



RIBBLE VALLEY BOROUGH COUNCIL

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e-mail: colin.sharpe@ribblevalley.gov.uk
my ref: CS/CMS/ENQ/2011/00352
your ref:
date: 15 March 2012

Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA

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Dear Mike

RE: PRE-APPLICATION ENQUIRY CONCERNING PROPOSED RESIDENTIAL DEVELOPMENT OF APPROXIMATELY 70 UNITS ON LAND AT CHATBURN ROAD, CLITHEROE

This letter is the Council's formal written response to your pre-application enquiry as described above. I apologise for the delay in sending this response to your enquiry.

As you are aware, in this case (as with most requests for pre-application advice for housing developments) much of the required advice is sought from other bodies/authorities. I propose to deal with that advice first.

The Environment Agency provided comprehensive advice in a letter dated 25 October 2011 (copy enclosed). There is no point in repeating that advice in this letter. However, in relation to the question of the information required to accompany any planning application, I would refer you to the Environment Agency's requirement for a Flood Risk Assessment and a report on the findings of an ecological survey to assess the level of risk posed by the development on the aquatic environment.

United Utilities have made a number of comments as follows:

- As there are some flooding issues downstream, they needed to carry out some investigation work to confirm that the flooding issues were not hydraulic but due to a failed sewer.
- They do not have any concerns about foul discharge into the network and would suggest connecting to the foul sewer in Chatburn Road rather than the adjoining development in Kirk Close.
- The existing development is currently served by a small submersible pumping station.
- The proposed land is very low in comparison to Chatburn Road and it may therefore be necessary to pump the foul waste up to the existing sewer in Chatburn Road.
- They would not allow surface water to drain into the public sewer network and would suggest that all surface water is dealt with by SUDS/soakaway with the residential

discharge to the watercourse/ditch crossing the site with the agreement of the Environment Agency.

I have enclosed a letter from Lancashire County Council dated 26 October 2011 on the subject of planning contributions. The requested contribution towards education (as calculated in October 2011) would be for £305,346 towards primary provision. In relation to secondary provision it is stated that (on the basis of the situation as at October 2011) no contribution from the developer would be sought. The County Council, however, makes it clear that "dependent upon the outcome of the pending developments, the total secondary claim could increase to a maximum of the full pupil yield for this development of 18 places which would amount to £331,272".

As circumstances are of course changing all the time, and as the County Council has given a best and worst case scenario, I have not considered there to be any value in seeking an updated calculation/request from the County Council. They will, of course, be consulted on any formal planning application and will base their requested education contribution on the situation at that time.

The present practice of the Borough Council is that the County Council's request for a financial contribution towards waste management would not be sought. However, I would advise you that the Borough Council now imposes a charge to the developer to cover the administration and delivery costs in providing wheeled bins to each new dwelling. Details of current charges are available from the RVBC Contact Centre on 01200 425111, and it is likely that a requirement for the developer to cover this cost for each unit in a proposed development would be included in a Section 106 Agreement attached to any planning permission.

You will have noted that there is no figure within the County Council's letter in relation to a contribution towards sustainable transport measures. This, however, has been addressed in an email dated 1 November 2011 from the County Council Traffic Engineer, Martin Nugent (copy enclosed).

In his first point, Martin confirms that the request would be £113,400. Martin makes nine other points that I trust you will find of assistance in the event that a formal planning application is prepared and submitted in relation to this proposed development.

Having dealt with those consultee responses and contribution requirements, I will now return to the matter of whether the proposed development is considered to be acceptable in principle in planning terms.

As you are aware, the Council cannot presently demonstrate a five-year supply of deliverable housing land. As at 1 October 2011 (the most up to date monitoring information) we had a 3.3 years supply and therefore paragraph 71 of PPS3 states that paragraph 69 should be considered. From the information that you have provided, the proposal appears to satisfy bullet point 3 of paragraph 69 with regards to the matter of sustainability in principle. It will, of course, need to be ensured that any formal planning application satisfies the other requirements of paragraph 69 as well as any relevant saved policies of the Local Plan.

In relation to affordable housing provision, a document entitled "Addressing Housing Need in Ribble Valley – Housing Policy" was considered by the Council's Health and Housing Committee on 19 January 2011. It was resolved that the policy document be adopted and that it be treated as a material consideration for the purposes of determining planning applications.

The new document is the same as the previous AHMU as it would require a 30% provision of affordable houses on this site. It differs from the previous policy document, however, because, on sites of more than 30 units there is now a requirement for 15% of the units to be for the elderly (over 55 year olds) that are to be built to lifetime homes standard. Of these elderly persons units, 50% are to be affordable (and counted within the overall 30% requirement) with the remainder available for sale at open market value, but to households with a local connection. Therefore, for a development of 70 units, we would require 21 affordable units comprising 6 elderly persons units and 15 properties split between 2 and 3 bedroom properties. In terms of tenure, I am advised by the Council's Housing Strategy Officer that we would be looking for a split between affordable rental and shared ownership.

The Council's Countryside Officer has commented that there are a number of mature trees and hedgerows running throughout the site. With any formal planning application we would therefore need a detailed tree survey and tree constraints plan as well as a Phase 1 Habitat Survey. He adds that there will be a presumption against the removal of any trees and hedgerows and that all trees that are to be retained would require minimum Root Protection Zones (RPZ's) plus 20%.

You mention the possibility of the land edged blue on your plan being used for amenity or other non-built purposes. Whilst this sounds like an attractive proposition it must be viewed in the context of the Council not being able to take on any long-term management of any such spaces. The long term management and maintenance of any such space would therefore need to be by a private company, and could be the subject of a Section 106 Agreement.

Overall, subject to the detailed matters/requirements covered in this letter being satisfactorily addressed in any planning application, the development of this site for housing purposes is considered to be acceptable in principle when viewed in relation to the housing land situation in the Borough and the local and national policy context applicable at the time this letter was written. During any lead up time to the submission of a planning application, I would advise that you pay regard to any changes in relation to the overall policy context, in particular the progress of the Council's Core Strategy.

Whilst I trust you will find this letter of assistance, I must point out that it is written at officer level only and is entirely without prejudice to the Council's formal consideration of any planning application that is submitted.

Yours sincerely



COLIN SHARPE
SENIOR PLANNING OFFICER

Mike Gee
Janet Dixon Town Planners Ltd
10A Whalley Road
CLITHEROE
Lancashire
BB7 1AW

Director of Development,

Phone: (01772) 534294

Ribble Valley Borough Council,

Fax: (01772) 534146

Council Offices

Email: Planning.Contributions@lancashire.gov.uk

Church Walk

Your ref: Pre-App

CLITHEROE

Our ref: PG/SS/PAT/KG

BB7 2RA

Date: 26th October 2011

FAO Colin Sharpe

Dear Colin,

PLANNING APPLICATION NO: PRE-APP

PROPOSED DEVELOPMENT: RESIDENTIAL DEVELOPMENT OF 70 DWELLINGS

LOCATION: LAND AT CHATBURN ROAD, CLITHEROE

Further to the consultation with regard to the above proposed development, this consultation response outlines the Planning Contribution request for Lancashire County Council Services based upon the Policy Paper 'Planning Obligations in Lancashire'.

Transport

There is likely to be a contribution request for sustainable transport measures in relation to this proposed development. This however, has not yet been determined.

To discuss this further, please contact Mark Hornby tel. 01254 828052 or Martin Nugent tel 01254 828060.

Education

Primary

There were 189 places in the local primary schools at January 2011 pupil census.

With *latest forecasts* for the local primary schools showing there to be a shortfall of 12 places in 5 years' time, the shortfall will occur without the impact from this

development. These forecasts 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. 25 places.

Secondary

There was a shortfall of 14 places in the local secondary schools at January 2011 pupil census.

Latest forecasts for the local secondary schools show there to be approximately 47 places available in 5 years' time. With an expected pupil yield of 18 pupils from this development, it is expected that there would be a further 29 places available.

However, planning applications have already been approved for Barkers Garden Centre, Victoria Mill and Cobden Mill, which have the potential to yield 24 additional pupils which are expected to attend one of these secondary schools. Therefore, the number of remaining places would be $47 \text{ less } 24 = 23$ places. With a potential yield of 18 pupils from this development, there would sufficient places to support this development.

Therefore, we would not be seeking a contribution from the developer in respect of the remaining pupil yield of this development, i.e. 18 places.

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

There are also two additional housing developments at Henthorn Road and Chatburn Old Road which will impact upon this group of schools which are pending a decision or are pending appeal.

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 71 pupils. Therefore, should a decision be made on either 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:

Error! Unknown switch argument.

The latest information available at this time was based upon the 2011 annual pupil census and resulting forecasts.

Based upon the latest assessment, LCC would be seeking a contribution for 25 primary school pupils.

Calculated at 2011 rates, this would result in a claim of:

Primary places: 25 @ (£12,257 *0.9) x 1.1072 = £305,346

Total contributions: **£305,346**

NB: Dependent upon the outcome of the pending developments the total secondary claim could increase to a maximum of the full pupil yield for this development i.e. 18 places. In this case the secondary contribution would be as follows:

Secondary places: 18 @ (£18,469*0.9) x1.1072= **£331,272**

Waste Management

The County Council makes vital major investments in waste management infrastructure for reasons of environmental protection and sustainability. Also, the necessity to secure the County Council's budget position as a waste disposal authority, through investing in an early switch away from land filling, has become all the more apparent, since the recent announcement on the rise in landfill tax in this year's National Budget . Every District in the County is being provided with advanced treatment facilities to treat waste prior to land filling, either directly or via purpose designed transfer stations. Since each and every new house, wherever it is in the County, has to be provided with this basic service and the Council has to comply with significant new requirements relating to the management of waste, it is considered that the Council is justified in requesting a contribution towards waste management. Based upon the Policy Paper methodology for Waste Management, the request is

£33,600

By way of summary, the likely planning contribution request for Lancashire County Council services is as follows :-

Waste Management	£ 33,600
Education	£ 305,346

Please could you provide us with feed back in terms of the decision, any S106 agreement and if refused any subsequent appeals to:

Planning.Contributions@lancashire.gov.uk

Regards



Richard Sharples

Planning Officer

Mr Colin Sharpe
Ribble Valley Borough Council
Development Control
Council Offices Church Walk
Clitheroe
Lancashire
BB7 2RA

Our ref: CE/2011/105127/01-L01
Your ref:
Date: 25 October 2011

Dear Mr Sharpe

**PROPOSED RESIDENTIAL DEVELOPMENT
CHATBURN ROAD, CLITHEROE**

Thank you for consulting us on the above pre-application enquiry.

We have considered the site in question, and as part of any subsequent planning application, the following issues will need to be considered:-

Flood Risk

The north western boundary of the site is adjacent to Pimlico Watercourse and parts of the site are shown to be located within Flood Zones 3 and 2, which are defined by Planning Policy Statement 25 Development & Flood Risk (PPS25) as having a high and medium probability of flooding respectively. PPS25 states that more vulnerable development may be appropriate in Flood Zones 3 and/or 2 provided that there are no alternative sites available for development at a lower risk of flooding (the Sequential Test) and the site satisfies the requirements of the Exception Test. It would be for the local planning authority to determine whether the site satisfies the Sequential Test and consider parts a) and b) of the Exception Test. We would comment on the proposals in relation to part c) of the Exception Test, i.e. is the development safe.

Any subsequent planning application will need to be accompanied by a Flood Risk Assessment (FRA). The FRA would need to demonstrate that the proposed development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. We have modeled the risk of flooding from the adjacent watercourses and we have predicted flood levels adjacent to the site for a range of flood events. The FRA should therefore include a topographic survey of the site to allow a comparison between the predicted flood levels and existing ground levels.

The landowner/applicant is advised to submit an information request to us for flood level information to help them undertake their FRA. Information requests can be sent via e-mail to the following address nwnorthpreston@environment-agency.gov.uk and a charge will be payable.

In the event that the applicant can demonstrate to us that the site satisfies the requirements of part c) of the Exception Test, they will also need to demonstrate that surface water run-off from the site can be restricted to existing rates.

Surface water run-off can be attenuated through the use of Sustainable Drainage Systems (SUDS). Support for the SUDS approach to managing surface water run-off is set out in paragraph 22 of PPS1: Delivering Sustainable Development and in more detail in PPS25 at Annex F. Paragraph F8 of the Annex notes that "Local Planning Authorities should ensure that their policies and decisions on applications support and complement Building Regulations on sustainable rainwater drainage". These not only attenuate the rate of surface water discharged to the system but help improve the quality of the water. They can also offer other benefits in terms of promoting groundwater recharge and amenity enhancements. This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands.

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SUDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Flow balancing SUDS methods which involve the retention and controlled release of surface water from a site may be an option for some developments at a scale where uncontrolled surface water flows would otherwise exceed the local greenfield run off rate. Flow balancing should seek to achieve water quality and amenity benefits as well as managing flood risk.

Further information on SUDS can be found in:

- PPS25 page 33 Annex F
- PPS25 Practice Guide
- CIRIA C522 document Sustainable Drainage Systems-design manual for England and Wales
- CIRIA C697 document SUDS manual
- The Interim Code of Practice for Sustainable Drainage Systems

The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available on both the Environment Agency's website www.environment-agency.gov.uk and CIRIA's website www.ciria.org.uk

Any works to Pimlico Watercourse which involve infilling, diversion, culverting or

which may otherwise restrict flow, require the prior formal Consent of the Environment Agency under Section 23 of the Land Drainage Act 1991. Culverting other than for access purposes is unlikely to receive Consent, without full mitigation for loss of flood storage and habitats.

Approximately 20 metres downstream of this site, Pimlico Watercourse has been enmained and under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency would be required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the watercourse. Although our controls will not apply on this site, the applicant would be advised to retain a sufficient buffer strip between the development and the watercourse to allow for future maintenance and/or repair and also to protect and enhance the biodiversity value of the site (see below). We would seek to avoid a layout similar to the adjacent residential estate where the watercourse is hidden away behind gardens with limited access and biodiversity value.

Aquatic Habitat

Planning Policy Statement 9 (key principles 1i) requires planning decisions to be "based on up to date information about the environmental characteristics of their areas". Given the proximity of the site to the adjacent watercourse, an ecological survey of the site should therefore be undertaken prior to the development of detailed plans for the site to enable an assessment of the level of risk posed by the development on the aquatic environment. The detailed design and construction and, where necessary, mitigation and compensation measures should be based on the results of the survey to be carried out at an appropriate time of year by a suitably experienced surveyor using recognised survey methodology, the results of which should form part of any subsequent application.

The survey and risk assessment should:

- identify any rare, declining, protected or otherwise important flora, fauna or habitats within the site;
- assess the importance of the above features at a local, regional and national level;
- identify the impacts of the scheme on those features;
- demonstrate how the development will avoid adverse impacts; and
- propose mitigation for any adverse ecological impacts or compensation for loss

The layout of the proposal should be such that a buffer zone is retained between the watercourses and the development. The buffer zone should be determined based on the results of the ecological survey and this zone should be without structures, hard standing, footpaths, fences or overhanging development such as balconies and should not include domestic gardens or formal landscaping.

Yours sincerely

Philip Carter
Planning Liaison Officer

Direct dial 01772 714219
Direct fax 01772 697032

Cont/d..

Colin Sharpe

From: Nugent, Martin [Martin.Nugent@lancashire.gov.uk]
Sent: 01 November 2011 16:50
To: Colin Sharpe
Subject: RE: Pre-Application Enquiry (11/00352) for Housing Devt (approx 70 Units) Chatburn Road, Clitheroe.

Colin,

There are a number of initial points I would make concerning the pre-app information provided in relation to the proposed development of land off Chatburn Road, Clitheroe.

1. I have assessed my initial Planning Contributions on the basis of an Accessibility Score of 20 for this site. With 30% of the dwellings to be affordable, this allows for 21 dwellings at £1,200 and 49 at £1,800. This gives a total of £113, 400.
2. The access to the site should be located to maximise visibility.
3. The design of the proposed access should satisfy LCC Specification for Construction of Estate Roads. To this end the access specifications should follow the basic parameters of a 5.5m minimum access width, 6m junction radii and 2m footways on either side of the approach.
4. The access should be located within the existing 30mph Speed Limit on Chatburn Road. However, there may be a case extending the 30mph limit towards the Pimlico Link Road roundabout.
5. It may be appropriate to introduce measures to improve compliance with either the existing Speed Limits or with potential revised speed limits, for example through gateway markings and signage and interactive signage.
6. A future Transport Statement should indicate trip generation from the site and an assessment of the impact of anticipated vehicular traffic at its junction with Chatburn Road.
7. Consideration should be given to the siting of a priority pedestrian crossing in the vicinity of the Grammar School.
8. There is the potential for the development of adjacent land from this access. However, by satisfying the specifications set out in "3", the junction design could accommodate additional future highway capacity.
9. Is it proposed to have the access road and internal layout adopted? If so, we can make preparations for Section 38/Advance Payments Code.
10. A range of bus stop locations are accessible within a 400m radius of the centre of the site. However, the position and level of provision should be examined to allow additional measures to be considered with any further PT demands would be included in a future S106 agreement.

I hope this proves helpful.

Martin Nugent
01254 828060