

RIBBLE VALLEY BOROUGH COUNCIL

Development Department

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

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Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

APPLICATION NO: 3/2012/0179

DECISION DATE: 25 June 2013

DATE RECEIVED: 05/09/2012

APPLICANT:

Briery Homes Ltd
Helm Bank
Natland
Kendal
Cumbria
LA9 7PS

AGENT:

Janet Dixon Town Planners Ltd
10A Whalley Road
Clitheroe
Lancs
BB7 1AW

PARTICULARS OF DEVELOPMENT: Outline application for a residential development for the elderly, comprising of 37 bungalows and 40 retirement apartments.

AT: Land at Accrington Road Whalley Lancashire

Ribble Valley Borough Council hereby give notice in pursuance of provisions of the Town and Country Planning Act 1990 that **outline planning permission has been granted** for the carrying out of the development referred to above in accordance with the application and plans submitted 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 reprofiled land contours, 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 Policy DMG1 of the Regulation 22 Submission Draft Core Strategy in order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline permission.

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- 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, Proposed Site Location Plan 1637-LOC C amended 4 September 2012 and Indicative Site Plan Drwg No 1637-40J amended 16 November 2012.

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 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 and Policies DMG1 and DMG3 of the Regulation 22 Submission Draft Core Strategy 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 Accrington Road 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 Policies DMG1 and DMG3 of the Regulation 22 Submission Draft Core Strategy to ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

- 6 Prior to the commencement of development a detailed method statement for the removal or treatment and control of Giant Hogweed (*Heracleum Mantegazzianum*) and Himalayan Balsam (*Impatiens Glandulifer*) on site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of proposed working methods to be adopted to prevent the spread of the species during any operation such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/rot/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

REASON: To prevent the spread of non-native invasive species Himalayan Balsam in the interests of protecting nature conservation issues in accordance with Policies G1, ENV7, ENV9, ENV10 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1, EN4 and DME3 of the Regulation 22 Submission Draft Core Strategy.

- 7 No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. 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 Policy ENV14 of the Ribble Valley Districtwide Local Plan and Policy EN5 of the Regulation 22 Submission Draft Core Strategy.

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- 8 Any application for the submission of reserved matters shall include specific measures for the provision of a suitable noise barrier along the western boundary of the proposed car park. The measures so submitted and approved in writing by the Local Planning Authority shall thereafter be implemented in accordance with the approved measures prior to commencement of use of the car park and retained in perpetuity.

REASON: In the interests of residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy,

- 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 Policy DME5 of the Regulation 22 Submission Draft Core Strategy.

- 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 to and approved in writing 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 boxes/roosting sites 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.

The artificial bird/bat boxes shall be incorporated into those dwellings/buildings during the construction of those properties as identified on the submitted and approved plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of biodiversity in accordance with Policies G1 and ENV7 of the Districtwide Local Plan and Policies DMG1 and EN4 of the Regulation 22 Submission Draft Core Strategy.

- 11 Prior to commencement of any development works which may affect habitats identified in the baseline ecological survey report a detailed mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall include details of the timing of tree works, hedgerow removal in order to avoid the nesting season all works shall proceed in accordance with the approved strategy with any amendments agreed in writing.

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 and Policies DMG1 and EN4 of the Regulation 22 Submission Draft Core Strategy.

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- 12 Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified on the survey of existing trees (drawing no. c-812-01 all on site trees - T1/2/3 & all off site trees inclusive) shall be protected in accordance with the BS5837 2012 (Trees in Relation to Construction) the details of which shall be agreed in writing and implemented in full under the supervision of a qualified arboriculturalist and in liaison with the Council's Countryside/Tree Officer.

A tree protection - monitoring schedule shall be submitted to and approved in writing by the Local Planning Authority with the tree protection measures so approved being inspected by the Local Planning Authority before any site works are begun.

The root protection/exclusion zone 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/exclusion 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 Planning 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 and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

- 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 and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

- 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 and Policy DME5 of the Regulation 22 Submission Draft Core Strategy.

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- 15 The flood compensation scheme outlined in the report dated 24 August 2012 and referenced SMB/557/2383 by Herrington Consulting shall be constructed and completed in full to the satisfaction of the Local Planning Authority prior to the commencement of any other development on site.

REASON: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and that there is no net loss of flood storage as a result of the development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

- 16 All ground floor levels shall be set at 46.60m Above Ordnance Data (AOD).

REASON: To reduce the danger to indented occupants of the building(s) from potential flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

- 17 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1:100 year return period critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include details of how the scheme shall be maintained and managed after completion and the location of the proposed storage tanks or pipes which must not be located within the flood plain.

REASON: To prevent the increased risk of flooding, both on and off site in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

- 18 Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order with or without modification, no structure shall be erected within the flood storage area as delineated within the letter report by Herrington Consulting dated 24 August 2012; reference SMB/557/2383 and the revised illustrative site layout (drawing No 1637-40H).

REASON: To prevent the erection or construction of any features which may detrimentally affect or reduce the flood storage capacity of the site in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

- 19 No development shall take place until the proposed wildlife pond as shown on the revised illustrative site layout (dwg. No. 1637-40J) is constructed in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proposed development contributes to improving the biodiversity value of the site in accordance with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy EN4 of the Regulation 22 Submission Draft Core Strategy.

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- 20 No development shall commence until details of a lighting scheme (location, type, light direction and intensity) have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details to demonstrate how artificial illumination of important wildlife habitats (the River Calder and its banks, trees with bat roost potential, hedgerows used by foraging and commuting bats) is minimised. The approved lighting scheme shall be implemented in accordance with the approved details.

REASON: In order to avoid adversely affecting the natural behaviour of protected species in accordance with Policies ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan and Policy EN4 of the Regulation 22 Submission Draft Core Strategy.

- 21 The development hereby approved shall not exceed 77 dwelling units consisting of 37 bungalows and 40 apartments in accordance with the submitted Proposed Site Plan reference 1637-040 Amendment J received by the Local Planning Authority on 16th November 2012.'

REASON: In order that there is no ambiguity in the decision notice over what amount of development has been approved.

- 22 Prior to the commencement of development, a strategy outlining the general system of drainage for foul and surface water flows arising from the entire site shall be submitted to the Local Planning Authority and approved in writing. This strategy shall include details of any necessary infrastructure. Thereafter the detailed schemes for foul and surface water drainage for any phase of the development shall be submitted for approval in accordance with the strategy for the entire site approved under this condition. In the event that site investigations demonstrate that a gravity fed foul water system is not possible, the foul water pumping station shall have a maximum foul pumping rate set at no greater than 5 l/s and shall include sufficient storage to comply with the design criteria outlined in SFA 6th Edition.'

REASON: To ensure sufficient details are submitted detailing the proposed means of drainage of the site in accordance Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

- 23 Prior to the commencement of any phase of development, details of the foul drainage scheme for that phase including any necessary infrastructure shall be submitted to and approved in writing by the Local Planning Authority. No housing shall be occupied for that phase until the approved foul drainage scheme for that phase has been completed in accordance with the approved details. Unless otherwise agreed in writing, the approved foul drainage scheme shall only connect to the foul sewer network at either manhole reference 5108 or manhole reference 5102 identified in the letter from David Wallbank of PSA Design to Daniel McDermott of United Utilities dated 13th June 2012.'

REASON: To ensure sufficient details are submitted detailing the proposed means of drainage of the site in accordance Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

- 24 Prior to the commencement of any phase of development, details for how foul and surface water shall be drained on separate systems shall be submitted to the Local Planning Authority and approved in writing for that phase. The development shall be completed, maintained and managed in accordance with the approved details.'

REASON: To secure proper drainage and to reduce the risk of flooding in accordance Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

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- 25 Prior to the commencement of any phase of the development, details for surface water drainage and means of disposal for that phase, based on sustainable drainage principles and evidence of an assessment of site conditions (inclusive of how the scheme shall be maintained and managed after completion and any necessary infrastructure) shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, no surface water shall discharge into the public sewerage system, directly or indirectly, in accordance with the submitted application form and flood risk assessment submitted by Graham Sanderson of PSA Design Dated 14th February 2012 reference T1528-D-01. The development shall be completed, maintained and managed in accordance with the approved details.'

REASON: To secure proper drainage and to reduce the risk of flooding in accordance Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

- 26 Prior to commencement of development a landscape management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for all landscaped areas (other than within curtilages of buildings) shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the details so approved.

REASON: In the interests of residential and visual amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

- 27 Prior to commencement of development details of the proposed car park including timing of the works, management responsibilities and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The car park shall thereafter be provided in accordance with the details so approved.

REASON: In the interests of amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

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Ribble Valley Districtwide Local Plan Adopted June 1998

Policy G1 - Development Control.
Policy G5 - Settlement Strategy.
Policy G11 - Crime Prevention.
Policy ENV3 - Development in Open Countryside.
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 ENV16 - Development Within Conservation Areas.
Policy ENV17 - Details Required with Proposals in Conservation Areas.
Policy ENV19 - Listed Buildings.
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.

Core Strategy 2008-2028 - A Local Plan for Ribble Valley Regulation 22 Submission Draft

DS1 - Development Strategy.
EN3 - Sustainable Development and Climate Change.
EN4 - Biodiversity and Geodiversity.
EN5 - Heritage Assets
H1 - Housing Provision.
H2 - Housing Balance.
H3 - Affordable Housing.
DMI1 - Planning Obligations.
DMI2 - Transport Considerations.
DMG1 - General Considerations.
DMG2 - Strategic Considerations.
DMG3 - Transport and Mobility.
DME2 - Landscape and Townscape Protection.
DME3 - Site and Species Protection and Conservation.
DME4 - Protecting Heritage Assets.
DME5 - Renewable Energy.
DME6 - Water Management.
DMH1 - Affordable Housing Criteria.
DMB4 - Open Space Provision.

Technical Guidance to the National Planning Policy Framework.
Addressing Housing Needs.
Whalley Conservation Area Appraisal and Management Guidance.
Historic Environment Planning Practice Guide.

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.

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The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. Whether or not this was used, the Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development .

Note(s)

- 1 For rights of appeal in respect of any condition(s)/or reason(s) attached to the consent 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 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 is advised to contact the Environment Directorate for further information.
- 4 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.
- 5 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.
- 6 This outline planning permission shall be read in conjunction with the Legal Agreement dated 25 June 2013 accompanying this application.



**JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES**

