

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE
APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO
WORK DELEGATED TO THE DIRECTOR OF DEVELOPMENT SERVICES BEING
SATISFACTORILY COMPLETED

DATE: 18 JUNE 2009
REF: SW/JS
CHECKED BY:

APPLICATION NO: 3/2008/0526/P (GRID REF: SD 373730 440808)
PROPOSED REGENERATION OF SITES AROUND AND INCLUDING PRIMROSE MILL FOR
RESIDENTIAL DEVELOPMENT, INCLUDING IMPROVED SITE ACCESS, HIGHWAYS
IMPROVEMENTS AND PROVISION OF PUBLIC OPEN SPACE AT PRIMROSE MILL,
WOONE LANE, CLITHEROE

TOWN COUNCIL: Make the following comments:

1. That suitable traffic measures should be put in place at the Primrose Road/Whalley Road junction and Woone Lane/Eshton Terrace junction.
2. That traffic management measures should be put in place at the various junctions along Woone Lane to reduce speeds; the road is widened and a mini roundabout included at site entrance
3. That site lines to and from Primrose Bridge are improved, in particular at junction of Primrose Road and Woone Lane.
4. That the entire length of the footpath and railway footbridge from the site to Kemple View are upgraded.
5. That there is a commitment to environmental improvement on Primrose Lodge as part of Phase 1A rather than Phase 1B
6. That there is a commitment to affordable housing within the development as part of Phase 1A rather than Phase 1B

As it stands the application does not provide any commitment to environmental improvement to Primrose Lodge

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

Has no objection to the principle of the proposed development. Amended plans received on 10 March 2009 show a system of priority working at the site entrance that provides the basis for a workable scheme.

The present levels of vehicular and pedestrian activity at the Whalley Road junction with Primrose Road do not warrant additional highway measures at this time. However, the traffic associated with a development of 160 properties will have a clear impact on turning movements at this location. In the event that subsequent developments from Primrose Road generate levels of vehicular and pedestrian movements sufficient to warrant further highway improvements it would not be unreasonable to seek a contribution to improvements that would materially benefit the accessibility of the site and overcome deficiencies, particularly in the provision of pedestrian facilities. The details of any such agreements and the timescale within which it would operate would have to be determined as part of a Section 278 Agreement.

ENVIRONMENT
DIRECTORATE
COUNTY ARCHAEOLOGIST:

No objection subject to imposition of conditions

COUNTY ECOLOGIST:

Recommends that further habitat survey data be obtained to assess the impact on the Primrose Lodge biological heritage site and secondary species rich grassland that may be developing within the application area.

Habitats affected by the proposals, including existing buildings, are likely to support breeding birds. If the application is approved then works during the bird breeding season (March to July inclusive) should therefore be avoided, unless it can be demonstrated through precautionary surveys/inspections that nesting birds will not be affected. This should be the subject of a planning condition.

LCC PLANNING
CONTRIBUTIONS OFFICER:

This consultation response is based upon the policy paper 'Planning Obligations in Lancashire'. The methodologies and formulae within the policy paper have been used to determine the level of contribution request, in order to help mitigate the perceived impact of the proposal as follows:

Education

Initially there had been a request for £596,548.70 based on the scenario that all the units were to be completed during the year that the County Council numbers on roll were expected to be highest, ie 2010.

However, further discussions between the applicant and officers at LCC revealed that a start date of 2010 was proposed for the scheme with first occupation expected in 2011. Therefore, LCC will not be seeking a contribution in respect of secondary places on the proviso that not more than 47 properties would be occupied before the end of 2011. No contribution is sought for primary school places as there are anticipated to be sufficient places in the local schools.

Transport

There is likely to be a planning contribution request towards sustainable transport measures – the County Surveyor will advise.

Landscape Character and Design

The REMADE in Lancashire reclamation programme is a 7 year programme which has been set up by LCC in partnership with the North West Development Agency and will reclaim derelict, underused and neglected land in Lancashire for soft end uses such as public open space, nature reserves, footpaths and cycle routes.

REMADE has identified the Primrose Lodge site at Clitheroe as a project in the current REMADE programme. A project for the site would involve contamination remediation, works to the lodge structures, ecological management and enhancement (including woodland management), landscaping and amenity infrastructure. The project would also include the creation of a sustainable multi user path that would enable access within the site and also provide a safe off-road sustainable route for accessing St James' Primary School and Clitheroe town centre to the north of the site. A new path could also facilitate access to the wider countryside to the south of the site via the public rights of way network.

No open space is provided within the application site but the applicant has stated it is envisaged that a planning contribution will be given towards the restoration of the lodge site thereby providing an area of open space for use by new and existing residents and visitors.

A conservative estimate is that a restoration scheme will cost in the region of £600,000 to design and implement with the cost of annual long term management and maintenance only being determined once a detailed scheme and management plan have been prepared.

Formal approval for REMADE investment would be required from LCC and the North West Regional Development Agency. A total potential REMADE investment of £291,000 is currently proposed towards the overall project (subject to NWDA approval) leaving a shortfall of £363,000 against the projected development/works estimate and a shortfall of £246,000 for site maintenance and management. These indicative shortfall figures could be used as a basis for planning contribution negotiations with the applicant

Waste Management

Every district in the County is being provided with advance treatment facilities to treat waste prior to landfilling, either directly or via purpose designed transfer stations. Since each and every new house, wherever it is in the County, has to be provided with this basic service and the Council has to comply with significant new requirements relating to the management of the waste, it is considered that the Council is justified in requesting a contribution towards waste management. Based upon the policy paper 'Methodology for Waste Management', the request is £77,760

In summary:

Education – no contribution required on basis of additional information supplied regarding phasing of development.

Transport – to be agreed.

Landscape Character and Design - £611,000.

Waste Management - £77,760

ENVIRONMENT AGENCY:

No objections subject to imposition of conditions.

ADDITIONAL REPRESENTATIONS AND STATUTORY NOTICE:

Letters have been received from ten nearby residents and members are referred to the file for full details. Whilst not all of these are raising objections to the principle of development, the issues contained within all correspondence received can be summarised as follows:

1. Loss of privacy to neighbours.
2. Increased noise levels
3. Concerns over increased volume of traffic with Primrose Mill area and potential highway safety issues as the present road infrastructure will be unable to cope
4. The gable height of the one-bed/three-bed block should be a maximum of two storey to match that of existing properties on George Street.

5. Questions over provision for the woodland area.
6. Queries over whether there will be any traffic calming measures, safer pedestrian paths, changes to the dangerous sharp bend at Primrose Mill, road being widened and measures to prevent illegal parking.
7. There are ancient Borough of Clitheroe boundary stones on the west bank of the Lodge opposite George Street
8. The development should be considered in light of potential development of the Stalwart site.
9. The development should have a central area with facilities for a local shop, meeting hall and other amenities. It should have a turning area for buses to encourage people not to use cars.
10. Impact on ability of lorries to deliver to an adjacent employment site.
11. Potential difficulties for adjacent business to continue trading and for this reason conditions should be imposed relating to the continued safe servicing of lodematic premises and to the provision of a suitable buffer between industry and residential properties.
12. Full plans should be available for the lodge area at this time.
13. Change character of Clitheroe from rural market town into part housing estate.
14. It is hoped the development will not disrupt public footpaths

Proposal

This is an outline application to develop a site for residential development comprising a mix of dwellings and apartments on brownfield land. Matters of access and layout are being applied for at this time. The component parts of the application are as follows:

Residential

The broad intention of the residential scheme is to provide a mix of dwellings comprising apartments together with two, three and four storey dwellings – both market and affordable. Primrose Mill would be retained and altered to provide 27 apartments with adjacent parking and would stand at the entrance to the scheme. The Rectella distribution depot to its north east and land to the north west of the mill building that accommodates the former Steadplan commercial garage and distribution site, Environment Agency depot and former Telsa Fabrication depot

would be cleared with the site redeveloped for a mix of housing types extending residential development as far as the railway line. Whilst the scheme is in outline only, the total number of units proposed is 162 with associated parking and plans submitted providing a provisional site layout showing that pedestrian routes are given importance in the layout incorporating the existing public footpath which crosses the railway in the north western corner of the site. In order to create an active street frontage, parking areas are located behind houses in most cases accessed through an archway in a variegated terrace which avoids the predominance of garage doors on the prime elevations of the buildings.

The applicants originally put forward a case for providing 31 of 162 units as affordable – 17 low cost market sale and 14 affordable rented provided the Council support a housing association partner to secure grant funding or a worst case scenario of 23 dwellings if there is no grant funding. In terms of the low cost market sale, they suggested a discount of 40%. This has since been revised in light of comments made by the Council's Housing Strategy Officer (see issues section for a full reasoning of this).

The revised offer therefore in respect of affordable housing contribution is outlined in an email from the applicant's agent dated 8 May 2009 with attached schedule for inclusion with a S106 Agreement as follows:

- the affordable housing obligation will comprise either 25 dwellings for social rent or 13 dwellings for social rent depending on the availability of Homes and Communities Agency (HCA) grant funding;
- the affordable housing will be delivered in partnership with a Registered Social Landlord (RSL) approved by the Council;
- the developer will work with a Registered Social Landlord and the Council on a reasonable endeavours basis, to secure sufficient grant funding from the HCA to enable 25 affordable dwellings for social rent to be developed in line with the following housing mix, which supports the primary housing need in Clitheroe:

Property Type	Number
2 Bedroom Flat	4
2 Bedroom House	13
3 Bedroom House	8
Total	25

- in the event that insufficient, or no grant funding is secured from the HCA, then the developer's obligation to deliver affordable dwellings for social rent will reduce to 13 dwellings in line with the following mix which supports the primary housing need in Clitheroe:

Property Type	Number
2 Bedroom Flat	2
2 Bedroom House	7
3 Bedroom House	4
Total	13

- the developer will covenant that the timing of the delivery of the affordable housing units will be linked on a phased basis with the delivery of market housing units;
- if terms cannot be agreed with an RSL for the delivery of the affordable housing units then the affordable housing units will revert to low cost discount sale to be sold by the developer at 30% discount to their market value (total number of units 25).

Public Open Space

As originally submitted, the proposal had detailed an offer of transferring ownership of the open space element of the lodge scheme to the Council. It was proposed that there would be a restoration programme carried out of Primrose Lodge but negotiations highlighted the fact that not only would there would be ongoing future management liability associated with such a scheme for the Council but the involvement of not only the Borough Council but the Remade Team at LCC with their differing timescale for the site further complicates matters. In light of this, that aspect of the overall proposal has been withdrawn with the applicant now offering a commuted sum of £250,000 to either progress the lodge project as and when it happens as part of the Remade programme or alternatively towards the provision of alternate open space and recreational facilities within the borough. It is for this reason that the proposal description has been revised since that originally submitted.

Highways

Access to the site would be in the form of a single priority junction from Woone Lane situated between the existing Primrose Mill and Rectella building. It is also proposed to provide an emergency access via an extension of the southern most cul de sac within the site that emerges between the site and Lodematic premises. Footpath and priority working improvements will take place along Primrose Road in the vicinity of the access to the site at a total cost of £60,000.

Site Location

The application site occupies land that is to the west of Woone Lane up to the railway line and includes Primrose Mill (former government building), former Telsa Fabrications depot, former Steadplan commercial garage and distribution site, former Environment Agency land and Rectella distribution depot. It lies within the settlement limit of Clitheroe as defined in the Districtwide Local Plan and is also covered by the saved Primrose Area Policy A1 which shows part of the site identified as a potential employment area (subject to constraints).

To the north of the site are residential properties and daycare centre with Lodematic, Primrose House and the former Primrose works to its south east Primrose Lodge is set to the north east of the site with the railway line forming the site's western boundary and open countryside to its south.

Relevant History

Numerous applications associated with the different employment uses on site

3/86/0129/P – Outline permission for residential development Refused 6 May 1986.

3/86/0128/P – Outline permission for residential development Refused 6 May 1986

Relevant Policies

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy ENV9 - Important Wildlife Site

Policy ENV10 - Development Affecting Nature Conservation.

Policy H19 - Affordable Housing - Large Developments and Main Settlements.

Policy H21 - Affordable Housing - Information Needed

Policy EMP11 - Loss of Employment Land

Policy RT8 - Open Space Provision.

Policy T1 - Development Proposals - Transport Implications.

Policy T7 - Parking Provision.

Policy A1 - Primrose Area Policy

Interim Supplementary Planning Guidance: Housing

Draft Affordable Housing Memorandum of Understanding.

North West of England Plan Regional Spatial Strategy to 2021 - Policy DP1 – Spatial Principles.

North West of England Plan Regional Spatial Strategy to 2021 - Policy L4 – Regional Housing Provision

North West of England Plan Regional Spatial Strategy to 2021 - Policy L5 – Affordable Housing

North West of England Plan Regional Spatial Strategy to 2021 - Policy DP7 – Environmental Quality

Environmental, AONB, Human Rights and Other Issues

Members will recall that this application was deferred at the last meeting for further information on the affordable housing element; the revised offer is explained in full in the proposals section 'Residential' with further discussion of the offer below

In the determination of this application there are a number of key issues to be considered which are detailed below under appropriate sub headings

Establishing whether the principle of residential development is acceptable on this site

There are a number of issues to be considered under this heading with the key policies being A1, G2 and EMP11

Policy A1 of the Districtwide Local Plan concerns itself with Primrose Lodge – in particular environmental improvement works to make safe its associated boundaries and structures, to

remove silt, to enhance the overall openness, amenity and natural history value of the Mearley Brook Valley between Primrose Road and Greenacre Street and to provide controlled public access. Its states:

To the extent required to fund these works and subject to Policy ENV9 and the other relevant policies of this plan the Council will permit proposals for:

- (a) limited residential development within the northern part of the defined policy area; and*
- (b) development or change of use of buildings for purposes within Use Class B1 in the south west corner of the policy area.*

The Policy then goes on to state that in either case this is provided that a number of highway improvements are carried out. The proposal presented for consideration does not readily accord with this. However, the land referred to at the northern part of the defined policy area is outside of the red edge of this application area and thus not relevant to the determination of this scheme. The land to the south west of the policy area is however the site under consideration here and thus it is necessary to explore whether the principle of the residential scheme on this land would be acceptable. In order to establish this it is necessary to cross reference to other policies of relevancy namely ENV9, EMP11 and G2

ENV9 deals with developments within or adjacent to County Biological Heritage Sites and other sites of local nature conservation importance. Such areas provide important resources for wildlife, links that allow movements of wildlife between town and country and important education and recreational resources. Primrose Lodge is one such area with the supporting text to the Policy stating:

That there may be occasions where some development associated to the site may be justified. This may be a reflection of a clear local need which can be identified and justified.

Whilst the Lodge itself is outside the red edge of the application site it is within the applicant's ownership with the proposal offering a financial contribution of £250,000 towards the restoration/regeneration of that area which ultimately will provide public open space provision within close proximity of the site. It could, therefore, be argued that the two areas of land are so closely linked that the level of financial contribution to be gained from a development of this nature is key to kickstart a project that the Council have tried to facilitate for in excess of 15 years.

Policy EMP11 of the Plan concerns itself with the loss of employment land and provides a number of criteria against which such proposals will be considered. The use of the site as outlined within this application is considered to accord with the provisions of that Policy due to the environmental benefits to be gained by the community and that the majority of the site is currently vacant and thus there is no economic and social damage caused by loss of jobs in the community.

Policy G2 of the Plan forms part of the saved settlement strategy and outlines that in Clitheroe the scale of development considered appropriate is consolidation and expansion and rounding off development on sites wholly within the settlement boundary and appropriate to the town's size and form. The site is wholly within the settlement and would occupy a brownfield site. Its redevelopment would therefore accord with G2.

Therefore, in returning to Policy A1 in light of the above, it is evident that Policies ENV9, EMP11 and G2 would not prevent, in principle, the site being redeveloped for residential purposes. Policy A1 was drafted in the early 1990s with a draft Primrose Brief prepared in December 1992. At that time the entire site was occupied by industrial/semi industrial businesses with the area of land between Primrose Mill and the railway line used as vehicle park and premises. Since that time some of the buildings have fallen into disrepair with no interest shown for alternative employment uses. Land to the immediate north east has been redeveloped for housing and a day care centre. Thus the situation has changed significantly in the intervening years and a pragmatic approach needs to be taken in order to prevent the site and its immediate environs falling further into disrepair. Therefore, whilst the proposal before members would not secure any land in Use Class B1, moreover resulting in a loss of established employment land, there are substantial wider benefits to be derived that would still secure the overarching aim of Policy A1 which is to secure the restoration of Primrose Lodge.

The culmination of all the above factors therefore lead me to conclude that the principle of residential development on this site would be acceptable subject to the considerations listed below.

Affordable Housing

In terms of whether there is a requirement in policy terms to provide an element of affordable, and if so what percentage, members are referred back to a decision taken by Housing Committee on 13 September 2007 when it was decided that on sites of over 15 dwellings the majority of the sites should be affordable provided it complied with the limits of development as identified in the Saved Settlement Hierarchy of the Districtwide Local Plan.

The applicants have proposed an element of affordable housing on this site with the originally submitted supporting economic case set out in conformity with Saved Policy H19 of the Districtwide Local Plan. The supporting text to the Policy states that the Council will seek to secure rental or purchase prices which are 15% lower than market values at the time of development. The calculations of 51% affordable were made based on this 15% figure and as a result the total sum for affordable housing of £1,689,525 was derived. The developers considered that using this money to discount 51% of the site by 15% would still mean that the affordable housing element would remain unaffordable. As a result they suggested that fewer houses (only 17% of the site rather than 51%) should be made affordable but using the £1,689,525 to discount these 17% of the houses by 40% instead of 15% outlined in Policy H19.

A Viability Assessment provided by the applicant in connection with the affordable issues of the scheme was assessed by the District Valuer who has concluded that:

This is a large site and they estimate a total build/sale period of five years. In current market conditions this is not unreasonable but it is likely that the market will change again over that period. By looking at the scheme today, it is clear that sites will be unlikely to provide large amounts of affordable housing and still provide a viable return to developers. As at today the offer is not unreasonable as it stands. Using their figures it is possible to argue for three to four more units ... however, this assumes that they accept a lower than normal profit margin and they could argue that any reduction in their costs should be used to make the development more viable in overall terms.

The District Valuer pointed out, however, that there has been a reduction in viability for the provision of affordable housing on development schemes due to current economic climate. This

assessment has been carried out in a period where housing values are falling, and where there are consequential effects on residential development liability. It is likely this situation may change over a reasonable period of time and we would recommend that the assessment should be reviewed if the planning consent has not been substantially commenced within one year of grant.

Whilst the assessment has been carried out when house prices are falling, colleagues in the Forward Planning Section have commented that Policy H19 was formulated based on 1995 housing needs survey data which is now 13 years out of date both in terms of current prices and levels of need. As a result the principle of the Policy (which underpins the applicant's financial appraisal) should be taken forward but the figure within has now been superseded by both a more up to date housing needs survey and the SHMA. Indeed, the Housing Strategy Officer has commented that in order to fully meet current levels of need, properties for sale would need to be discounted by 51% to 57% and that due to the findings of the SHMA 2008 and content of the Affordable Housing Memorandum of Understanding (Consultation Version) the preferred tenure choice for the site would be to increase the number of social rented units.

The applicant's response to the request for greater discount and/or increased number of rental units is that this can be accommodated within the development without impacting on the financial contributions to public open space and highway improvements. The precise details of the revised offer are included in full within the proposal section of this report.

To summarise, the original 'best case' basis with the Council supporting a Housing Association Partner securing grant funding was the provision of 31 dwellings (17 low cost market sale 40% discount and 14 rental via an RSL). The 'worst case' with no grant funding would have been the applicant providing a total of 23 dwellings (13 for low cost market discounted sale and 10 affordable rental). What is now proposed is a 'best case' of 25 affordable rental units if sufficient grant funding is obtained from HCA or if no grant funding 13 affordable dwellings for social rent. Whilst this revised offer does mean a reduction in the total number of affordable units on the site, Committee should have regard to the fact that the request for more rental was made by officers of this Council having regard to the latest available information on what is genuinely considered to be needed with the Borough. Thus it would be unjust to criticise the developer for reducing the percentage of affordable units to approximately 15% of the overall site. Members will note from the final bullet point under the heading 'residential' in the proposals section of this report that a cascade arrangement is offered in the event that no Housing Association wishes to take ownership of the proposed social rented dwellings. If this were to be the case it is asked that in this event the dwellings would revert to low cost discounted sale units to be delivered by the developer. The suggested 30% discount is, according to the submission, for simplicity in drafting the S106 and enables them to continue to offer the full 25 dwellings (as per the social rent with grant offer). If the Council preference is for the dwellings to be offered with a 40% discount to market value (as was the original offer prior to negotiations with regard to increasing the number of rental units), then this would be at a greater cost to the developer and thus the number of units would be reduced to 18. This is a worst case scenario as it is hoped that 25 units will be provided in association with an RSL having secured grant funding but including within the S106 an option along these lines does give a degree of flexibility to the scheme and thus, subject to appropriate wording within any legal agreement, I am of the opinion that this request from the developer is reasonable. Therefore, in my opinion, the offer in respect of affordable is acceptable and accords with plan policy.

Highway Matters

It is evident from the observations of the County Surveyor that the proposal would cause no significant harm to highway safety subject to priority working improvements to be carried out within close proximity to the entrance of the site. A developer contribution of £60,000 would be required for those works and this would form part of a Section 106 Agreement. The applicant would also need to enter into a Section 278 Agreement with LCC given that the highway improvement works necessary to enable the development to proceed are outside the development site.

The County Surveyor has made reference in his observations to the fact that subsequent developments in the immediate area may generate levels of vehicle and pedestrian movements sufficient to warrant further highway improvements and that it would not be unreasonable to seek a contribution to these. In this matter I am guided by advice offered in Circular 05/2005 Planning Obligations which states:

Obligations must ... be so directly related to the proposed development that the development ought not to be permitted without them ... what is sought must also be fairly and reasonably related in scale and kind to the proposed development...

For this reason I do not think it would be reasonable to request a further financial contribution for works as yet unknown within any Section 106 Agreement. The £60,000 would cover priority working arrangements as shown on plans 022, 024 and 025 received on 10 March 2009 with potential footpath widening along Primrose Road to Whalley Road as shown on plan 023 needing to be discussed as part of a Section 278 Agreement direct with officers of Lancashire County Council.

Correspondence has been received on behalf of Lodematic, who are a business premises set to the south, relating to the continued safe serving of those premises. Concern is expressed about the plans proposing a cycle and pedestrian link from the housing estate onto the unadopted road which dissects their site and the application site. This is where HGVs reverse to unload steel and other products and then pull forward up Woone Lane and reverse into the Steadplan access in order to turn around and exit onto Whalley Road. The first issue is that the unadopted road is not wide enough for a cyclist to pass a HGV and thus it is requested that the cycle/pedestrian route be removed from the plans. This is currently a public footpath and potential conflict between HGVs and cyclist has been discussed with the Highways Officer at LCC. He has commented that there is already conflict between pedestrians and HGVs given Lodematic's chosen servicing method and this development would not significantly impact on an existing situation. The second issue arises from the need of HGVs servicing Lodematic to execute a three point turn in order to exit onto Whalley Road via Primrose Bridge. It is requested therefore, by Lodematic's representative, that the residential estate access has junction radii which facilitate this manoeuvre and must be wider than a normal residential estate road at its junction with Woone Lane. If this is not the case then HGV drivers would need to navigate Woone Lane to the mini roundabout opposite The Emporium where they would have to turn left into the town centre as a right turn would necessitate a difficult manoeuvre across the mini roundabout. It is not possible for vehicles to use Lodematic's yard for loading/unloading due to the position of loading bays and general configuration of the site. However, I am of the opinion that to request the applicants to revise their plans in the manner suggested would be unreasonable and not justified by the nature of the development proposed. It would be wrong to either seek amendments to the plans or impose conditions that facilitate a turn around

movement simply to meet a need that already exists for a business that operates outside of the application area.

Environmental Issues

A report relating to the findings of a desktop study carried out to determine the history of the site and potential for contamination has been submitted with the application. On the basis of the findings of the research carried out, there is considered to be a moderate risk from contamination at this site with the Environment Agency being satisfied that, in respect of controlled waters only, the development would not pose an unacceptable risk.

A flood risk assessment has been submitted with the application that outlines the site has a low risk of flooding with the Environment Agency being satisfied with its findings recommending the inclusion of conditions both in respect of surface water regulation and the aforementioned desktop study.

Reference has been made elsewhere within this report to the site's relationship with an adjacent operational employment use at Lodematic and I am conscious that this scheme would be introducing residential development, both in respect of the conversion of the mill and new build elements, in relatively close proximity to that. This has been discussed with colleagues in environmental health in respect of potential noise issues ie for residents of new properties from the current business. In order to ensure that any potential conflict is minimised, it is suggested that as part of any reserved matters application, a noise survey be carried out to assess whether any of the properties would require noise attenuation measures to be incorporated within their construction.

Protected Species, Landscape, Visual and Residential Amenity

A report relating to a bat scoping and barn owl survey has been submitted in support of the application. An initial scoping survey was carried out in January 2008 with further bat activity surveys carried out on three occasions in May and June 2008. A full method statement for mitigation is included in the report. This includes a requirement for the roof removal to be carried out carefully and at an appropriate time of the year. There is also a need to construct at least five new roost sites and bat access points within the re-development and subject to a condition requiring compliance with the findings of the report, I consider the proposal to be acceptable in respect of protected species.

With regards to landscaping, whilst this is an outline application with no specific details of landscaping within the site shown, the plans do denote general groups of tree planting and communal areas. Any future reserved matters application would be required to provide full details of landscaping throughout the site for detailed consideration. As stated previously, the applicants have offered a financial contribution of £250,000 towards the restoration of Primrose Lodge (or other public open space provision within the borough) and this is an area that has been identified by the Remade team based at Lancashire County Council as a project in their current programme. Given the application site has no designated public open space areas within it, as would be expected of a development of this size, it is anticipated that the lodge and its environment when fully restored would become available as public open space. The commuted sum offer in respect of the restoration is considered comparable to the number of dwellings to be provided as part of this scheme. Thus, in terms of landscape, they are not only issues relevant to the red edged site but benefits to the wider landscape qualities of the area to

be considered. In both respects, I consider the scheme in so far as it relates to both red and blue edges of the application to be appropriate.

With regard to amenity considerations, Committee must remember that this is an outline application only and thus limited information is provided. I have assessed the site layout put forward and am mindful of the fact that there are areas where the distance between structures measures less than 21m (the distance considered appropriate for facing windows to habitable rooms at first floor). However, due to the nature of the application, I consider that the layout put forward is acceptable – it will be for consideration at subsequent reserved matters stage that an assessment will be made as to the privacy implications of this arrangement as only then will elevational details be available. The layout is such that on the principle road frontage to Woone Lane, the properties are to be set close to the road edge with parking to their rear, thereby maintaining the street scene character of the immediate area. In terms of the site's relationship with properties to its immediate north on George Street, I consider the new dwellings to be set sufficient distance away from the rear of the terraced dwellings and in respect of the recently constructed houses between the daycare centre and aforementioned terrace, again an acceptable relationship would result. Comments have been received from a nearby resident regarding the proposed height of the development in relation to the two storey height of surrounding properties. As part of the application the applicants have provided a plan showing a schedule of storey heights that range from single storey up to the four storeys of the existing mill to be converted. The new dwellings between the mill and George Street properties are shown to be a mix of predominantly three storey but with 2.5 and two storey units to break up the massing of that frontage. On the basis of the information provided, I do not consider that this approach to treating the main street frontage on to Woone Lane would prove significantly detrimental to the visual amenities of the area.

Conclusion

Therefore, subject to an appropriate Section 106 Agreement and a number of conditions, it is considered that the proposed development is acceptable in principle. The Section 106 Agreement shall include the following:

- reference to the level of developer's contribution towards:
 - public open space £250,000 with trigger/phasing mechanisms to ensure this is given in proportion to actual housing units being delivered on site;
 - highway works, £60,000 with a trigger of when payment will be required;
- details of the phasing of the development in order to ensure that the delivery of affordable units is linked with the delivery of market housing units (and open space contribution – see above);
- reference to the number of affordable rental units in the event of HCA grant funding 25 dwellings or should grant funding not be forthcoming 13 units;
- details of eligibility for occupancy of the affordable units;
- details of an appropriate mechanism whereby if the developer and RSL cannot agree terms the 25 units would then become available as low cost discounted sale dwellings to

be sold by the developer at 30% discount to their market value. Attached to this would again be criteria for eligibility;

- measures to ensure that the affordable units remain affordable in perpetuity;
- a mechanism for review in the event that the development is not carried out for a number of years (in view of the difficulties/uncertainties caused by the current economic climate);
- identify a trigger point at which highway works and monies outlined elsewhere within the report will be necessary;
- identify that should more than 47 properties be occupied before the end of 2011 a financial contribution to secondary school places will be required and include details of how such a contribution would be calculated;
- an undertaking that the applicant shall pay reasonable costs to the Council for any independent financial viability report that might be necessary to assess the market viability

This list is not exhaustive as other issues may arise through negotiations should Committee be minded to approve the application.

SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity, nor would it have an adverse visual impact or be to the detriment of highway safety

RECOMMENDATION: That Committee be Minded to Approve the application subject to the following conditions and therefore Defer and Delegate to the Director of Development Services to await the satisfactory completion of a Section 106 Agreement in the terms outlined within this report

1. Application for approval of reserved matters must be made not later than the expiration of five years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates.
 - a) The expiration of five years from the date of this permission; or
 - b) The expiration of two years from the final approval of the reserved matters, or in the case of approval of different dates, the final approval of the last such matter to be approved

REASON: In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan

- 2 This outline planning permission shall be read in conjunction with the Section 106 Agreement dated

REASON: For the avoidance of doubt as the permission is subject to an agreement.

3. This permission insofar as it relates to works within the highway shall be implemented in accordance with the proposal as amended by plans 022; 024 and 025 received on the 10 March 2009.

REASON: For the avoidance of doubt since the proposal was the subject of agreed amendments, in the interests of highway safety in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan

4. Prior to commencement of development a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be provided in accordance with the approved details prior to occupation of the development and thereafter retained.

REASON: In order to encourage renewable energy and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. Any application for the approval of reserved matters shall include details of whether any noise mitigation measures will be required on noise sensitive plots on the site's southern boundary. The measures so submitted and approved shall then be fully implemented prior to the first occupation of the units to which they relate and thereafter retained.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and in the interest of safeguarding the amenity of occupiers of the new units.

6. Prior to commencement of development approved by this planning permission, (or such other date or stage in development as maybe agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A site investigation scheme, based on desk study report, Primrose Mill, Primrose Road, Clitheroe, Lancashire for Beck Developments Ltd, GEA, June 2008, Ref J07352 to provide information for a detailed assessment of the risk to all receptors that maybe affected, including those off site
2. The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action

REASON: To prevent the pollution of controlled waters from potential contamination on site in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. No development approved by this permission shall be commenced until a scheme for the provision and implementation, of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

REASON: To reduce the increased risk of flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

- 8 No work shall take place on the site until the applicants, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Policies G1 and ENV14 of the Ribble Valley Districtwide Local Plan.

- 9 Unless otherwise agreed in writing with the Local Planning Authority the development shall be carried out in strict accordance with the recommendations of the bat survey and report submitted with the application dated 19 June 2008 with further details of the five new roost sites and bat access points to be incorporated within the scheme submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The roosts shall be erected to the written satisfaction of the Local Planning Authority prior to the first occupation of the dwellings and thereafter retained in perpetuity to the satisfaction of the Local Planning Authority.

REASON: To comply with policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan ensuring that no species/habitat protected by the Wildlife and Countryside Act 1981 are destroyed.

- 10 Precise specifications or samples of walling and roofing materials and details of any surface materials to be used including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

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 G1 of the Ribble Valley Districtwide Local Plan.

- 11 The development hereby permitted in outline shall not be commenced until details of the landscaping of the site, including wherever possible the retention of existing trees, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening.

The approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 5 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: In the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

NOTE

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority may also wish to implement their right to design all works within the highway related to this proposal. The applicant should be advised to contact the Environment Director at PO Box 9, Guild House, Cross Street, Preston, PR1 8RD in the first instance to ascertain the details of such an agreement and the information to be provided.
2. In consideration of condition 4 on renewables the Council will have some regard to energy efficient measures used on buildings.