provide committee with an update on planning enforcement.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - }
- Corporate Priorities - } Consideration of these issues will promote the Council's aim to be a well-managed Council.
- Other Considerations - }

2 BACKGROUND

2.1 As the Local Planning Authority, the Council has responsibility for planning enforcement. At Ribble Valley Borough Council this function sits within Legal Services with the officers working closely with the planning officers to determine what action should be taken in individual cases.

2.2 The Council's Planning Enforcement Policy 2022-2025 was approved by this Committee in November 2022. The policy states that the Council will report to Committee on a quarterly basis on enforcement matters so that members and the public are aware of the work which is ongoing.

3 ISSUES

3.1 The Council currently has 92 live planning enforcement matters, of which 37 have submitted planning applications awaiting decisions. Between 20 June 2023 and 11 September 2023, the Council received 27 new complaints. The Planning Enforcement Policy sets out how complaints will be categorised and how resources will be prioritised. The categories are:

“Priority 1 (High)

Development causing significant and irreversible damage to the environment or amenity. Typical examples are:

- *unauthorised works to, or demolition of a listed building or building within a Conservation Area;*
- *unauthorised development within a Conservation Area (where the development may impact on the character and appearance of the area);*
- *unauthorised works to trees protected by a Tree Preservation Order or in a Conservation Area;*
- *unauthorised development close to or within a Site of Special Scientific Interest (SSSI);*
- *large scale engineering operations within the Green Belt;*
- *breaches of statutory planning notices such as Enforcement Notices.*

Priority 2 (Medium)

Development causing less significant but continued harm to the environment or amenity, time-sensitive breaches or development that compromises public safety. Examples include:

- *large-scale unauthorised engineering/construction works where a significant impact is felt over a wide area;*
- *substantial operational development in the Green Belt;*
- *unauthorised changes of use causing significant harm to the amenity of an area, for example car repairs business from a residential property;*
- *unauthorised vehicle accesses causing significant risk to highway safety;*
- *development/operations which are not in accordance with approved plans/conditions of a planning permission;*
- *unauthorised development within a Conservation Area (not falling within Priority 1).*

Priority 3 (Routine)

Development causing a limited degree of disturbance to local residents or damage to the environment. Examples include:

- *unauthorised operational development which would be likely to receive planning permission;*
- *unauthorised fences/walls/gates (unless public safety is compromised/ attached to or adversely affecting the setting of a listed building);*

- *unauthorised telecommunications equipment/satellite dishes/equipment on residential dwellings;*
- *display of advertisements not causing significant harm to amenity or public safety.”*

3.2 The 27 new complaints fell into the following categories:

- Priority 1 – 1
- Priority 2 - 0
- Priority 3 - 26

3.3 The Council takes a stepped approach to enforcement and so these complaints were all investigated. Weekly meetings take place between legal and planning officers to discuss new matters so that an agreed approach can be implemented quickly. Monthly meetings also take place at which all outstanding matters and the progress made is assessed and matters are moved on efficiently.

3.2 Planning Enforcement is discretionary, and the Council will not take action unless it is expedient to do so. Once matters have been investigated it may be therefore that it is found that there is no breach or that it is not expedient to take any action. Those matters are closed, and no further action is taken. 14 matters have been closed with no further action during this period.

3.3 For those where action is required, it may be appropriate to invite a planning application to be made to regularise the position and so that it can be fully assessed. If refused an applicant has a right of appeal to the Planning Inspectorate. Two applications to date, have been submitted during this period although we expect some to be forthcoming in due course.

3.4 As set out above and in line with government guidance, the Council seeks to work with and negotiate with the public. However, in some cases this is not forthcoming, or is not appropriate. As a result, in those investigations, the Council has taken formal action and has served the following formal notices:

- Planning Contravention Notices – 1

- Enforcement Notices – 2
- Breach of Condition Notice – 2
- Temporary Stop Notices – 2
- Removal of signage - 0

4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – The increase in planning enforcement officer resources has significantly increased and improved the volume and pace of enforcement.
- Technical, Environmental and Legal – The approach taken to planning enforcement accords with government guidance.
- Political – No implications
- Reputation – Improved resources in this area will enhance the Council's reputation
- Equality & Diversity – The Council complies with its equality duties when carrying out planning enforcement.

5. CONCLUSION

5.1 Note the contents of this report.

MAIR HILL

MAIRSHAL SCOTT

HEAD OF LEGAL AND DEMOCRATIC SERVICES

CHIEF EXECUTIVE

BACKGROUND PAPERS

<https://www.ribblevalley.gov.uk/downloads/file/3279/planning-enforcement-policy-2022-2025-v1>

For further information please ask for Mair Hill, extension 4418
REF: MJH/Planning Committee/20 June 2023

Agenda Item 7

APPEALS UPDATE P & D Committee 21 September 2023

Application No and reason for appeal	Date Received/App eal Start Date	Site Address	Type of Appeal Procedure	Costs application received	Date of Inquiry or Hearing if applicable	Progress
3/2022/0263 R (planning permission)	06/02/2023	Crow Hill Cottage, West Lane, Worston BB7 1QA	WR			Awaiting Decision
3/2022/0491 R (listed building consent)	06/02/2023	Crow Hill Cottage, West Lane, Worston BB7 1QA	WR			Awaiting Decision
3/2022/0589 R	17/02/2023	Bank House, 1 Ribble Lane, Chatburn BB7 4AG	WR (procedure changed by PINS)			Appeal Dismissed 21/08/2023
3/2022/0619 R	23/02/2023	Water Tank and Valve House off Vicarage Lane, Wilpshire BB1 9HY	WR			Awaiting Decision
3/2022/0380 R	22/02/2023	Land S of B6478 adjoining Marl Barn	WR (to be confirmed by PINS)	Yes – costs app received		Awaiting Decision
3/2022/0903 R	27/04/2023	Land SW of Garthpool 27 Whalley Old Rd York	WR			Awaiting Decision
3/2022/0451 R	21/02/2023	77 Mitton Road Whalley Clitheroe BB7 9JN	WR			Awaiting Decision
3/2021/0877 R	09/05/2023	Dove Syke Nursery, Eaves Hall Lane, West Bradford BB7 3JG	WR			Appeal Dismissed 25/08/2023
3/2022/0778 R LBC	Awaiting start date from PINS	32 Parson Lane, Clitheroe BB7 2JP	WR (to be confirmed by PINS)			
3/2022/0987 R	04/06/2023	4 The Green, Osbaldeston Lane, Osbaldeston BB2 7LY	WR			Awaiting Decision
Enforcement appeal ground f	30/03/2023	Garth Cottage, Clitheroe Road, Mitton BB7 9PH	WR			Awaiting Decision
Enforcement appeal grounds a, c, f	03/04/2023	Land on NW side of Pendleton Road, Wiswell	WR			Awaiting Decision
3/2022/0678 R	20/06/2023	Chipping Farm Shop, Wilsden, Garstang Road, Chipping PR3 2QH	WR			Awaiting Decision
3/2022/1105 R	06/09/2023	Oakleigh, Longsight Road, Copster Green BB1 9EX	WR			Statement due 11/10/2023

R = Refusal C = Condition U = Undetermined

3/2022/1073 R	10/05/2023	77 Ribchester Road, Wilpshire BB1 9HT	HH			Appeal Dismissed 08/09/2023
3/2022/1084 R (or 3/2022/0618 on the appeal form)	02/08/2023	Land adjacent to 25 Paris, Ramsgreave BB1 9BJ	WR			Awaiting Decision
3/2023/0059 R	09/08/2023	94 Ribchester Rd, Clayton le Dale BB1 9HQ	WR	Yes – costs app received		Statement due 13/09/2023
3/2023/0058 R	07/06/2023	5 Whalley Road, Read BB12 7PB	HH			Appeal Dismissed 01/09/2023
3/2023/0046 R	01/09/2023	15 York Street, Clitheroe BB7 2DH	WR			Statement due 06/10/2023
3/2023/0106 R	12/09/2023	The Deer House, Woodfold Park, Mellor BB2 7QA	HH			Awaiting Decision
3/2022/1180 R	Awaiting start date from PINS	Pinfold Farm, Preston Road, Ribchester PR3 3YD	WR (to be confirmed by PINS)			
3/2022/0573 R	Awaiting start date from PINS	Land off Shire Lane, Hurst Green BB7 9QR	WR (to be confirmed by PINS)			
3/2023/0226 R	03/08/2023	Land adj to Miles Hill Moor Lane Billington BB7 9JH	Hearing			Awaiting Hearing 10/10/2023
3/2022/1011 R	Awaiting start date from PINS	Killymoon, 1 Bennetts Close, Whalley BB7 9AF	WR (to be confirmed by PINS)			
3/2022/0771 R	Awaiting start date from PINS	Flat 6 35-39 Whalley Road, Clitheroe BB7 1EE	WR (to be confirmed by PINS)			
3/2023/0246 R	Awaiting start date from PINS	Land adj Southport House, Hollins Syke, Sawley BB7 4LE	WR (to be confirmed by PINS)			
3/2023/0327 R	Awaiting start date from PINS	19 Abbey Road, Whalley BB7 9RP	WR (to be confirmed by PINS)			
3/2022/1176	Awaiting start date from PINS	Flat 3 Hodder Court Knowles Brow Hurst Green BB7 9PP	WR (to be confirmed by PINS)			
3/2023/0163	13/09/2023	2 the Walled Garden, Woodfold Park, Mellor BB2 7QA	HH			Notification and Questionnaire due 20/09/2023