

APPLICATION REF: 3/2022/0879

GRID REF: SD 373275 440625

DEVELOPMENT DESCRIPTION:

RETROSPECTIVE PLANNING APPLICATION FOR THE ERECTION OF 21 NO. DWELLINGS TO REGULARISE VARIATIONS TO RESERVED MATTERS APPROVAL 3/2021/0700 COMPRISING REVISIONS TO THE GROUND FLOOR LEVEL OF PLOTS 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 AND 14 AND ASSOCIATED EXTERNAL LEVELS, CHANGES TO FACING MATERIALS, ALTERNATIONS TO THE PEDESTRIAN LINK BETWEEN THE DEVELOPMENT AND ADJACENT PUBLIC RIGHT OF WAY, AND REVISED LANDSCAPING ALONGSIDE THE PUBLIC RIGHT OF WAY. LAND SOUTH OF LUDLOW ROAD CLITHEROE BB7 2RJ



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Clitheroe Town Council have raised no objections to the proposal.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

No representations received in respect of the application.

UNITED UTILITIES:

No objections subject to the imposition of conditions.

LEAD LOCAL FLOOD AUTHORITY:

No objections raised in respect of the proposal.

ENVIRONMENT AGENCY:

The Environment Agency have raised no objections to the proposal stating the following:

The applicant has consulted the Environment Agency regarding an environmental permit for works proposed within 8 metres of Pendleton Brook which is a designated Main River. Environmental permits cannot be issued retrospectively, so the development of the turning head, public right of way and other incursions within 8 metres of the river that have already taken place, cannot now be the subject of an Environmental Permit application.

These structures will remain in the Environment Agency's access strip as unpermitted development. The applicant has agreed to remove a number of trees that were proposed to be planted within the 8 metre access strip that would have further limited access to the river for maintenance.

As a result, there is no longer a need for an environmental permit for the remainder of the work, therefore the flood risk activity permit (reference no. EPR/VB3191YF) has now been withdrawn and we remove our objection to the development.

ADDITIONAL REPRESENTATIONS:

No representations received in respect of the application.

1. **Site Description and Surrounding Area**

- 1.1 The application relates to an existing housing development that is currently under construction pursuant to outline permission 3/2017/0433 and subsequent reserved matters permission 3/2020/0010. The development is located at the south-eastern extents of Ludlow Road, Clitheroe, with the site being located within the designated open countryside outside, but adjacent the defined settlement limits of Clitheroe.
- 1.2 The site is bounded to the north by existing residential development, with the site being bounded to the south by Pendleton Brook and Public Right of Way FP17, with the western extents of the site being bounded by existing open-aspect agricultural land.

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

- 2.1 The application seeks retrospective planning consent for the erection of 21 no. dwellings to regularise variations to reserved matters approval 3/2021/0700 comprising revisions to the ground floor level of plots 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 and associated external levels public realm levels. Consent is also sought for changes to previously

approved facing materials, alterations to the pedestrian link between the development and adjacent public right of way, and revised landscaping provision alongside the public right of way.

2.2 Members will therefore note that the application seeks consent for the following matters:

- Retention of raised land levels at southern extents of site ranging between 100mm and 900mm in height above previously approved levels.
- Retention of finished floor-levels associated with plots 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 ranging between 100mm and 900mm in height above previously approved levels.
- Retention of gabion retaining wall at north-western extents of the site
- Alterations to pedestrian link with Public Right of Way FP17 to lessen the gradient of the route
- Alterations to the approved landscaping details including additional provision at the southern extents of the site to visually mitigate the raised floor/land-levels
- Changes in approved facing materials on a number of residential dwellings and associated garage buildings

3. **Relevant Planning History**

3/2022/0171:

Variation of Condition 1 (Plans) of application 3/2020/0010. Proposed changes to ground levels due to connection of foul drains. Proposed changes to brickwork of plots 1,2,3,8,14,12,13,21,6,7. Proposed alterations to the footpath link to the PROW to the south. (Refused)

3/2021/0894:

Non-material amendment to application 3/2020/0010. Raising of ground floor plot levels on Plots 7, 8, 9, 10, 11, 12, 13, 14 and attenuation pond. Substitution of new plan C-0897-010 for old plan C-0897-01G. (Refused)

3/2021/0700:

Variation of condition 2 (Landscaping) of reserved matters application 3/2020/0010 owing to deteriorating condition of Ash trees on the boundary. Removal of T1, T2 and T5. Crown lift of T3 and T4. (Approved)

3/2021/0004:

Discharge of Condition 3 of Application 3/2020/0010. (Approved)

3/2020/0821:

Discharge of condition 3 (Drainage) from planning permission 3/2020/0010. (Refused)

3/2020/0727:

Discharge of conditions 13 (Drainage), 14 (Tree protection measures), 15 (Habitat creation and management), 19 (Road construction details) and 21 (Construction method statement) from planning permission 3/2017/0433. (Approved)

3/2020/0010:

Reserved matters application following outline planning permission 3/2017/0433 for up to 24 new dwellings and associated infrastructure on land south of Ludlow Road Clitheroe including access via Henthorn Road. (Approved)

3/2017/0433:

Application for outline planning permission for up to 24 new dwellings and associated infrastructure on land behind 115 Kemple View, Clitheroe including access via Henthorn Road. (Approved)

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

Policy DMB5 – Footpaths and Bridleways
Policy DME1 – Protecting Trees and Woodlands
Policy DME2 – Landscape and Townscape Protection
Policy DME6 – Water Management
Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport & Mobility

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

Technical Guidance to National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 Given the principle of the development site has been established as acceptable through the granting of outline permission 3/2017/0433 and subsequent reserved matters permission 3/2020/0010 it is not considered, notwithstanding other development management considerations, that the submitted proposal raises any significant direct conflicts with the Development Strategy for the borough as enshrined within Key Statement DS1 and Policy DMG2 of the Ribble Valley Core Strategy.

5.2 **Visual Impact/ Appearance**

5.2.1 Given the proposal site lies within the defined open countryside, being afforded a high-level of visibility upon approach from the Public Right of Way (PROW) to the south, consideration must be given in respect of the raised finished floor levels and land levels and their visual compatibility with the character of the immediate area.

- 5.2.2 It is accepted that the development, as constructed, is afforded a higher level of visual prominence, particularly when viewed from the adjacent Public Right of way as a result of the deviation of the increased finished floor level and land levels which exceed that which was previously approved pursuant to reserved matters consent 3/2020/0010.
- 5.2.3 However, the submitted details propose significant landscape mitigation along the southern boundary of the site to visually mitigate and lessen the impact of the perceived change in land levels, particularly as experienced by users of the adjacent PROW.
- 5.2.4 The submitted landscaping details propose tiers of planting of varying heights and densities that will lessen the visual contrast in levels between the PROW and the southern-most dwellings within the site. It is proposed that the landscape buffer will consist of ornamental and native grasses, shrub planting and an area of wildflower meadow. The details also propose the relocation of trees to areas outwith the southern margin to ensure continued access to the river embankment for the purposes of maintenance/ emergency works by the Environment Agency.
- 5.2.5. Taking account of the extent and nature of the proposed landscape mitigation, it is as accepted that there will still be a perceived difference in levels/heights in respect of the southern extents of the site and that of the adjacent Public Right of Way. However, the proposed landscaping will successfully visually mitigate the perceived variances to a degree that would be considered acceptable and to a degree that would not warrant the refusal to grant planning permission. As such the proposal is considered to be in accordance with Policies, DMG1, DME1, DME2 and DMB5 insofar that it would not result in significant visual harm to the character and visual amenities of the area.
- 5.2.6 Further to the above, members will note that the application is being brought before committee with a recommendation that the application be deferred and delegated to the Director of Economic Development and Planning for approval subject to the receipt of acceptable revised landscaping details. It should be noted that the anticipated details to be received do not result in any fundamental alterations to the details submitted pursuant to the application save that for the relocation of three proposed trees within the site and an increased margin of native and wildflower friendly shrub planting.
- 5.2.7 The submitted details further propose changes to the previously approved facing materials for a number of the residential dwellings and associated garage structures. In this respect it is proposed that garages will be faced in render in-lieu of previously approved brickwork, with side elevations of a number of dwellings proposed to be faced in Cromwell Pitched Stone in-lieu of previously approved facing brick. Taking account of the proposed material variations, it is not considered that these will result in any measurable nor detrimental impact upon the character of the area.

5.3 Residential Amenity:

- 5.3.1 Given the variations in approved land levels are largely to restricted to that of the southern extents of the site, it is not considered that the raising of levels and

finished floor levels will result in any measurable adverse impacts upon residential amenity given there are no nearby residential receptors, outside of the site, that have a direct interface with the southern element of the site.

5.4 Other Matters:

5.4.1 Members will note that a legal linking agreement in the form of a Unilateral Undertaking has been submitted in support of the application. Given the current application is made in full, the linking agreement is required to ensure the commitments provided within the original section 106 agreement at outline stage (3/2017/0433) are carried forward to the current consent should consent be granted. This document is currently being considered by legal services, but it should be noted that the undertaking does not seek to vary the commitments within the original agreement and as such is considered to be solely a procedural matter.

6. Observations/Consideration of Matters Raised/Conclusion

6.1 For the reasons outlined above, the proposal is considered to be in accordance with Policies, DMG1, DME1, DME2 and DMB5 insofar that retention of the unauthorised land-level increases and proposed changes in facing materials would not result in significant visual harm to the character and visual amenities of the area.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Economic Development and Planning for approval subject to the receipt of acceptable revised landscaping details and the receipt of an acceptable legal linking agreement subject to the following conditions:

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:
 - Location Plan: HR-BTP-00-LP-DR-A-3537-100
 - Site Layout Plan: HR-BTP-00-SP-DR-A-3537-105
 - Boundary Treatment Plan: HR-BTP-00-D-DR-A-3537-113
 - Drainage layout: C-0897-01 Rev X
 - Plot 1 elevations: HR-BTP-00-E-DR-A-3537-191
 - Plots 6 and 7 elevations: 11-2019 Rev A 06-12-21
 - Grizedale elevations and floor plans: HR-BTP-23-ZZ-DR-A-3537-145
 - Plots 1 and 2 garage elevations and floor plan: 11-2019 Rev B 08-10-21
 - Plot 3 garage elevations and floor plan: 11-2019 Rev B 08-10-21
 - Plot 8 garage elevations and floor plan: 11-2019 Rev B 08-10-21
 - Plots 12 and 13 garage elevations and floor plan: 11-2019
 - Plot 14 garage elevations and floor plan: 11-2019 Rev A 07-10-21
 - Plot 21 garage elevations and floor plan: 11-2019 Rev A 14-04-21
 - Site cross sections (turning head): HR-BTP-00-ZZ-DR-A-3537-181-C
 - Site cross sections (houses): HR-BTP-00-S-DR-A-3537-160-H
 - Comparison street elevation: HR-BTP-00-E-DR-A-3537-183
 - Public open space reference plan: C-0897-31
 - Public open space cross sections: C-0897-30

REASON: To clarify the nature of the details relating to the development hereby approved.

2. The landscaping proposals hereby approved, including the replacement tree planting indicated on drawing: **TBC** shall be implemented in the first planting season following the issuing of this consent, and shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority.

This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

All trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

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

3. The materials to be used on the external surfaces of the development as indicated on the drawing hereby approved and within the submitted information shall be implemented in 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. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing C-0897-01, Rev X - Dated 05.09.2022 which was prepared by Hamilton Technical Services. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Prior to any further occupation of any of the dwellings hereby approved, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2022%2F0879