

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

DEFER AND DELEGATE TO THE DIRECTOR OF COMMUNITY SERVICES SUBJECT TO A LEGAL AGREEMENT

DATE: THURSDAY, 11 OCTOBER 2012

REF: SW/CMS

CHECKED BY:

APPLICATION NO: 3/2012/0420/P

(GRID REF: SD 374206 440894)

PROPOSED OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT ON LAND NORTH AND WEST OF LITTLEMOOR, CLITHEROE

TOWN COUNCIL:

Object for the following reasons:

1. The site is identified in the Districtwide Local Plan as G6 Land (Open Space).
2. Extra traffic that will be generated if the development goes ahead will use Littlemoor Road and this will introduce traffic safety problems at the narrow junction of Littlemoor Road with Whalley Road.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

Has no objections in principle to this outline proposal on highway grounds and offers the following detailed observations on this Outline Planning Application with all matters reserved for future determination except for the means of access.

Access from Littlemoor Road

The initial design contained in Drawing 9W7186 SK016 Revision A, provides an indication of the highway parameters for the design of a suitable vehicular access.

The proposed access road and internal layout will be designed to adoptable standards. With this in mind, the applicant can anticipate preparations for Section 38/Advance Payments Code should consent be granted.

The introduction of additional vehicle movements at this location has to be viewed with caution as the carriageway meanders through bends where there are accesses to existing properties and the footway provision is unbroken.

However, the development is for a total of 49 properties and the impact of the anticipated additional traffic will be relatively low. The traffic modeling results indicate an additional 17 vehicles during the peak hour.

The initial access design indicates that visibility splays of 2.4m by 43m can be achieved from the site onto Littlemoor Road. I am satisfied that this is a suitable provision and that it can be

achieved in this instance. In addition, the recent implementation of a 20mph Speed Limit on Littlemoor Road will assist with compliance.

Highway Safety

There have been no reported collisions involving personal injury during the last five years, 28 February 2007 to 1 March 2012 on Littlemoor Road from its junction with Whalley Road through to Copperfield Close.

No additional off-site highway works are recommended to accommodate the anticipated additional turning traffic.

However, there are some aspects of the initial site layout that should be revised to enhance highway safety.

Provision of Footways

There is intermittent footway provision along Littlemoor Road and it is not the intention to require the applicant to provide comprehensive new off-site footway provisions.

There is a proposed footway link within the site providing a continuous route from Littlemoor Road through to Park Road.

A sum of £10,000 is requested to enable this link to be completed.

PROW

There are no Public Rights of Way within or bordering this site.

Public Transport

There are existing scheduled service stops operating along Whalley Road and further to the east on Littlemoor Road. However, these facilities could realistically be enhanced and improved to attract additional passengers and reduce the reliance of the site on journeys by private vehicle.

A sum of £20,000 is requested to meet this need.

Cycling

There is no request for specific cycle provisions from this development.

Traffic Regulation Orders

There are no TRO's being proposed as a part of this

application. A contribution to the proposed 20mph Speed Limit on Littlemoor Road has previously been discussed, but this matter has already been progressed by Lancashire County Council as part of its ongoing programme of works.

Committed Development

There are two committed developments on the old Barkers Nursery site (3/10/0550 and 3/10/0236) that will have a potential impact on highway activity in this vicinity.

Standard Conditions

There are a number of Standard Conditions that will apply to this application:-

S106 Agreement

The following items should be include in any subsequent S106 agreement:-

- a. The provision of two enhanced and improved bus stop facilities on Whalley Road and/or Littlemoor Road at an estimated cost of £20,000.
- b. The provision of a new footway within the site to provide a continuous link from Littlemoor Road through to Whalley Road, via Park Road. The cost of completion of this work is estimated at £10,000.

In addition, there is a section of footway within the adopted highway, at presently poorly defined, to the east side of Littlemoor Road across the entrance to Numbers 7 and 15. This link must be reinstated to a suitable standard, with the existing materials, including some cobbles, removed. This will have no impact on the available width of Littlemoor Road.

LANCASHIRE COUNTY COUNCIL (PLANNING CONTRIBUTIONS):

The Planning Contribution request for Lancashire County Council Services based upon the Policy Paper 'Planning Obligations in Lancashire' is as follows:

Transport

The application is being assessed by the transport team.

Education

This consultation response seeks to draw the Council's attention to impacts associated with this development and proposes mitigation for these impacts through a planning obligation. The contribution described is directly linked to the

development described and would be used in order to provide education places within a reasonable distance of the development (within 3 miles) for the children expected to live on the development.

The latest information available at the time of this assessment (11 June 2012) was based upon the 2012 annual pupil census and resulting projections.

Based upon the latest assessment, LCC would be seeking a contribution for 17 primary school places with the detailed breakdown of the assessment as follows:

Development details 49 dwellings
Primary place requirement: 17 places
Secondary place requirement: 12 places

Local primary schools within 2 miles of development:

ST JAMES' CHURCH OF ENGLAND PRIMARY CLITHEROE
ST MICHAEL AND ST JOHN'S RC PRIMARY CLITHEROE
CLITHEROE EDISFORD PRIMARY SCHOOL
CLITHEROE BROOKSIDE PRIMARY SCHOOL
CLITHEROE PENDLE PRIMARY SCHOOL
BARROW PRIMARY SCHOOL
WADDINGTON & WEST BRADFORD C O F E VA PRIMARY

Projected places in 5 years: -7

Local Secondary schools within 3 miles of the development:

RIBBLESDALE HIGH SCHOOL/TECHNOLOGY COLLEGE
CLITHEROE GRAMMAR ACADEMY
Projected places in 5 years: 62

Education requirement:

Primary

*Latest projections*¹ for the local primary schools show there to be a shortfall of 7 places in 5 years' time, the shortfall will occur without the impact from this development. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 17 places.

Secondary

*Latest projections*¹ for the local secondary schools show there to be approximately 62 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

However a number of planning applications have already been approved in this area and these have an effect upon the places available.

These developments are:

- Barkers Garden Centre
- Former Cobden Mill

Therefore, the number of remaining places would be 62 less 19 = 43 places. With an expected pupil yield of 12 pupils from this development, it is expected that there would be sufficient places.

Other developments pending approval or appeal decision which will impact upon these secondary schools:

There are also a number of additional housing developments which will impact upon this group of schools which are pending a decision or are pending appeal. Details are as follows:

- Land of Milton Avenue
- Woone Lane
- Site 2 Barrow Brook Business Village
- Lawsonsteads
- Victoria Mill

Effect on number of places:

The proportion of the combined expected yield from these developments which is expected to impact upon this group of secondary schools is 70 pupils. Therefore, should a decision be made on any of these developments (including the outcome of any appeal) before agreement is sealed on this contribution,

our position may need to be reassessed, taking into account the likely impact of such decisions.

Summary of response:

The latest information available at this time was based upon the 2012 annual pupil census and resulting projections.

Based upon the latest assessment, LCC would be seeking a contribution for 17 primary school places.

Calculated at 2012 rates, this would result in a claim of:

Primary places:

$(£12,257 \times 0.9) \times \text{BCIS Indexation (304.20 April 2011 / 288.4 Q4 2008 = 1.054785)}$
= £11,635.65 per place
 $£11,635.65 \times 17 \text{ places} = £197,806$

NB: If any of the pending applications listed above are approved prior to a decision being made on this development the claim for secondary school provision could increase up to maximum of 12 places.

Calculated at 2012 rates, this would result in a maximum secondary claim of:

Secondary places:

$(£18,469 \times 0.9) \times \text{BCIS Indexation (304.20 April 2011 / 288.4 Q4 2008 = 1.054785)}$
= £17,532.74 per place
 $£17,532.74 \times 12 \text{ places} = £210,393$

† Latest projections produced at spring 2012, based upon Annual Pupil Census January 2012.

ENVIRONMENT AGENCY:

Have no objection in principle to the proposed development subject to the inclusion of conditions.

UNITED UTILITIES:

In their initial response dated 10 August 2012 object to the application pending the submission of additional information including the need for a Load and Flow Impact Assessment, preferred discharge points and proposed rates of flow for each discharge point so that United Utilities could determine the full impact the development would have on their assets.

ADDITIONAL
REPRESENTATIONS:

18 letters of objection have been received. Members are referred to the file for full details which can be summarised as follows:

1. Concerns over the inadequate provision for access to the site through the Whalley Road/Littlemoor junction in particular:
 - the existing Whalley Road/Littlemoor junction/initial length of Littlemoor has a substandard layout which constrains traffic movements and impacts on the safe and free flow of traffic;
 - the proposed development would add to traffic flows on Littlemoor and through the junction thereby exacerbating the highway dangers;
 - the proposal makes no provision for improvement of the junction and Littlemoor and on that basis should be refused planning permission.
2. Concerns regarding the capacity of infrastructure provision to support additional residential development – water/waste water, hospital, GP's, schools, leisure, car parks within the town.
3. The proposed access faces an area where there is no safe pedestrian walkway and thus with increased traffic it will increase the danger for pedestrians.
4. Impact on residential amenity through the construction process in terms of noise and dirt.
5. The site is designated as Essential Open Space (G6) in the Districtwide Local Plan. There appears to be an assumption that this designation need not be considered relevant any longer for this site, however the site is worthy of retention as open space to prevent coalescence in the area.
6. The site acts as an essential buffer in maintaining the character of the Grade II listed buildings adjacent to the site. The development would harm the setting of these buildings.
7. Concerns regarding wildlife, trees hedgerow retention/protection.
8. Loss of view.
9. Devaluation of property.

10. Loss of light.

Proposal

This is an outline application for up to 49 dwellings with associated roads, open space, landscaping and related elements. All matters are reserved for future submission with the exception of the proposed means of access.

A single point of vehicular access is shown into the site from Littlemoor at a point just to the east of the existing field gate. Two additional pedestrian/cycle access points are shown on the illustrative master plan – one towards the eastern end the Littlemoor frontage to link into the footpath that runs down the site boundary and a second to the north end of the site adjacent to Littlemoor View. A parking area is shown to the eastern corner of the site (adjacent to the Rugby field) to serve residents of the houses on the opposite side of Littlemoor.

The 49 dwellings are shown to consist of 8 bungalows, 31 semi-detached/terraced houses and 10 detached houses offering a range of 2-4 bed accommodation. An area of open space is shown adjacent to the Rugby field.

Site Location

The site is approximately 1.75 hectare of grazing land within the identified settlement boundary of Clitheroe. It is bounded to the south-east by Littlemoor, to the north-east by playing fields and the residential development of Copperfield Close, Littlemoor View and the back of properties fronting Whalley Road (including a petrol filling station) to the west and the former Barkers Nursery site and residential properties to the south. The land is designated as essential open space (saved Policy G6) in the Ribble Valley Districtwide Local Plan. There are listed buildings (grade II) fronting Littlemoor in the immediate vicinity of the site.

Relevant History

None.

Relevant Policies

Policy G1 - Development Control.
Policy G2 - Settlement Strategy.
Policy G6 - Essential Open Space.
Policy G11 - Crime Prevention.
Policy ENV6 - Development Involving Agricultural Land.
Policy ENV7 - Species Protection.
Policy ENV9 - Important Wildlife Site
Policy ENV10 - Development Affecting Nature Conservation.
Policy ENV13 - Landscape Protection.
Policy H19 - Affordable Housing - Large Developments and Main Settlements.
Policy H21 - Affordable Housing - Information Needed.
Policy RT8 - Open Space Provision.
Policy T1 - Development Proposals - Transport Implications.
Policy T7 - Parking Provision.
Addressing Housing Needs.
Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 19 Consultation Draft.

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 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.

National Planning Policy Framework.

Technical Guidance to the National Planning Policy Framework.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application are the principle of development, highway safety, nature conservation interests, infrastructure provision, visual and residential amenity. For ease of reference these are broken down into the following sub-headings for discussion:

Principle of Development

The starting point in relation to policy principles is the development plan. This has two elements, the RS (whilst soon to be abolished remains extant) and the Districtwide Local Plan – Saved Policies. The policies of the recently published NPPF must then be considered with a judgement being made in relation to the weight of the key material considerations.

The RS provides a position in relation to the housing requirements, affordable housing and the broad focus of development. Primarily, Policy L4 and L5 are significant policies in this case.

For decision making purposes, the Council has adopted the RS housing requirement pending its review through the preparation of the Core Strategy. The RS requirements plans for some 161 units per year against which the Council can demonstrate a 5.82 year supply at present. The Core Strategy seeks to plan for 200 units per year, however the scale of requirement has been subject to significant and extensive objections that remain to be resolved through the examination process and at this time, the Council attaches less weight to this element of the Core Strategy. The Council cannot however demonstrate a five year supply against this requirement. It should be borne in mind that whilst a five year supply can be demonstrated against the RS requirement, this is not a maximum or ceiling and development needs to be considered against the principles established in NPPF around the presumption in favour of sustainable development.

In terms of the saved Local Plan policies, in general terms the proposal site is within the existing settlement boundary and is located in a settlement where development would be directed. In that regard, it is consistent with the Local Plan, however the Plan does seek to restrict development on open land greater than 1 hectare. The site also falls under the designation of essential open space (Policy G6) which although a saved policy, is not carried forward in the submission Core Strategy.

A number of representations have been made to the Core Strategy in relation to the need to designate essential open space. These objections focus on a particular issue in Longridge, but

as yet are not resolved and will be considered as part of the examination process. In terms of quantity, a similar number of representations also relating to Longridge support the Council's approach to Policy G6. If we look at the extent of the objections as required by the transitional arrangements of NPPF in order to assign relevant weight, this highlights a number of aspects.

The objections relating to essential open space are focused around specific areas in Longridge and a desire to include private gardens within an open space designation. In response it is noted that other policies exist to protect the aspects raised as concerns. In general, there is not a significant weight of objections to the Council's approach in the Core Strategy but they are unresolved objections. The Council's Head of Regeneration and Housing does not consider that the level of objections outweighs the position with the G6 designation that it is considered out of date and by virtue of the Core Strategy, has been reviewed and not carried forward in the form that exists in the saved Local Plan policy. He therefore considers less weight should be attached to this policy. Similarly, the settlement strategy in the Districtwide Local Plan as a principle, is considered out of date in relation to both settlement boundaries and the development constraints that are set out. This is because that plan which was formed in the early 1990s and premised upon the relevant Lancashire Structure Plan policies applicable at that time, was established to control development, including housing growth against the strategic framework existing at that time. The adopted Local Plan (adopted 1990) had its strategic basis superseded by the Regional Strategy in 2008 and has been the subject to a review process as a consequence of the Core Strategy and with the Council's current position reflected in the submission Core Strategy. For these reasons it is considered that the development principles, including the application of Policy G6 must be considered out of date. That is not to say that the consideration of the impact of the development upon visual amenity, character of the area and impact upon relevant heritage assets should not be considered. However, the underlying principle of development falls now to be determined against the NPPF.

NPPF emphasises the need to base decisions on the development plan, unless material considerations indicate otherwise. The NPPF is clearly a material consideration as up to date national planning policy. The most significant material consideration is that of the presumption in favour of sustainable development. NPPF at paragraph 49 also highlights that housing applications should be considered in the context of that presumption.

The presumption confirms that where the relevant policies of a development plan is considered out of date, permission be granted unless:

Any adverse impacts of doing so would *significantly* (my emphasis) and *demonstrably* (my emphasis) outweigh the benefits when assessed against the policies of the framework.

The site is considered to be in a sustainable location, would contribute to the supply of housing including affordable provision and market choice. It would be consistent with the policies of NPPF to proactively drive and support economic growth. The impact upon overall housing supply and development strategy would not be so significant to the overall provision to cause harm to the submission Core Strategy and consequently overall is not considered to either significantly or demonstrably outweigh the benefits listed above as a matter of principle.

The development of the site in principle would therefore accord with the presumption in favour of sustainable development and is consequently consistent with the provisions of NPPF which has relevant material consideration, given the view that relevant policies of the development plan are out of date lead to a conclusion that permission should be granted. However, there are

other material considerations that would need to be satisfied in relation to the application as a whole and these are examined within the remainder of this report.

Affordable Housing

In considering the affordable element of the proposal it is important to have regard to Policies H19 and H21 of the DWLP and the Council's document entitled Addressing Housing Needs.

The scheme is submitted with 30% of the site being offered as affordable units. The initial offer made was that 15 units in total be provided with a split of 7 shared ownership (2 x bungalows & 5 x 2 or 3 bedroom houses) and 8 as affordable rented housing (2 x bungalows & 6 x 2 or 3 bedroom houses)

The scheme has been considered by the Strategic Housing Working Group and revisions sought to the submitted agreement.

The legal agreement content sub heading later within this report provides specific details for the clauses covering the affordable elements.

Highway Safety

It is clear from the observations of the County Surveyor that he has no objection in principle to the proposal on highway grounds. As Members will note many of the objections to this development from nearby residents relate to matters of highway safety and the ability of the existing road network in the area to cope with the traffic generated by this development.

The Transport Assessment (TA) submitted in support of this application does make reference to the committed development on the former Barkers Nursery site but in terms of potential highway impacts assesses these on the basis of the existing layout remaining in place until 2013. The County Surveyor has studied the TA and does not dispute the conclusions reached therein which state that the Whalley Road/Littlemoor junction is considered acceptable in operational terms for this scale of development.

Members will note from the response that a series of financial contributions are sought from the County Surveyor for works associated with this development. To clarify for Members the contributions sought for sustainable transport measures would be used to upgrade 2 bus stops on Whalley Road and to enhance the footway connection to Park Street. On the basis of securing these, notwithstanding the concerns raised, there is no objection raised to this scheme on highway safety grounds.

Public Open Space

On a site of this size under Policy RT8 of the DWLP the layout will usually be expected to provide adequate and usable public open space (POS) or for the developer to provide a contribution towards sport and recreational facilities within the area where the overall level of supply is inadequate.

The site layout provides for an area of public open space adjacent to the rugby pitch at a location adjacent to the entrance into the site and this area comprises both an element of public open space and car parking for the benefit of existing properties along Littlemoor. After having discussed the area of land set aside for this use with the Council's Head of Cultural and Leisure

Services it was concluded that the area was not sufficient for the number of houses proposed. Negotiations with the applicant have resulted in the approach to this site in terms of POS being a mix of some on site provision and a commuted sum to be used towards improving facilities elsewhere within the town. The basis for calculating the off site contribution has been to exclude the over 55 yrs bungalows and say that the small area of open space on site would meet that particular need. The accompanying legal agreement sets out that the area of on site POS would be maintained by the developer for a period of one year with after which arrangements will be made to provide for future maintenance ie be privately managed.

In terms of the total sum of money to be paid for off site works the applicant's agent has agreed to the sum of £32,021 (based on a calculation used at Barrow Brook phases 1 and 2 and applied to properties for the under 55yrs). The Council's Head of Cultural and Leisure Services will make an assessment as to how this will be apportioned between the town's existing facilities to ensure that needs are met across different age ranges within a suitable distance of the site. He has recently undertaken an audit of such facilities and will use that information to finalise such details within the Section 106 Agreement should Committee be minded to approve the application.

Having regard to all the above I am of the opinion that the requirements of Policy RT8 of the plan have been met in respect of this scheme by a combination of on site and off site contributions towards open space provision.

Infrastructure Provision

Members will note that there have been objections raised to the development on the grounds of insufficient infrastructure capacity with specific reference made to water/wastewater and education amongst other things.

The application has been submitted with a Flood Risk Assessment. The site is in Flood Zone 1 which is defined as having little or not probably of flooding. The Environment Agency are satisfied with the assessment submitted and have requested a condition to require the development be carried out in accordance with the mitigation measures identified within that report regarding limiting surface water run off. United Utilities objected to the application pending submission of additional information in order that they could determine the full impact which this development would have on their assets given that recent investigations had confirmed that the sewer network serving the area is nearing capacity. It is understood that the applicant has carried out the additional survey work and is liaising direct with United Utilities in order to satisfy their concerns.

In respect of education provision Committee will note the comments from colleagues at LCC regarding this matter under the consultee responses section at the beginning of this report. A scheme of this size results in a claim of £197,806 towards primary places but with no contribution towards secondary provision. The applicants are fully aware of the contribution sought and accept the principle of making payments to reflect the legitimate education requirements of this scheme and to this end are seeking confirmation from LCC regarding this matter. The latest draft version of the Section 106 Agreement includes provision for a sum of money, as yet not agreed, to cover this request but the applicant has advised that until they receive further clarification on the methodology underlying the calculation for the potential financial contribution they are not in a position to agree the actual sum of money requested by LCC. It is hoped this matter will be resolved prior to Committee.

Nature Conservation/Trees/Landscaping/Ecology

As stated previously, this is a greenfield site and the application has been submitted with an Ecological Survey and Assessment – the scope of which includes an Extended Phase 1 Habitat Survey and Assessment. The site comprises improved grassland grazed by cattle. There are areas of boundary hedgerow and trees and whilst these are assessed as not being of high ecological value they are likely to support breeding birds and possibly roosting bats. The survey identifies that the key ecological impacts of the development will include potential impacts to nesting birds and roosting bats within trees, hedgerows and scrub. Therefore, should the application be approved, conditions will need to be imposed to ensure that any vegetation clearance work takes place outside the bird breeding season and that mitigation for the loss of breeding bird habitat should be provided.

In respect of the tree coverage on site, a tree survey has been undertaken and on the basis of the information provided to date, the scheme is not considered at this stage to significantly affect the established trees bordering the site. Members will note that should they be minded to approve the application conditions are suggested in this respect to seek further clarification on this matter to ensure that adequate protection zones are provided to all established trees. Should there prove to be issues when such details are provided then the layout may need minor revisions to take account of those matters. As Members will be aware the layout is an indicative layout at this stage and the submission of reserved matters would allow for the minor repositioning of dwellings – this is reflected in the suggested conditions.

Layout/Scale/Visual Amenity/Heritage

As stated previously this is an outline application with the only detailed matter being applied for at this time being the means of access. However there is a requirement for submissions to provide a basic level of information in respect of use, amount of development, indicative layout and scale parameters in order for a Local Planning Authority to make detailed consideration on the use and amount of development proposed.

An illustrative masterplan has been submitted to show how the scheme would fit into the immediate surroundings with built development along roughly three quarters of its site boundaries with the site access and parking and area of public open space to the eastern corner. The layout proposed with these open areas along the Littlemoor frontage provide a green buffer between the built part of the site and grade II listed buildings. In visual terms I am mindful of the site's relationship with the aforementioned listed structures and this has been raised by a number of objectors. Thus the Council's Design and Conservation Officer has offered comments on the Heritage Assessment submitted in relation to this application as follows:

Despite nearby encroachment, a visitor to Littlemoor is suddenly given the impression of being within an isolated rural hamlet. The twists and turns of the road provide continuously interesting and changing views which end upon the former Littlemoor Mill to the south and the hill top barn to the east. Views of Whalley Road, St James Church and Clitheroe Castle are marred by modern development to some degree but compliment the experience. This character and appearance is also evident in views from the public footpath on the hill top to the east – an historic barn in the foreground, Littlemoor in the middle distance and Longridge Fell and Parlick Pike as backdrop.

In my opinion, the building of a housing estate will be incongruous and very harmful to the historic agricultural setting and significance of the listed buildings and is thus contrary to Policies ENV19 and G1 of the Local Plan. In respect to ENV19(v) there would not appear to be a substantial (or any) enhancement of the environment; whilst there will be welcome immediate economic benefit from construction I am not convinced that this can be considered to be substantial, of direct benefit to the community or of such a magnitude to outweigh the harm to designated heritage assets of national importance.

National guidance contained within NPPF specifically chapter 12 details conserving and enhancing the historic environment. Paragraph 131 provides advice when determining planning applications noting that LPAs should take account of

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable use as consistent with their conservation.
- The positive contribution that conservation and heritage assets can make to sustainable communities including their economic vitality.
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 provides more advice when considering the impacts of a proposed development on the significance of a designated heritage asset, with paragraph 133 noting that where a proposed development will lead to substantial harm, or total loss of significance of a designated heritage asset, LPAs should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The relevant sections of NPPF have already been quoted within this report and it is also important to have regard to guidance offered within the HEPPG which states in paragraph 76 that *the key to sound decision making is the identification and understanding of the differing and perhaps conflicting, heritage impacts accruing from the proposal and how they are to be weighed against both each other and any other material planning considerations that would arise as a result of the development proceeding.* Paragraph 79 of HEPPG outlines a number of potential heritage benefits that could weigh in favour of a proposed scheme and amongst other things, this cites securing optimum viable use of the heritage asset in support of its long term conservation, it better reveals the significance of heritage asset and therefore enhances our enjoyment of it and sense of place, and it makes a positive contribution to economic vitality and sustainable community. NPPF refers to the three dimensions of sustainable development and I consider it is important to assess the proposal against those as follows.

Economic Role – this scheme will ensure that sufficient land of the right type is available and in the right place in terms of the site's location in relation to the amenities of Clitheroe.

Social Role – the provision of land for housing to meet the needs for future and present generations by creating a high quality design scheme that is accessible to local services and accommodates market and affordable housing for different household sizes and ages.

Environmental Role – development should contribute to protecting and enhancing the natural, built and historic environment and it is this latter respect that due regard needs to be given to the level of harm or loss of significance to a heritage asset and then weighing any harm against public benefits of the proposal. I am conscious that the Council's Design and Conservation Officer has expressed concerns about the level of harm and considers this to be significant. However, I am also mindful of the presumption in favour of sustainable development advocated

in NPPF unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of an assessed in the context of the policies in the framework.

In terms of assessing this scheme against the saved Local Plan policies in respect of heritage, it is important to have regard to Policy ENV19 which concerns itself with the development proposals on sites within the setting of listed buildings. It advises that proposals which cause harm to the setting of the building will be resisted and offers a number of factors to take into account including the desirability of preserving the setting, the effect of the proposed development on the character of the listed building and the contribution which the listed building makes to the townscape or countryside and extent to which the proposal would bring substantial benefits to the community including economic benefits and enhancement of the environment. It comments the setting may be limited to ancillary land, but may often include land some distance away from it.

As Members can see, there is thus a judgement to be made between the need to protect designated heritage assets and the wider benefit to be gained from allowing a development of this nature to proceed. I have outlined the three elements of sustainable development above and do conclude that this scheme would accord with those provisions. After careful consideration in this respect, and having regard to the duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is concluded that the layout put forward on the illustrative Masterplan has been design to conserve heritage assets in the manner appropriate to their significance. A green buffer is provided on the road frontage to the site and the overall layout and design details of the proposal are available at this outline stage do, in my opinion, have regard to the setting and significance of this group of buildings.

In respect of scale parameters the height limits of a maximum of 9m for 2.5 storey properties and 6m for 1.5 storey units would not, I consider, appear over dominant when compared with surrounding development. Committee should remember these are an indication of the lower and upper limits for development and further information will then be submitted at reserved matters stage to provide precise details of each unit in terms of scale and appearance. These do however enable a judgement to be made on relationship with adjoining properties to the development site at this time.

Therefore, having carefully considered the scheme as put forward I am of the opinion that in respect of visual amenity there would be no significant detriment to be caused to the visual qualities of the area were this development to proceed.

Residential Amenity

In considering residential amenity it is important to have regard to the relationship of the site with surrounding land uses as well as the actual layout shown on the submitted masterplan. Members should be aware however that layout is a matter reserved for consideration at a latter date and thus the masterplan provided indicates an approximate location of buildings and how the built form could relate to the surrounding residential properties and the garage forecourt and service station that fronts onto Whalley Road.

To the east of the site is the rugby pitch with residential development to the north east (Copperfield Close), Little Moor View to the north west and a petrol filling station to the west of the site. To the south and south east there is also residential development. Reference has already been made to the layout of the proposed development under a separate heading within this report and the approach taken to that means that in terms of distances between facing

properties within the site I consider there to be sufficient distance between built form so as not to have a detrimental impact in terms of overlooking/overbearing/cramped nature of development.

Due to the location of the petrol filling station and its car wash facilities immediately adjacent to the western site boundary a noise impact assessment has been submitted in support of the application in order to assess the specifics of that relationship. That has been assessed by colleagues in the Environmental Health section with the conclusion reached that suitable mitigation measures can be provided within the construction of the new dwellings in order to address any potential adverse impacts from that commercial activity on new residential accommodation.

Turning to properties on Little Moor View this is a terrace of properties that lie to the east of the site which front onto the proposed development. The indicative masterplan shows 3 bungalows in this part of the overall site. Approximate distances between residential accommodation is shown as 20m and in relation to properties on Copperfield Close approximately 24m. In respect of other properties bordering the site I consider separation distances acceptable. As already stated layout is not a detailed matter being applied for at this time and the masterplan provided, whilst indicating approximate locations of built form, is for illustrative purposes. Any submitted reserved matters application would need to be in general conformity with the principle of the urban grain as laid out on that plan ie the location, arrangement and design of the development blocks and plot arrangement but further detailed consideration and minor repositioning of development blocks could be secured at that stage if it was considered necessary.

Comments have been received about loss of light and loss of view. The distances between respective built form has already been referred to and I do not consider that any adjacent properties would suffer any significant detriment from potential loss of light or overbearing/oppressive nature of development were this scheme to proceed. In terms of loss of view Members will be aware that there is no right to a view. The important consideration here is view in the context of the setting of the listed buildings that are adjacent to the site and this has been discussed elsewhere within this report.

Section 106 Agreement

The applicant has submitted a draft Legal Agreement that covers matters of affordable housing provision, highways contributions, public open space and education. To clarify for Members the Section 106 Agreement will stipulate the following:

1. Affordable Housing

- The total number of affordable units shall consist of 15 new build dwellings.
- 7 of the units shall be shared ownership properties.
- 8 of the units shall be affordable rental properties.

2. Education

- A sum of £'xxx' to be paid in two equal instalments, the first of which being payable on the occupation of xx of the units and the remainder on completion of the scheme.

This matter is under discussion with LCC to finalise the figures.

3. Highways

- A sum of £30,000 to be paid for sustainable transport measures would be used to upgrade 2 bus stops on Whalley Road and to enhance the footway connection to Park Street.

4. Open Space Provision

- A sum of £32,021 to be paid in respect of the administration and upgrading and management of public open space within the town,
- The on site area of open space to be maintained by the developer for a period of not less than one year after which arrangements will be made to provide for future maintenance by means of a scheme to be approved by the Council.

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 the application be deferred and delegated to the Director of Community Services for approval following the satisfactory completion of a Legal Agreement within a period of 6 months (from the date of this decision) as outlined in paragraphs numbered 1-4 under the Section 106 Agreement sub heading within this report and subject to the following conditions:

1. Application for approval of reserved matters must be made not later than the expiration of 3 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 3 years from the date of this permission; or
 - (b) the expiration of 2 years from 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 comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

2. No development shall begin until detailed plans indicating the design and external appearance of the buildings, landscape and boundary treatment, parking and manoeuvring arrangements of vehicles, including a contoured site plan showing existing features, the proposed slab floor level and road level (called the reserved matters) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

3. The submission of reserved matters in respect of layout, scale, appearance, landscaping and implementation of development shall be carried out in substantial accordance with the Design and Access Statement, email dated 7 September 2012 providing additional information on parameters of scale and Masterplan Drwg No SP(90)_022 rev A.

REASON: For the avoidance of doubt to define the scope of this permission.

4. No part of the development hereby approved shall commence until a scheme for the construction of the site access in accordance with drwg 9W7186 SK016 Rev B and the off-site works of highway improvement has been submitted to and approved in writing 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 in order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/work are acceptable before work commences on site.

5. The new estate road/access between the site and Littlemoor shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

REASON: To comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and to ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

6. The development permitted by this permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off site.

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

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

7. Any application for the submission of reserved matters shall include a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres. In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area) must be shown.

The details of each tree (in a separate schedule of tree works for all the trees in the above) specifying the details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection /Construction Exclusion Zone of any tree, including those on neighbouring ground, and a statement setting out the

principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure and a shall be submitted to and agreed in writing with the Local Planning Authority prior to commencement of any works on site.

REASON: In order to ensure that any trees affected by development 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 Districtwide Local Plan.

8. The building envelope of plots with elevations facing towards Whalley Road/Little Moor View shall be constructed so as to provide sound attenuation against external noise with windows shut in accordance with the mitigation measures outlined in section 4.3 of the submitted Noise Impact Assessment dated 16 July 2012.

REASON: In the interests of residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

9. No development shall begin until a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods, has been 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 Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan.

10. No development shall take place until details of the provisions to be made for building dependent species of conservation concern artificial bird nesting boxes and artificial bat roosting sites have been submitted, and approved by the Local Planning Authority.

The details shall be submitted on a building dependent bird/bat species development site plan and include details of plot numbers and the numbers of per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated -north/north east elevations for birds & elevations with a minimum of 5 hours morning sun for bats.

The artificial bird/bat boxes shall be incorporated into those dwellings/buildings during the actual construction of those individual identified on the submitted plan before the development is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of biodiversity in accordance with Policy G1 of the Districtwide Local Plan

11. Prior to commencement of any works, a detailed mitigation plan for species identified in the ecological survey and assessment dated June 2011 [April 2012] including measures for protecting breeding sites or resting places shall be submitted to and approved in writing by the local planning authority.

The measures as detailed in the approved mitigation plan shall also include details of measures to enhance the ecological and biodiversity of the site through appropriate

landscape planting and long - term management. All details shall be implemented in accordance with an agreed specified timetable and thereafter shall be permanently maintained in accordance with the approved details.

REASON: In order to reduce the impact of the development on biodiversity and safeguard the natural habitats of those species of conservation concern in accordance with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan.

12. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified under the requirements of condition 7 shall be protected in accordance with the BS5837 2012 [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 zones 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 with out 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 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 Districtwide Local Plan.

13. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors
- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (v) wheel washing facilities
- (vi) measures to control the emission of dust and dirt during construction
- (vii) a scheme for recycling/disposing of waste resulting from construction works

REASON: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

14. The dwellings shall achieve a minimum Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

REASON: In order to encourage an energy efficient development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

15. This outline planning permission shall be read in conjunction with the Legal Agreement dated ...

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

NOTE(S):

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 hereby reserved 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.
2. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information by telephoning Area Surveyor East 01254 823831 or writing to the Area Surveyor East, Lancashire County Council, Area Office, Riddings Lane, Whalley, Clitheroe BB7 9RW quoting the planning application number.
3. 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.