

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

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Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2011/0837

DECISION DATE: 21 June 2012

DATE RECEIVED: 18/10/2011

APPLICANT:

Taylor Wimpey Manchester & The Governor
and Company of the Bank of Ireland
c/o Agent

AGENT:

Turley Associates
1 New York Street
Manchester
Lancs
M1 4HD

DEVELOPMENT PROPOSED: Proposed erection of 46 dwellings, comprising a mix of 2, 3, 4 and 5 bedroom properties with associated access, car parking, boundary treatment and landscaping.

AT: Land off Pendle Drive Calderstones Park Whalley Lancashire

Ribble Valley Borough Council hereby give notice that **permission has been granted** for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following condition(s):

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990.

2. This permission shall be implemented in accordance with the proposal as detailed on drawings 10/094/P01REVD as amended 19 December 2011; 10/094/P02REVA as amended 12 January 2012; 10-094-HT01-1; 10-094-HT01-2; 10-094-HT02-1; 10-094-HT02-2; 10-094-HT03-1; 10-094-HT03-2; 10-094-HT04-1 as amended 12 January 2012; 10-094-HT04-2 as amended 12 January 2012; 10-094-HT05-1; 10-094-HT05-2; 10-094-HT06-1; 10-094-HT06-2; 10-094-HT07-1; 10-094-HT07-2; 10-094-HT08-1; 10-094-HT08-2; 10-094-HT09-1; 10-094-HT09-2; 10-094-HT10-1; 10-094-HT10-2; Fence 3 as amended 19 December 2011; 1334/03REVA; 1334-04REVA; 10/094/M01.

Reason: For the avoidance of doubt to clarify which plans are relevant.

3. 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.

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4. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

REASON: To ensure a satisfactory means of drainage in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

5. This permission shall relate to a Section 106 Agreement dated 18 June 2012 which includes provision for the delivery of affordable housing, and financial contributions.

REASON: For the avoidance of doubt and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

6. The approved landscaping scheme as detailed on drawings 1334/03REVA and 1334/04REVA (landscape layout sheets 1 and 2) shall be implemented in the first planting season following occupation or use of the development 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.

7. Prior to commencement of development precise details of the solar thermal systems to be incorporated within plots 12, 13, 14, 15, 16 and 17 of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The systems shall then be provided in accordance with the details so submitted prior to occupation of the development and thereafter retained.

REASON: To ensure that the Local Planning Authority are satisfied with the details in the interests of both visual amenity and need to encourage the use of renewable energy in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

8. No development shall take place until details of the provisions to be made for the artificial bird [Swift/House Martin, Starling & House Sparrow species] nesting sites/boxes and artificial bat roosting sites/boxes have been submitted to and approved in writing by the Local Planning Authority.

The individual suitable dwellings shall be identified on a building dependent bird/bat species development site plan and include details of artificial nest/roost sites in eaves, soffits and gables using Schwegler nest and Ibstock bat boxes & Tudor roof Bat access tiles. The details shall also identify the actual elevations into which the artificial nest and boxes shall be incorporated - north/north east/west elevations for birds & elevations with a minimum of 5 hours morning sun for bats.

The approved works shall be implemented under the supervision of a representative of the local representative of Swift Conservation and in full before the development is first brought into use, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that bird and bat species are protected and their habitat enhanced, in accordance with the Wildlife & Countryside Act 1981 as amended, the Conservation [Natural Habitats & c.] Regulations 1994 and in accordance with Policy ENV7 of the Ribble Valley District Wide Local Plan.

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9. The development hereby permitted shall not be commenced until details of a woodland management plan for the woodland area W2 in the Calderstones Tree Preservation Order/compartments 9 of the Calderstones Forestry Survey have been submitted to, and approved in writing by, the Local Planning Authority. The management plan shall indicate, as appropriate, details on selective thinning and replanting including details on the appropriate tree types, numbers of trees and species mix and details of all protective fencing.

The approved woodland management plan shall be implemented outside of the bird nesting bird season March - August inclusive. If this is not possible an inspection of the woodland, prior to removal of any trees, by an ecologist shall be undertaken.

Thereafter the woodland shall be managed 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, 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 District wide Local Plan.

10. No development shall take place until an updated protected species survey has been carried out during the optimum periods of May to September - Bats, & March to June - Barn Owls prior to commencement of any part of development.

The results of the updated survey shall be submitted to the Local Planning Authority Countryside Officer and Natural England. If such a use by a protected species of any part of the land or any buildings included in the planning permission granted is established, a mitigation scheme including appropriate protected species license details shall be submitted to and agreed in writing by Natural England & the Local Planning Authority Countryside Officer before any work commences on the approved Development.

No development shall take place until a further bat survey has been carried out during the last optimum bat activity period of May to September prior to the commencement of development. The findings of the updated survey shall be submitted to and agreed in writing with the Local Planning Authority Countryside Officer & Natural England. If such a use by bats of buildings is established a mitigation plan including appropriate protected species license details, shall be submitted to the local planning authority countryside officer & Natural England.

The actions, methods & timings included in the mitigation measures identified and the conditions of any Natural England License shall be fully implemented and adhered to. In the event that any bats are found, disturbed or harmed during any part of the development work, work shall cease until further advice has been sought from a licensed ecologist.

REASON: To ensure that species are protected and their habitat enhanced, in accordance with the Wildlife & Countryside Act 1981 as amended, the Conservation [Natural Habitats & c.] Regulations 1994 and in accordance with Policy ENV7 of the Ribble Valley District Wide Local Plan.

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11. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the arboricultural/tree survey shall be protected in accordance with the BS5837 [Trees in Relation to Construction] the details of which shall be agreed in writing, implemented in full, a tree protection monitoring schedule shall be agreed and tree protection measures inspected by the local planning authority before any site works are begun.

The root protection zone shall be 12 x the DBH and shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone, in addition no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented without prior written consent, which will only be granted when the local authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by development and included in a Tree Preservation Order/ Conservation area/considered to be of visual, historic or botanical value are afforded maximum physical protection from the adverse affects of development in accordance with Policies G1 and ENV13 of the Ribble Valley District Wide Local Plan.

12. No development or arboricultural works shall take place until details of an assessment of trees been submitted to and approved in writing by the Local Planning Authority. The information submitted shall include details of those trees within which bat roosts already exist and those trees the condition of which indicate that they have the potential to be used by bats as a roost, the assessment shall also include mitigation measures.

REASON: To ensure that bat species are protected and their habitat enhanced in accordance with the Wildlife & Countryside Act 1981 as amended, the conservation [Natural Habitats & c.] Regulations 1994 and in accordance with Policy ENV7 of the Ribble Valley District Wide Local Plan.

13. No development shall take place until the scheme of mitigation protection measures for badgers/setts and foraging areas has been submitted and approved by the Local Planning Authority. The agreed protection measures shall be fully implemented in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that no species protected by the Wildlife & Countryside Act 1981 as amended, the Conservation [Natural Habitats & c.] Regulations 1994 are harmed in accordance with Policy ENV7 of the Ribble Valley District Wide Local Plan.

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14. No development approved by this planning permission shall be commenced until:

a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information and diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing, by the Local Planning Authority prior to that investigation being carried out on the site.

c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the Local Planning Authority.

d) A Method Statement and Remediation Strategy, based on the information obtained from (c) above has been submitted to and approved in writing by the Local Planning Authority.

The developments shall then proceed in strict accordance with the measures approved. Work shall be carried out and completed in accordance with the approved Method Statement and Remediation Strategy referred to in (d) above, and to a timescale agreed in writing by the Local Planning Authority: unless otherwise agreed in writing by the Local Planning Authority.

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan to:

a) Identify all previous site uses, potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors.

b) Enable:

- A risk assessment to be undertaken;
- Refinement of the conceptual model; and
- The development of a Method Statement and Remediation Strategy.

c) & d) Ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site. The historic landfills will need to be included in the conceptual model, and appropriate groundwater analyses submitted before points (1) & (2) of the condition above are satisfied

15. The proposed garages shall not be used for any purpose (including any purpose ordinarily incidental to the enjoyment of the dwelling house as such) which would preclude their use for the parking of a private motor vehicle.

REASON: In the interest of amenity to facilitate adequate vehicle parking and/or turning facilities to serve the dwellings in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

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

REASON: To comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and in order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

Relevant planning policy

Policy G1 - Development Control.
Policy G5 - Settlement Strategy.
Policy G11 - Crime Prevention.
Policy ENV3 - Development in Open Countryside.
Policy ENV7 - Species Protection.
Policy ENV9 - Important Wildlife Site
Policy ENV10 - Development Affecting Nature Conservation.
Policy ENV13 - Landscape Protection.
Policy H2 - Dwellings in the Open Countryside.
Policy H20 - Affordable Housing - Villages and Countryside.
Policy H21 - Affordable Housing - Information Needed.
Policy RT8 - Open Space Provision.
Policy T1 - Development Proposals - Transport Implications.
Policy T7 - Parking Provision.
Affordable Housing Memorandum of Understanding.
Core Strategy Topic Paper - Discussion on the Approach to Preferred Option (November 2011).
Policy DP1 - Spatial Principles - North West of England Regional Spatial Strategy to 2021.
Policy DP2 - Promote Sustainable Communities - North West of England Regional Spatial Strategy to 2021.
Policy DP7 - Promote Environmental Quality - North West of England Regional Spatial Strategy to 2021.
Policy L1 - Health, Sport, Recreation, Cultural and Education Services Provision - North West of England Regional Spatial Strategy to 2021.
Policy L4 - Regional Housing Provision - North West of England Regional Spatial Strategy to 2021.
Policy L5 - Affordable Housing - North West of England Regional Spatial Strategy to 2021.
PPS1 - Delivering Sustainable Development.
PPS3 - Housing.
PPS5 - Planning for the Historic Environment.
PPS7 - Sustainable Development in Rural Areas.
PPS9 - Biodiversity and Geological Conservation.
PPG13 - Transport.

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Relevant planning policy/Continued.....

PPG17 - Planning for Open Space, Sport and Recreation.
PPS22 - Renewable Energy.
PPS23 - Planning and Pollution Control.
PPS25 - Development and Flood Risk.
Policy A3 - Calderstones Area Policy.

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.

Note(s)

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
3. The grant of planning permission will require the applicants to enter in to an appropriate legal agreement with the County Council as highway authority. The highway authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Executive 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.
4. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act.
5. Policies in the Framework have been considered but in light of the facts in this case the National Planning Policy Framework does not alter the Borough Council's conclusions.


JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

