

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

APPROVAL

DATE: 16 MARCH 2023

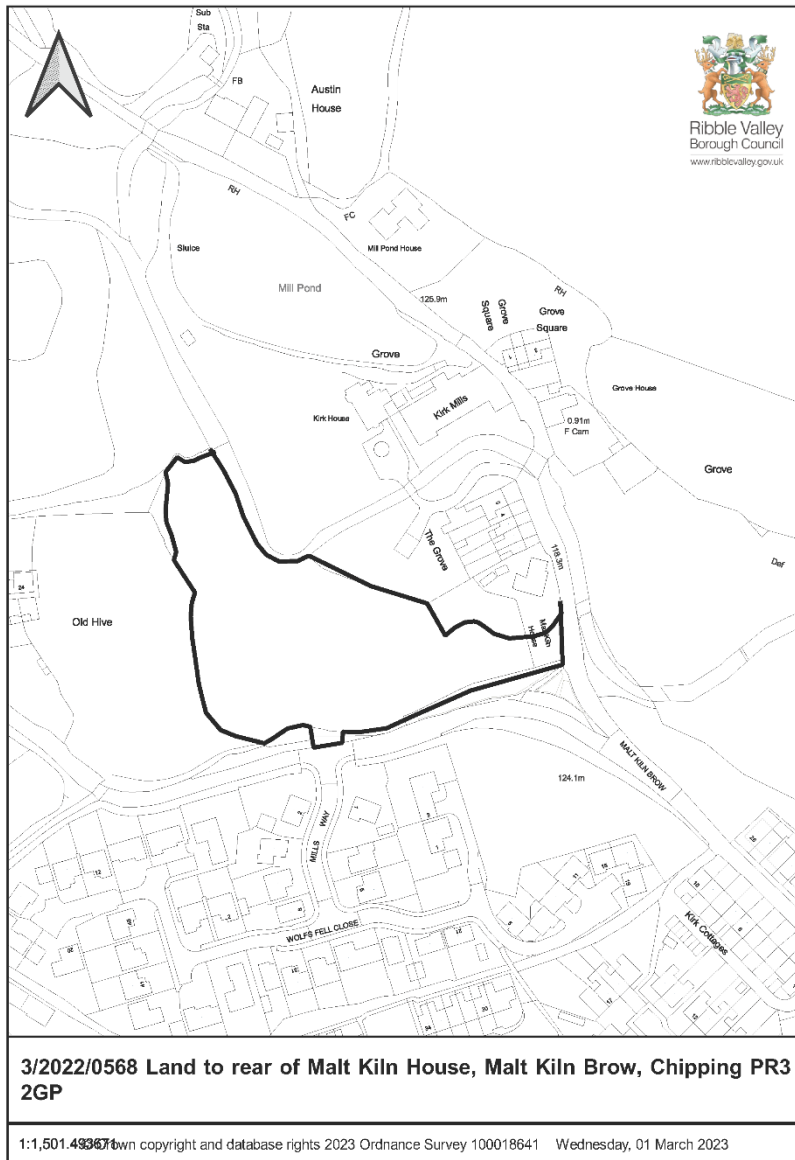
REF: LH

APPLICATION REF: 3/2022/0568

GRID REF: SD 362007 443548

DEVELOPMENT DESCRIPTION:

ERECTION OF FOUR NEW RESIDENTIAL DWELLINGS WITH NEW ACCESS TAKEN FROM FISH HOUSE LANE WITH ASSOCIATED EARTHWORKS AND LANDSCAPING AT MALT KILN HOUSE, MALT KILN BROW, CHIPPING, PR3 2GP



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

CHIPPING PARISH COUNCIL:

Response to original plans submitted

1. The site was originally allowed at appeal as part of the HJ Berry site development because it was envisaged it would facilitate the development of the former mill building and factory site into a hotel/spa complex, bringing new employment into the village. However despite the developers having completed the development of 39 homes after relocating the cricket pitch, the mill building and factory site have not been developed and none of the promised benefits have materialised.

Chipping is a Tier 2 Village as defined in the RV Core Strategy where development is only allowed for a demonstrated housing need or development of a brownfield site. There is an argument that the historic planning permission should be rescinded and this application be refused, as the basis for the consent being granted in the first place has not been fulfilled.

2. The proposed cedar clad "chalet" style eco homes in a prominent position are not in keeping with any other properties in the village, different from neighbouring stone properties, and do not complement the modern Fellside development which is a mix of brick and render. Unclear which sections will have sedum roofs and solar panels.
3. The proposed new vehicular access opposite the entrance to Fellside is a major change to the previously agreed plan but little justification for this is given.
4. Concern about use of the proposed access opposite Fellside by construction traffic and about the steep internal construction traffic route towards Malt Kiln Brow and Chipping Brook leading to land deformation and disruption of the watercourse.
5. Parking to front of properties. View from Church Raikie will be predominantly of cars.
6. Concern about a number of trees being felled and hedgerows lost.
7. Construction management plan is required.
8. Ridge heights may be lower but no like for like sectional drawings. Size will not help young local families get on / move up property ladder.

No response received from the Parish Council to consultation on revised scheme.

LOCAL HIGHWAY AUTHORITY - LANCASHIRE COUNTY COUNCIL HIGHWAYS:

Original response requested further information to demonstrate the suitability of the new access for both construction and development traffic.

Acknowledge the benefits to highway safety as a result of the new access rather than the previously approved access on Malt Kiln Brow because it precludes the use of the junction of Church Raikie and Malt Kiln Brow which has poor visibility due to the acute angle of the junction.

Second response confirms the revised plan for construction traffic (entering the site from Malt Kiln Brow and existing the site onto Fish House Lane) is acceptable. Further information outstanding on new site access.

Third response confirms further information regarding the site access is acceptable. Concerns raised about insufficient provision of parking for contractors/operative vehicles.

Fourth and final response confirms the amended plan showing parking during construction is acceptable. Request the proposed maintenance and management arrangements are revisited.

Overall, no objection subject to conditions relating to construction management plan, closure of access on Malt Kiln Brow, access arrangements, visibility splays, management and highway construction details, and electric vehicle charging pint.

UNITED UTILITIES:

Drainage proposals are acceptable in principle. Condition suggested.

ENVIRONMENT AGENCY:

No objection.

LEAD LOCAL FLOOD AUTHORITY:

Apply standing advice.

LANCASHIRE COUNTY COUNCIL ARCHAEOLOGY:

Based on previous assessments undertaken on the site, is able to conclude that the potential for archaeological remains is low, as such no condition is needed.

LANCASHIRE FIRE AND RESCUE SERVICE:

Access must comply with Building Regulations. Proposal must be provided with suitable provision of water.

RVBC ENVIRONMENTAL HEALTH SERVICES:

Suggest conditions relating to Electric Vehicle Charging Point and Construction Environment Management Plan.

RVBC ENGINEERING SERVICES:

Waste from properties will need to be presented to edge of the highway.

ADDITIONAL REPRESENTATIONS:

19 letters of objection have been received from 17 households to the original consultation on the following grounds:

- No justification for building on a greenfield site

- Original scheme approved was linked to developing the Kirk Mill site which never materialised
- No economic or regeneration benefits to the village
- No jobs in the village for occupiers of the houses
- Developing this site should not be supported while there is uncertainty around the future of Kirk Mill which remains empty and derelict
- No housing shortage in the village.
- Type of houses will not fulfil a local need
- Village has poor transport links therefore development not sustainable
- Inappropriate development in the Forest of Bowland AONB. Will have a harmful impact on the AONB character. Will obscure magnificent views towards the fells.
- Results in urban sprawl by connecting Old Hive and The Grove (Kirk Mill) to Chipping village therefore diluting their distinctive character
- Visual harm to Kirk Mill conservation area and historic architecture
- Urbanising impact on this country lane
- Scale, siting and design (including materials) of houses are not in keeping with the character of the area
- Mass, bulk, scale overbearing and intrusive (loss of privacy) to neighbouring properties
- Car park to front of properties will dominate streetscene
- Unsafe access proposed onto a narrow road with no footpaths, speed limit or street lighting
- New access will create a dangerous cross road junction
- Additional traffic including construction vehicles on local roads which are inadequate (narrow, congested)
- Insufficient parking on site for construction vehicles and material storage
- Poor visibility from Malt Kiln Brow; its use by construction vehicles is dangerous
- Impact on air quality
- Noise, dust and water pollution during construction
- Risk to protected trees and wildlife disturbance. Loss of trees and hedges.
- Uncertainty how habitat will be managed post development
- Risk of pollution to watercourse from reprofiling land
- Concerns around slope stability. Site needs piling
- Strain on local infrastructure (drainage, flooding, power, water)
- Supporting evidence documents seem out of date
- Insufficient public consultation with residents of Chipping

A further 11 representations have been received to the revised consultation. Nine of these were objections and two were neutral. Additional points raised are as follows:

- Large glass windows and balconies are imposing and out of keeping
- 3 storey houses are imposing
- Concern about use of new access by construction vehicles and impact upon existing residents
- The new access will require culverting the brook and so the developer will require separate consent from the Lead Local Flood Authority. How will we know this approval has been obtained?
- Concern about the impact of the retaining wall upon the root protection areas of T9 + T8
- Uncertainty regarding use of land to east dropping down to Malt Kiln Brow
- Unsure if concerns about slope stability identified in the geo-environmental site assessment have been addressed?
- Concern with works undertaken by developer on site to date
- Access from Fish House Lane considered more preferable than Malt Kiln Brow

- Prefer the original zero carbon homes scheme

1. **Site Description and Surrounding Area**

- 1.1 The application site is a prominent site which lies at the junction of Fish House Lane and Malt Kiln Brow outside the defined village boundary of Chipping. The front of the site faces onto Fish House Lane and a modern housing development of 39 dwellings opposite. The eastern part of the site drops down to Malt Kiln Brow, which is itself a steep lane leading down to the former HJ Berry Chairworks site. The rear of the site falls steeply down to Chipping Brook. A stream runs across the front of the site. The west of the site lies adjacent to fields, beyond which are a small grouping of cottages known as The Hive.
- 1.2 The site is approx. 0.7 hectares and was, prior to the commencement of earthworks in June 2021 to implement a previous permission, unmanaged grassland with isolated woodland areas along the boundaries. Trees outside the site boundary at the corner of Malt Kiln Brow and to the rear of The Grove are protected by Tree Preservation Order (TPO) No. 1 1970.
- 1.3 The site is situated within the designated Forrest of Bowland Area of Outstanding Natural Beauty (AONB). The northern and eastern section of the site is located within the Kirk Mill Conservation Area, and within Flood zones 2 and 3. To the north, Kirk Mill and its associated Mill Pond and Kirk House are Grade II Listed Buildings and there is a Biological Heritage Site (BHS) known as Clark House Farm Pasture.

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

- 2.1 The application seeks full planning permission for the erection of four dwellings with a new vehicular access proposed to be taken from Fish House Lane together with earthworks and landscaping which include re-grading the land sloping down to Chipping Brook.
- 2.2 The original plans submitted for this application proposed four no. detached zero carbon homes. They were a “chalet” style design with cedar timber cladding and stone elevations and sedum grass roofs. Their footprint was 15.4m x 12.3m and 16.6m x 10.7m which together with their shape created a wide roof span. Following officer concerns raised about the scale and design of these homes, a revised scheme was submitted and the amended plans propose four no. detached three-storey properties of stone construction.
- 2.3 The area of the site proposed for residential development will cover approx. 0.14 hectares, with the remaining part of the site outside of the curtilages proposed to be rough and maintained grassland to be managed by the property owners via an agreement.

3. **Relevant Planning History**

3/2014/0183 - Hybrid planning application seeking both full and outline planning permission as follows: Full planning permission for works and a change of use to the Grade II listed Kirk Mill to create a hotel (18 bed, use class C1) and bar restaurant (Use class A3), works to the barn building to create seven holiday cottages (use class C1), construction of a hotel and spa (20 bed use class C1), wedding venue (use class D1), kids club (Use class D1) and trailhead centre (Use class D1 and A3), change of use of Malt Kiln House from residential to use class C1, construction of a new cricket pavilion (Sui Generis), demolition of the group of derelict factory buildings. Outline planning permission

for 60 residential dwellings, split over two sites, with a maximum of 56 and 4 units on each with all matters reserved except for means of access. **Refused. Allowed at appeal.**

3/2016/0949 - Removal of condition(s) 60 (hydro scheme) from planning permission 3/2014/0183. **Approved**

3/2017/0903 - Variation of Unilateral Undertaking dated 23 March 2016 forming part of planning permission 3/2014/0183 to make amendments to the provision of affordable housing and to provide an off-site contribution for a play area. **Approved**

3/2018/0996 - Non material amendment sought from planning permission 3/2014/0183 for the variation of approved access. **Approved**

3/2019/0132 - Reserved matters approval for the residential development of four new dwellings with associated infrastructure and landscaping. **Approved**

3/2023/0160 - Variation of condition 1 (plans) of reserved matters approval 3/2019/0132 to amend the proposed levels and realign the drive serving the four approved dwellings. **Pending consideration**

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 EC1 – Business and Employment Development

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME1 – Protecting Trees and Woodlands

Policy DME2 – Landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME4 – Protecting Heritage Assets

Policy DME5 – Renewable Energy

Policy DME6 – Water Management

Policy DMH3 – Dwellings in the Open Countryside and AONB

Policy DMB5 – Footpaths and Bridleways

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

The Planning (Listed Buildings and Conservation Areas) Act

Chipping Conservation Area Appraisal and Management Guidance

Kirk Mill Conservation Area

5. **Assessment of Proposed Development**

5.1 Principle of Development:

- 5.1.1 Section 38(6) Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. This is also referenced in paragraph 47 of the NPPF.
- 5.1.2 Policy DS1 of the Core Strategy sets a development strategy for the Borough and states that the majority of new housing development will be concentrated in a strategic site and the main 3 settlements. It adds that in the Tier 2 Village settlements (which includes Chipping) development will need to meet proven local needs or deliver regeneration benefits. The proposed dwellings would be available on the open market and be built on a greenfield site. They does not meet proven local needs or deliver regeneration benefits and so would conflict with Policy DS1.
- 5.1.3 Policy DMG2 states that within the tier 2 villages and outside the defined settlement areas development must meet at least one of the following: 1) should be essential to the local economy or social well-being of the area; 2) for forestry or agriculture; 3) is for local needs housing which meets an identified need; 4) is for small scale tourism or recreational development appropriate to a rural area; 5) is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated. Whilst the scheme for four dwellings could be considered small-scale, it does not provide local needs housing and would conflict with Policy DMG2.
- 5.1.4 The site lies outside the settlement boundary within the defined Forest of Bowland AONB. Policy DMH3 relates to dwellings in the open countryside and AONB and limits residential development in those areas to: 1) essential agricultural dwellings or those which meet an identified local need; 2) conversions, subject to criteria; 3) rebuilding or replacing existing dwellings, subject to criteria. The proposed dwellings do not fall within any of these exemptions therefore would conflict with Policy DMH3.
- 5.1.5 Policy DMG3 requires considerable weight to be attached to the availability and adequacy of public transport and associated infrastructure to serve those moving to and from the development. The requirement for development to be sustainable and contribute to the continuation or creation of sustainable communities is also a requirement of the NPPF. The proposed site is within reasonable walking distance of the village centre with its limited services and facilities and the nearest bus stop however future occupants would need to walk along a stretch of road with no footpaths and limited street lighting. The rural location of Chipping is such that future occupants would likely be reliant on a private motor vehicle. This weighs against the proposal.
- 5.1.6 Notwithstanding the policy conflict identified, a significant material consideration in this case is the fact that there is an extant planning permission for four dwellings on this site. This is due to an appeal scheme that was allowed in 2016 (application ref: 3/2014/0183) for the development of five sites which included the application

site, known as parcel 4. It also related to development of Kirk Mill, the main mill complex, the existing cricket ground and the new cricket ground (parcels 1, 2, 3 and 5 respectively). This appeal decision forms a material planning consideration in the overall planning balance as it represents a fall-back position.

- 5.1.7 The test to determine a fall-back position is whether or not there is a “real” prospect of a development being implemented. The appeal decision required parcels 3 and 4 to submit applications for approval of reserved matters by 18.04.2019, and for development on both sites to commence no later than two years from the date of the reserved matters approval. In respect of parcel 4 a valid reserved matters application was made on 21.02.2019 and approved on 07.06.2019. This required work to commence by 07.06.2021. The council received photographic evidence on 04.06.2021 that engineering works on site to implement the permission for parcel 4 had commenced. Therefore it is considered that there was a technical start made within the requisite period.
- 5.1.8 The appeal decision and reserved matters approval imposed a number of pre-commencement conditions requiring the submission and approval of further details. The majority of these have been satisfied with discharge of condition applications. There are six potential breaches whereby conditions have not been satisfied. However having regard to caselaw the question is whether the conditions go to the heart of the development so as to render the entirety of the development unlawful; and if they do, whether it would be expedient, irrational or an abuse of power to enforce for compliance. The Council has taken legal instruction on this matter. The advice is that they are not true pre commencement conditions that should prevent development commencing. As such these breaches cannot be relied upon to argue there is no extant permission on parcel 4.
- 5.1.9 It is acknowledged that the appeal scheme related to five sites, only two of which have been developed as intended to date (the development of 39 houses on the existing cricket pitch site and the replacement cricket pitch site). The Inspector clearly envisaged that parcels 1, 2 and 5 (which had full permission) would be delivered before the housing on parcels 3 and 4 (which had outline permission) but this has not occurred. The Inspector deemed parcels 3 and 4 to be enabling development for the Kirk Mill complex, however - unusually - did not impose conditions requiring certain sites (the Kirk Mill complex) to be delivered before the housing. All that was required was a schedule of works outlined in the legal agreement, including demolition of buildings, which have been undertaken. So the fact that the Kirk Mill complex has not yet progressed beyond these initial works is not a reason to prevent the permission for four dwellings being implemented, in the same way as the existing cricket ground site has come forward.
- 5.1.10 The four dwellings in this current application are not enabling development, and so it is a different situation to the appeal scenario. That is why when assessed as a stand-alone application, the proposal is unacceptable in principle for the reasons set out above. However, because the appeal scheme for four dwellings on this site could be practically implemented, it is necessary to consider the planning merits of the proposal by comparison with the fall-back scheme to see whether or not there would be any additional harm from allowing the current application.

5.2 Design and Visual Impact:

- 5.2.1 The development will undoubtedly change the character of the site, which is currently undeveloped grassland, and result in a loss of openness. The urbanising impact will reduce the degree of separation between the village and Kirk Mill and to a lesser extent Old Hive. The development would represent a negative change to the area and the AONB. This harm would be reduced to some extent by the existing housing on the newly built estate opposite (39 dwellings) and so the development would not appear visually isolated. New landscaping proposed will also help to mitigate the impact of the development once established.
- 5.2.2 The application proposes a new access into the site to be taken from Fish House Lane to be culverted over the brook which runs along the front of the site (the extant permission is for access to be from Malt Kiln Brow). This new access to the front of the site will have a more urbanising impact however the character of this section of Fish House Lane has changed with the 39 houses opposite and so this impact has to be balanced with the visual benefit of no longer providing an access from Malt Kiln Brow, with the eastern section of the site proposed to be returned to rough grassland following its temporary use for parking of contractor vehicles.
- 5.2.3 Despite the change to the site access, the four dwellings now proposed and their curtilages will be on an almost identical footprint to the approved scheme, towards the front of the site, leaving the back of the site as undeveloped rough grassland. As with the approved levels in the approved reserved matters application it is proposed to top slice the existing ground level to lower the site levels onto which the dwellings will be built. Some of this engineering work to alter the levels has already taken place. The proposed finished floor levels (FFL) will range from 127.3m – 128.65m above sea level in comparison to the approved FFL which ranged from 125.7m – 130m. They will sit relatively level with the site access point on Fish House Lane. It is still proposed for the site levels to fall away down to Chipping Brook which runs along the rear boundary of the site and down to Malt Kiln Brow which is beyond the eastern boundary. Existing levels will be regraded but a natural topography is maintained.
- 5.2.4 Revised plans show there will be two house types (C and D) with ridge heights of 9 metres. These are three storey with accommodation in the roofspace. Plots 1, 2 and 3 are identical to the approved dwellings on these respective plots. Plot 4 is proposed to be identical to plot 1 with an eaves height of 4.9m at the front and 6.45 at the back whereas the reserved matters approval was for a different house type with a ridge height of 9.2m and eaves of 6.1m. It will have a forward projecting integral garage and so the footprint of this dwelling will be slightly closer to the highway than the previously approved scheme, however being single storey this will not be unduly prominent. Furthermore its lower eaves at two storey fronting Fish House Lane in comparison to the approved scheme will offset this impact.
- 5.2.5 The amended dwelling types are considered to be more in keeping with the character and appearance of existing properties within the village and immediate surrounding area in comparison to the original scheme, and their bulk and massing is broken up with single storey elements, lower eaves and staggered building footprints. The proposed dwelling types have been previously approved on the site along with their proposed materials of stone and slate which is considered to be appropriate.

5.2.6 The proposed plans indicate boundary treatment details around the site edge will be largely unchanged. Within the site, the plot boundaries will be hedgerows to the rear and to the east of plot 4. A green wall formed with sand bags will create a retaining wall to the west of plot 1. Hard surfacing has been kept to a minimum and will be less than the previously approved scheme because it does not require the internal access road leading up from Malt Kiln Brow. Outside the plots the northern and eastern portion of the site will be rough grassland and the land in front of the plots adjacent to Fish House Lane will be grass. Maintaining these areas will become the shared responsibility of all residents/ homeowners of the 4 dwellings. Side driveways and integral garages will attempt to reduce the dominance of cars.

5.3 Impact upon nearby heritage assets

5.3.1 Kirk Mill lies to the north of the site, It is a former cotton spinning mill dating from 1785 and is grade II listed, with its mill pond retaining wall, outflow and stone-built leat. Its significance derives from its rarity as a surviving example of a surviving Arkwright-type mill, the retention of its water management system, surviving original features including the water wheel, the layout and its development over time which remains clearly legible. The building has been vacant for some years.

5.3.2 Kirk Mill adjoins Kirk House, which is the former mill owner's house and is also Grade II Listed. They sit within the Kirk Mill Conservation Area as does Malt Kiln House and a row of cottages at The Grove which lie just beyond the site boundary to the north.

5.3.3 The application site lies partly within and partly outside the Kirk Mill Conservation Area. Until recent engineering works took place on the site, the boundary was represented by the top of the ridge in the topography of the site; the land then falls away to the lower land containing Kirk Mill. Further to the south sits the Chipping Conservation Area within the main core of the village.

5.3.4 The proposed houses would be located to the south of the former ridge outside of the conservation area. It would be possible for the new houses to be seen from areas within the conservation area due to their siting on higher land, There would be negative effects on the conservation area and to a lesser extent on the listed buildings. However these negative effects will be no worse than the extant planning permission and by not having a site access and internal road from Malt Kiln Brow the impact of development on the conservation area would be reduced . The site's distance to Chipping conservation area means that this would not be affected.

5.4 Impact on Residential Amenity

5.4.1 The proposal for four dwellings will not result in any additional overbearing impacts or loss of light on existing neighbouring properties compared to the fall-back scheme.

5.4.2 The proposed access will be facing the recently constructed housing estate and so there will be some additional noise and disturbance for these residents from motor vehicles entering and leaving the site. However this is not considered to be significant for a development of four properties and will be balanced with the

benefit of no longer providing an access onto Malt Kiln Brow and therefore having a reduced impact on Malt Kiln House and The Grove.

- 5.4.3 There will be an impact on existing properties during the construction phase of the development. However these impacts are short-term and temporary. The extant permission was for construction to be between the hours of 07:30 – 18:00 Monday to Friday and 08:30 – 14:00 on Saturday. Material storage, car parking and welfare facilities were proposed on appeal site parcel 2 (mill complex) with construction traffic entering the site from the Malt Kiln Brow access. The proposed construction hours for the proposed development would be the same although the material storage, car parking and welfare facilities would be on the site itself, with parking via the temporary access off Malt Kiln Brow and with construction traffic using the new site access. There will be some additional noise and disturbance for residents off Fish House Lane from construction traffic entering/leaving the site but as previously states these impacts are short-term and temporary, and also this will be balanced with the benefit of reduced impacts for residents at the bottom of Malt Kiln Brow as construction traffic will avoid this area.

5.5 Trees and Ecology

- 5.5.1 A tree report has been submitted dated July 2022 together with tree protection and constraint plans. The site has also been visited by the Council's Countryside Officer to assess the impact on trees and hedgerows. The plan shows that existing trees of amenity value will be retained along the site frontage including a Sycamore tree in the south western corner. To the west of the proposed site access are 3 ash trees however the applicant has confirmed these are outside of their ownership and there are no plans to remove them as part of the application. A stone wall is in situ where the proposed access will go and therefore it will require the removal of a negligible amount of vegetation and hedgerow. There will be no impacts on trees outside the site that are protected by TPO No.1 1970.
- 5.5.2 An ecology report and biodiversity net gain assessment has been submitted dated July 2022. This identifies potential impacts to amphibians and reptiles, including great crested newts (GCN), bats, nesting birds and aquatic species within the brook. There is a suggestion for further survey work to confirm the absence of GCN should be undertaken prior to any site clearance. However this clearance has already been undertaken to implement a previous permission. This development is not considered to result in any additional impacts upon ecology compared to the previous scheme. The ecology report considers the nearby BHS and others further afield, but does not considered there to be any direct or indirect impact from the development by reason of the intervening distance and the scale of the development proposed. This satisfies policy DME3 which requires the protection of such sites. New tree planting along the site frontage with Malt Kiln Brow, new hedgerow planting to the rear gardens and a green wall to the west of plot 1 are proposed. The development satisfies Key Statement EN4 which requires a net enhancement in biodiversity.
- 5.5.3 In terms of water pollution, the ecology report considers there to be a risk of unintentional pollution and/or sedimentation events associated with re-profiling of steep embankments within the site that may affect the water quality of Chipping Brook. It is recommended that pollution/sedimentation control measures are

implemented during the construction phase to avoid any direct and/or indirect impacts to the brook. Such measures are included within the Construction Environment Management Plan.

- 5.5.4 The report and plans demonstrate there will be no additional impacts on trees and ecology compared to the approved scheme, and indeed the amount of grassland compared to the previously approved scheme is increased.

5.6 Highway Safety and Accessibility:

- 5.6.1 The Local Highways Authority has no concerns in respect of the proposed development insofar that the additional details provided for the access arrangements are acceptable and that sufficient parking could be accommodated together with the safe manoeuvring of vehicles within the site subject to conditions. Furthermore they consider there are some benefits to highway safety for the use of this access rather than the previously approved access on Malt Kiln Brow because it precludes the use of the junction at the top of Malt Kiln Brow which has poor visibility due to the acute angle of the junction. This benefit would also apply to the use of the access by construction traffic.
- 5.6.2 A bin collection point is shown at the site entrance, which the Local Highways Authority and Engineering Services department are satisfied with. A condition can secure the provision of electric vehicle charging points.
- 5.6.3 The Local Highways Authority have reviewed the revised Construction Environment Management Plan and consider it to be acceptable. They do however have concerns with the proposed management and maintenance arrangements of the estate road and so this will need to be addressed by condition.
- 5.6.4 It is acknowledged that the immediate highway network on Fish House Lane, Malt Kiln Brow and Church Raike do not have footpaths. As such residents and visitors walking to/from the village are forced to use the highway. However given that no objections are raised by the Local Highways Authority the additional traffic generated by residents of the four dwellings as well as the construction vehicles is not considered to result in an unacceptable impact on highway safety. This proposal satisfies Policy DMG3 of the Ribble Valley Core Strategy as a suitable and safe access into the site will be provided subject to appropriate conditions.

5.7 Drainage and Flood Risk

- 5.7.1 A drainage strategy has been submitted. This demonstrates that surface water from the development will drain into the culverted stream at the front of the site. This satisfies the SUDS hierarchy which prioritises drainage to watercourses where infiltration into the ground is not possible. Foul water will drain north and connect to an existing united utilities public combined sewer. United Utilities raise no objection to this proposed arrangement which can be secured by condition.
- 5.7.2 A flood risk assessment has been submitted. This demonstrates that the residential dwellings and site access are proposed entirely within flood zone 1, which is the lowest risk of flooding. Therefore it is not necessary to apply the flood risk sequential test. The lower area of the site, alongside Chipping Brook, is

designated flood zone 2 and 3 and will remain undisturbed, with an 8 metre easement buffer to the brook being maintained. No objections are raised from the Environment Agency to the impact of the development on this brook or in terms of any flood risk concerns.

- 5.7.3 Access to the site will need to cross the existing stream as such a new culvert structure is needed along with culverting of the watercourse to facilitate the new road crossing (culvert in the form of a 1200mm diameter pipe). The Lead Local Flood Authority (LLFA) have been consulted on the application but have no comments to make. Separate to the need to obtain planning permission the applicant is required to obtain separate consent from the LLFA in order to carry out these works. The applicant has provided confirmation of this consent being obtained from the LLFA.

5.8 Other issues:

- 5.8.1 Concerns have been raised about land stability as a result of reprofiling steep embankments at the rear of the site. A slope stability report dated July 2022 has been submitted confirming that natural ground had a slight slippage, and detailing 2 options, either a retaining wall inserted or provide reinforced ground (insertion of geogrid in layers, stone liner at bottom etc). The applicant has confirmed that the excavated ground was stockpiled for the consultant to view, who confirmed that the ground material (stone & hard clay) was exactly as described in the ground investigation right the way to the bottom of the dig levels and beyond. Therefore the reinforced ground option was appropriate and the applicant has subsequently recreated the slope with reinforced ground to provide the slope improvement. This matter is therefore considered to be appropriately dealt with.
- 5.8.2 Third party concerns are acknowledged about public consultation however the application has been advertised via press notice, site notice and the issuing of neighbour letters to those properties directly affected by the proposal and therefore the relevant legislation for publicity of applications has been satisfied.
- 5.8.3 Third party concerns are acknowledged about out of date documents however key documents are considered to be sufficiently up to date for the purposes of informing an assessment of the application.

6. Observations/Consideration of Matters Raised/Conclusion

- 6.1 For the reasons outlined above the proposed development is in conflict with a number of Ribble Valley Core Strategy policies. It does not form an appropriate form of development in Chipping by failing to meet a local housing need or provide any regeneration benefits; residents would be dependent on private motor vehicle; and the urbanising impact would negatively affect the area, AONB, Kirk Mill Conservation Area and nearby listed buildings.
- 6.2 However in this case there is an extant planning permission for four dwellings which could be implemented and this represents a realistic fall-back position. As such the proposal has been compared to this fall-back scheme. On balance the proposal is not considered to result in any additional harm in comparison to the harm that would occur as a result of implementing the extant permission. In fact some benefits are identified including a safer access and reduced impact on the Kirk Mill conservation area

- 6.3 The fall-back scheme is a material consideration which carries significant weight and because no additional harm is identified, as well as some benefits, then this is considered a reason to justify approving the development despite its conflict with the development plan. A number of conditions are considered necessary to attach and are outlined below.

RECOMMENDATION: That the application be APPROVED 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 shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 01.08.2022 including the following plans/documents:

- BTD/P20 rev A: Boundary Treatment Elevations & Details.
- DS/GA01 rev C: Drainage Strategy.
- SKETCH01 rev A: Flex MSE Retaining Wall Proposed Section.
- MKB/C/01 rev -: House Type C, Proposed Elevations.
- MKB/C/02 rev -: House Type C, Proposed Floor Plans.
- MKB/D/01 rev -: House Type D, Proposed Elevations.
- MKB/D/02 rev -: House Type D, Proposed Floor Plans.
- LAN/BND/P01 rev D: Hard Landscaping, Soft Landscaping & Boundary Treatment Layout.
- MKB/L01 rev -: Location Plan.
- MKB/P01 rev G: Proposed Site Plan.
- Levels Sketch rev C: Proposed Levels.
- MKB/P07 rev B: S278 Highway Works, General Arrangement.
- MKB/P08 rev A: S278 Highway Works, Site Boundary.
- MKB/P02 rev C: Proposed Site Sections, 1 of 2.
- MKB/P02.1 rev A: Proposed Site Sections, 2 of 2.
- MKB/P06 rev A: Swept Path Analysis.
- MKB/TS01 rev -: Topographical Survey.
- MKB/P03 rev D: Traffic Management Plan.
- MKB/P04 rev D: Tree Protection Plan.

The development shall be retained hereafter in accordance with this detail.

REASON: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

3. The development hereby permitted shall be carried out in accordance with the approved Foul & Surface Water Drainage Design Drawing DS/GA01, Rev C - Dated 28.12.22. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of any dwelling, the drainage scheme shall be

completed in accordance with the approved details for that dwelling. The approved measures shall be retained thereafter for the lifetime of the development.

REASON: To ensure satisfactory sustainable drainage facilities are provided to serve the site to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

4. No works above slab level shall commence until details of the materials to be used in the construction of the external surfaces of the dwellings (including the external walls, roof, windows, lintels, cills, soffits, fascias and bargeboards) 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

5. (a) The development shall be carried out in accordance with the approved hard and soft landscaping and boundary treatment details (Drawing Nos. LAN/BND/P01 Rev D: Hard Landscaping, Soft Landscaping and Boundary Treatment Details, BTD/P20 rev A: Boundary Treatment Elevations & Details; and SKETCH01 rev A: Flex MSE Retaining Wall Proposed Section).

(b) Prior to first occupation of any dwelling, precise details of the hedgerow, shrub and green wall planting specifications and schedules (including plant size, species and number/ densities) as shown on approved drawing No. LAN/BND/P01 Rev D, and bin store enclosure if proposed shall be submitted to and approved in writing by the Local Planning Authority.

(c) The site shall be landscaped (including boundary treatment details) in accordance with the approved details prior to first occupation of any dwelling or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained. Any shrubs or hedgerow planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 7 years of planting, or any hedge 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.

(d) The implemented landscaping scheme shall thereafter be managed and maintained in accordance with the approved residential maintenance and management plan, January 2023 Rev C.

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

6. The development shall be constructed and completed in accordance with the approved site levels (Levels Sketch rev C: Proposed Levels; MKB/P02 rev C: Proposed Site Sections, 1 of 2; MKB/P02.1 rev A: Proposed Site Sections, 2 of 2.).

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

7. No dwelling hereby approved shall be occupied until the parking / turning area(s) shown on the approved plan (LAN/BND/P01 rev D: Hard Landscaping, Soft Landscaping & Boundary Treatment Layout) as relating to that dwelling has been laid out, surfaced and drained. The parking / turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

REASON: To ensure that adequate off road parking is provided to serve the development in the interests of highway safety.

8. (a) The internal 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 prior to first occupation of any dwelling.

(b) In the event that the internal estate road is not proposed for adoption by the Local Highway Authority then:-

- (i) details of 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 and the new estate road(s) shall be constructed in accordance with the approved details prior to first occupation of any dwelling.
- (ii) Details of the proposed arrangements for future management and maintenance of the estate road within the development shall be submitted to and approved in writing by the Local Planning Authority and the estate road shall thereafter be maintained in accordance approved management and maintenance details.

REASON: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative; to ensure that any private roads are of sufficiently adequate construction to support any loading applied to them to enable effective waste management and emergency services satisfactory access; and to ensure that adequate management arrangements are in place in the form of a management company.

9. Upon completion of the construction phase the vehicle access and hardstanding from Malt Kiln Brow shall be removed, and the land shall be landscaped in accordance with the approved details (Drawing Nos. LAN/BND/P01 Rev D: Hard Landscaping, Soft Landscaping and Boundary Treatment Details) prior to first occupation of any dwelling.

REASON: To limit the number of access points and ensure a satisfactory visual impact.

10. No part of the development hereby approved shall be commenced until the new site access has been constructed and completed in accordance with the approved detail shown on plan ref: MKB/P07 rev B: S278 Highway Works, General Arrangement; MKB/P08 rev A: S278 Highway Works, Site Boundary; and MKB/P06 rev A: Swept Path Analysis.

REASON: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

11. The construction phase of the development shall be carried out in accordance with the approved construction and environment management plan (dated January 2023) and approved plan ref MKB/P03 rev D: Traffic Management Plan.

REASON: To mitigate the impact from construction on residential amenity, water and air quality and highway safety.

12. An electric vehicle recharging (EVCP) scheme for all dwellings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that charge points shall have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently. No dwelling shall be occupied until the approved EVCP scheme has been provided for the dwelling to which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

REASON: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area.

13. The measures contained within the approved Tree Survey (Treestyle Consultancy dated 15.07.2022) and Tree Protection Plan (MKB/P04 rev D: Tree Protection Plan) with respect to those trees shown as being retained shall be implemented in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

Reason: In order to protect trees from damage or loss in the interests of the amenity of the area.

14. The visibility splays shown on plan reference: MKB/P01 rev G: Proposed Site Plan (identified as that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed access from the continuation of the nearer edge of the carriageway of Fish House Lane to points measured 43m in both directions along the nearer edge of the carriageway of Fish House Lane from the centre line of the proposed access) shall be provided prior to any construction works commencing on site. The visibility splays shall not at any time thereafter be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic.

15. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the garages hereby approved shall be

retained solely for the housing of a private motor vehicle, and at no time shall any works be undertaken that would prevent it from being used for that purpose.

REASON: To ensure that the on-site vehicle parking provision is maintained to avoid the standing of traffic on the adjoining highway to the detriment of the safety and free flow of traffic thereon and in the interest of the amenity of the street scene.

16. The surface water from the approved car park should be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the car park drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON: In the interest of highway safety to prevent water from discharging onto the public highway.

17. Any removal of vegetation, including trees and hedges, should be undertaken outside the nesting bird season (March to August) unless an up-dated pre-clearance check has been carried out by a licensed ecologist within the 24 hours prior to any removal and no nesting birds are found to be present. The up-dated pre-clearance check shall be submitted to the Local Planning Authority prior to the removal of any trees and/or hedges

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

18. 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 prior to their installation. 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 lighting scheme shall be implemented in accordance with the approved details and retained as approved.

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

19. Prior to any works commencing above slab level, details of the provisions to be made for artificial bird nesting and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved artificial bird/bat boxes shall be attached before any dwelling hereby approved is occupied.

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

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 2 Class A (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 without express planning permission first being obtained.

REASON: To safeguard the appearance of the development.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 Schedule 2 Part 1 Class A – E and Part 14 (or any Order revoking and re-enacting this Order with or without modification), there shall be no extensions or alterations to the dwellings hereby approved, construction of buildings or installation of renewable energy, without express planning permission first being obtained.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2022%2F0568