

**RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE**

**DEFER AND DELEGATE**

**DATE:** 16 April 2015

**REF:** JM/EL

**CHECKED BY:**

**APPLICATION NO:** 3/2014/0618/P

**(GRID REF:** SD 376579 444018)

**ERECTION OF 10 DWELLINGS AT LAND OFF CHATBURN OLD ROAD, CHATBURN**

**PARISH COUNCIL:**

Following observations to make:

1. Chatburn cannot identify the need for houses of this size and price and that the provision of two cars per house is inadequate for houses of this size.
2. Affordable housing – it is the developers intention to buy three houses in Chatburn to rent as affordable housing. This does not satisfy the Borough Council's policy that 30% of new builds must be affordable and will not increase the current housing stock of affordable housing in the village. There cannot be any justification plan for removal of affordable homes from this proposed development site. A condition, should the application be approved be imposed that prevents development commencing until three properties are purchase in Chatburn.
3. In relation to the Chatburn Old Road junction, I consider the planning statement is false and that there has been a material change in circumstance since the previous application. The fact that three smaller affordable houses have been replaced by three large 4/5 bedroom homes will create more traffic. LCC raise a number of additional requirements which were not required in relation to the previous application. The Parish Council totally agrees with LCC that before any development of the site takes place, additional requirements for road safety on Chatburn Old Road should be implemented.
4. The Council have requested that LCC reduce the speed limit to 20mph and they are mindful of speeding traffic along Ribble Lane. Furthermore they have requested an updated independent speed survey and that no development should take place until this survey has been carried out.
5. While the Parish Council agrees with LCC highways, view that pedestrian control markings are needed in addition of this safety feature could cause serious parking problems.

6. Also concern regarding the movement of the 'stop' sign out into Ribble Lane is dangerous.

**ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):**

No objection on highway grounds as long as the improvements to the highway network suggested are implemented. These improvements relate to the following:

1. Improvements at the junction of Ribble Lane with Chatburn Old Road as per the approved application under 3/2011/0025.
2. Ask for the construction of a turning head on Chatburn Old Road before the end of the road near the quarry. This will require agreement under Section 278 and some of the developer's land will be required to create an appropriate turning head and subsequently this land will need to be dedicated as public highway.
3. The road leading up to the proposed estate road is unlit and I would suggest new street signing columns at least to the new access.
4. There is no footway along Chatburn Old Road and I do not intend to ask for one along the property road frontage. However I consider there will be a benefit in marking the edge of the carriageway and providing a space for pedestrians up to the public right of way. This would allow for a 5.5m carriageway width and a minimum of 1.2m wide space for pedestrians.
5. Did previously ask for barriers to be erected on the highway near the end of the public highway on Chatburn Old Road, however may be unnecessary but would need to be reviewed upon receipt of plans.

These works are to be paid for by the developer under the Section 278 Agreement. Following further discussion accepted that as a compromise it would only be necessary to secure the junction improvements previously required by the Inspector are and the provision of the street lighting( 2 lamps) which can be written into the S278 required for the junction improvements.

**LCC (MINERALS):**

This application means the change of position of some properties moving close to Lanehead Quarry. However, the County Council agree that the future quarrying operation in this location could probably be undertaken without causing any major issues relating to breaches of permitted development rights on noise, air quality and blasting. There may be a likelihood of a greater number of complaints or objections as the properties are moving nearer to the quarry. Since planning application 3/2011/0025, the County Council has recently given

resolution to grant planning permission to deepen Lanehead Quarry. At that inquiry the Inspector considered that there would be no indirect sterilisation arising from the appeal proposal and that it may be possible for that conclusion to change if charge weights were to be further lowered due to the proximity of the houses. In such circumstances, the Borough Council would need to weigh these comments in the overall planning balance including the need for housing and the availability of larger other sites.

**UNITED UTILITIES:**

In accordance with National Planning Policy Framework and building regulations, the site should be drained on a separate system with foul water draining to the public sewer and surface water drainage in a sustainable way. United Utilities have no objection to the proposal providing conditions are imposed which relate to foul water and surface water.

**LCC (EDUCATION):**

At the time of preparing this report, requested an education requirement of £36,253 for secondary school places and no requirement for primary school places. Following reconsultation advised no need for any contribution.

**ELECTRICITY NORTH WEST:**

Consider the application and believe it could have an impact on our infrastructure. The applicant should be advised that great care should be taken when working close to electrical apparatus and any personnel working in the vicinity. It should also be advised that should there be a requirement to divert the apparatus because of the proposed work, the cost of such a diversion will be borne by the applicant.

**ADDITIONAL REPRESENTATIONS:**

At the time of preparing this report eight letters of objection have been received. Members are asked to examine the file for full details but they can be summarised as follows:

1. This is a stand along application from the previous one and the decision on this shall not be affected by the previous approval.
2. The increased bedroom numbers will mean that the highway junction improvements are more appropriate for the previous scheme and not adequate for this submission.
3. The junction on to Ribble Lane cannot safely accommodate the resultant traffic.
4. The proposal is contrary to Policies G4 and G5 of the Districtwide Local Plan.
5. The site is a habitat for wildlife and will result in environmental damage.

6. There is no need for 4 bedroom houses in Chatburn.
7. Potential sterilisation of a mineral reserve.

### **Site Location**

The site is a greenfield site that lies outside the existing settlement limit of Chatburn and is designated open countryside. To the north of the site lies Lane Head Quarry; to the east residential properties on Chatburn Old Road; to the south properties that front onto Crowtrees Brow. There is a public footpath leading from Crowtrees Brow to Chatburn Old Road.

Within the site are trees and hedgerow and the land is of undulating in nature.

### **Proposal**

This application seeks detailed consent for the erection of 10 dwellings and offers a financial contribution towards affordable housing provision. The dwellings would be accessed off Chatburn Old Road with a single access point and a cul-de-sac arrangement. The dwellings comprise a mixture of four and five bedroom units some with integral garages and others with detached double garages. One unit would be a 3 storey split level dwelling and all units are designed for the open market. In relation to the height of the units; the maximum height to the ridge is approximately 9.3m. The eaves height is approximately 5.25m on all of the units. There is a mixture of design type and the units will be constructed of a range of materials incorporating limestone render and a blue slate roof. All of the units have both front and rear gardens.

### **Relevant History**

3/2011/0025/P – Outline planning permission for residential development (10 dwellings). Refused. Allowed on appeal.

### **Relevant Policies**

#### **Ribble Valley Core Strategy**

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development.

Key Statement H1 – Housing Provision.

Key Statement ENV4 – Biodiversity and Geodiversity.

Key Statement H3 – Affordable Housing.

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME1 – Protecting Trees and Woodlands.

Policy DME2 – Landscape and Townscape Protection.

Joint Lancashire Mineral and Waste Development Framework.

Core Strategy DPD.

### **Environmental, AONB, Human Rights and Other Issues**

The matters to be considered in the determination of this application relate to the principle of the development in Policy terms; the impact of the development in visual terms; effects upon ecology and trees; the impact on neighbour residential amenities; highway safety, impact on

mineral resources and whether or not there is a regeneration benefit resulting from the development.

Members will be aware that the principle for residential development was granted on appeal for 10 dwellings with 3 of the units to be affordable in April 2013 and was the subject of a 3 day Public Inquiry. Many of the issues such as highways and mineral sterilisation were discussed at length at the Inquiry and the Inspectorate concluded in favour of the development. It is appropriate to conclude that since the Adoption of the Core Strategy there are no significant changes in relation to the principle. One significant change relates to the ability to request on site affordable units as recent Guidance issued by Central Government on a site of this size and having regard to its location now only requires off site financial contribution which is what is being offered by the applicant in this instance.

### Principle of the Development

Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework adopted in 2012 (NPPF) is one such material consideration and whilst it does not change the legal status of the development plan, it promotes a presumption in favour of sustainable development. Paragraph 14 of the NPPF states that for decision making, this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

Consideration of the adverse impacts and benefits would enable a conclusion to be reached on whether the proposal comprises sustainable development, as defined by the NPPF. There are three dimensions to sustainable development: economic, social and environmental and paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Key Statement DS1 Development Strategy of the Adopted Core Strategy identifies Chatburn as a Tier 1 settlement and is therefore regarded as one of the more sustainable settlements within the borough. This site as it already has the benefit of planning permission would have been classed as a commitment due to the extant consent. The Core strategy also had a residual number of 18 houses identified for Chatburn.

The Council is required to maintain a 5 year supply of housing land to ensure land supply is not a barrier to housing growth. Objectively assessed housing need identifies 280 units are required to be delivered in the Borough per year – these are minimum targets.

Using the 31 December monitoring figures (Housing Land Availability Schedule January 2015), the Council can demonstrate a 5.54 year supply of housing land with an annual requirement of 280 units using the Sedgfield methodology.

On the basis of the existing consent and its location I am satisfied that the principle of the development is acceptable.

### Minerals

The comments of the LCC Minerals are noted and although they have some concerns they remain of the opinion that having regard to the previous consent this development could be accommodated without an adverse impact on the operation of the adjacent quarrying enterprise. A noise assessment has been submitted with this application and I am of the opinion that based on the mitigation measures incorporated in the report, advice of LCC Minerals and having regard to the previous decision made by the Inspectorate the scheme is acceptable.

### Highway Safety and Accessibility

Following consultation and based on appropriate conditions the County Surveyor has no objection to the proposal despite the concerns expressed by the local residents.

### Landscape and Visual Impact

The site is a greenfield site but is still closely related to the main settlement boundary. The principle has been established in the outline consent and I am satisfied that this application would not have a significant impact on the wider landscape. There are some trees to be removed as part of the application but this is partly mitigated by the new planting and landscaped area. A planning condition will also secure additional planting off site.

It is considered that the context of the site and the surrounding topography/features would ensure the visual impact of the development would be largely localized.

### Flood Risk and Drainage

United Utilities have raised no objection subject to conditions relating to foul and surface waters. As such, the proposal is therefore considered to be acceptable in respect of drainage and flood risk in accordance with Policy G1 of the Districtwide Local Plan, Key Statements EN2 and EN3 and Policies DMG1 and DME6 of the emerging Core Strategy.

### Residential Amenity

In relation to the siting and design of the houses there are no significant amenity considerations. The main amenity impact relates to the concern of additional traffic to the locality and highway safety concerns. It is evident that there is no objection from LCC highways and that this was also carefully considered by the Planning Inspector at the Planning Inquiry and it was considered acceptable. Although the house types have changed and there could be a marginal increase in traffic generation I do not consider this to be a significant change.

### Energy and Sustainability

One of the core planning principles of the NPPF is to support the transition to a low carbon future in a changing climate. Paragraph 93 clarifies that this is central to the economic, social and environmental dimensions of sustainable development - planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability



and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.

To secure a sustainable form of development and in particular to contribute to the social and environmental roles, it is recommended that a condition be attached to the permission to require at least 10% of the energy needs of the development to be provided from renewable or low carbon energy sources in accordance with Key Statement EN3 and Policy DME 5 of the Adopted Core Strategy.

#### Infrastructure, Services and Developer Contributions

The proposal would not require any financial contribution to education or highways but there is an off-site financial contribution towards affordable housing. At time of preparing this report the exact figure has not been agreed but it this will be based on a formulae which has been agreed by the Strategic Housing Officer and will be incorporated in the Section 106 Agreement.. It is hoped that this figure will be available prior to Committee.

#### Appearance and Visual Amenity

I am satisfied that the resultant development would not detract from the locality and relates sufficient well to the adjacent built form. The proposed dwellings, given their location would not have any significant impact to the street scene or detract from the character of the area.

#### Conclusion/Recommendation

The proposal would contribute to the provision of housing and affordable housing in the Borough to meet objectively assessed housing need. Whilst the development of agricultural land to provide housing would inevitably change the character of the area, the topography of the area is such that the visual impact of the proposal would be largely localised.

It is not considered that the proposal, as submitted, would result in significant harm to the character and appearance or visual amenities of the immediate area and the visual impact would not be so significant as to outweigh the benefits associated with the proposal. I therefore recommend accordingly.

**RECOMMENDATION:** That the application be DEFERRED AND DELEGATED to the Director of Community Services for approval following the satisfactory completion of a legal agreement in the terms described in the developer contributions section of this report and subject to within 3 months from the date of this Committee meeting or delegated to the Director of Community Services in conjunction with the Chairperson and Vice Chairperson of Planning and Development Committee should exceptional circumstances exist beyond the period of 3 months and subject to the following conditions:

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

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

2. This permission shall relate to the development as shown on drawing no. Jac/605/1615/06 rev A, Jac/605/161503a, Jac/605/1615/01 rev A, Jac/605/1615/04 rev A, Jac/605/1615/05 Jac/605/1615/02 Jac/605/1615/07.

REASON: For the avoidance of doubt and to clarify which plans are relevant and to ensure that the development is carried out in accordance with the approved plans.

3. Precise specifications or samples of walling, roofing and window/door framing materials including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adoption Version).

4. 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 for that phase have been submitted to, and approved in writing by the Local Planning Authority. The details shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site 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 individual dwellings/buildings during the actual construction of those individual dwellings/buildings identified on the submitted plan before each such dwelling/building is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development in accordance with Policies DMG1 and EN4 of the Ribble Valley Core Strategy (Adoption Version).

5. The development hereby permitted shall not be commenced until full details of the proposed landscaping have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, their maturity at the time of planting, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform.

The approved landscaping scheme shall be implemented in the first planting season prior to commencement of the development unless otherwise agreed by the Local Planning Authority, whether in whole or part and shall be maintained thereafter for a period of not less than 15 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policies DMG1, EN2 and DME3 of Ribble Valley Core Strategy (Adoption Version).

6. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for



the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

**REASON:** To prevent the increased risk of flooding, both on and off site. In accordance with Policies EN2, EN4, DME2 and DME3 Ribble Valley Core Strategy (Adoption Version).

7. Notwithstanding the details shown on the submitted plans, the proposed driveway/hard surfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.

**REASON:** In the interests of Highway Safety and to prevent flooding. In accordance with Policies EN2, EN4, DME2 and DME3 of the Ribble Valley Core Strategy (Adoption Version).

8. No part of development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority for that phase. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant material;
- Storage of plant materials used in the construction of development;
- The erection and maintenance of security hoardings;
- Wheel washing facilities;
- A management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
- Details of the storage of potential ground and water contaminants
- A scheme for protecting trees;
- A scheme for recycling/disposing of waste resulting from construction work; and
- A scheme to control noise during the construction phase.

**REASON:** In the interests of protecting residential amenity from noise and disturbance in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adoption Version).

9. The new estate road shall be constructed in accordance with the Lancashire county Council specification for Construction of Estate Roads to at least a base course level before any development takes place within the site.

**REASON:** To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

10. No development shall take place unless and until a suitable mechanism has been entered into and completed, to deliver the planning obligations pursuant to the grant of Planning Permission reference 3/2013/0771.

**REASON:** In order that the Local Planning Authority may ensure that the appropriate planning obligations are secured in accordance policies DMI1 and DMH1 of the Ribble Valley Core Strategy (Adoption Version).

11. No development shall take place until a scheme to secure at least 10% of the energy requirements of the development hereby permitted from renewable or low carbon energy sources, with a timetable for implementation, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and retained thereafter at all times in accordance with the approved scheme. Any solar panels installed as part of this scheme shall be removed after a period of 25 years from the date of electricity first being generated.

**REASON:** To allow the energy needs of the development to be partially generated on site to reduce reliance on the grid in accordance with Key Statements EN2 and EN3 and Policies DMG1 and DME5 of the Ribble Valley Core Strategy (Adopted Version) and the National Planning Policy Framework.

12. Prior to commencement of development precise details of the junction improvements at Ribble lane and Chatburn Old Road shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be occupied until the junction improvements have been implemented in full.

**REASON:** In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adoption Version). The applicant is advised that this should relate to plans D1350-04 Rev C submitted under 3/2011/0025.

13. No part of the development approved by this permission shall be occupied until a scheme for the off-site highway works, including timescales for implementation for each phase, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

**REASON:** In the interests of highway safety and to mitigate the impacts of the development in accordance with Policies EN2, DMG1, DMI2 and DMG3 of the Ribble Valley Core Strategy (Adopted Version).

14. This permission shall comply with the Noise Assessment report dated 23/05/14 and in particular the mitigation measures in Paragraph 11.1.1 and these shall be carried and remain in that manner prior to occupation of any of the dwellings hereby approved.

**REASON:** In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adoption Version).

**NOTE:**

The applicant is advised that the off-site highway works are likely to be the subject of a Section 278 Highway agreement.