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| RIBBLE VALLEY BOROUGH COUNCIL | | | | | | |  |  |
| Development Department | | | |  |  | |  |  |
| Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA | | | | | | |  |  |
| Telephone: 01200 425111 www.ribblevalley.gov.uk planning@ribblevalley.gov.uk | | | | | | | | |
| Town and Country Planning Act 1990 | | | |  |  | |  |  |
| OUTLINE PLANNING PERMISSION | | | | |  | |  |  |
| **APPLICATION NO:** | | 3/2020/0601 | | |  | |  |  |
| **DECISION DATE:** | | 8 February 2023 | | |  | |  |  |
| **DATE RECEIVED:** | | 27/07/2020 | | |  | |  |  |
| **APPLICANT:** | |  | |  | **AGENT:** | |  |  |
| VH Land Partnerships Ltd and The Clitheroe Royal Grammar School Foundation  c/o Agent | | | |  | Gary Hoerty  Gary Hoerty Associates  Suite 9  Grindleton Business Centre  The Spinney  Grindleton  Clitheroe  BB7 4DH | | | |
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| **PARTICULARS OF DEVELOPMENT:** | | | Outline planning application for the construction of up to 125 dwellings with public open space, landscaping and sustainable drainage system and vehicular access point from Highmoor Park. All matters reserved except for means of access. | | | | | | |
| **AT:** | Land at Highmoor Farm Clitheroe BB7 1PN | | | | | | | | |
| **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 | Time limit, plans and details  An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.  REASON: This condition is required to be imposed by the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.  P.T.O. | | | | | | | | |
| 2 | The outline planning permission hereby approved relates to the erection of up to 125 residential units and shall be carried out in accordance with the following plans and documents:  Location Plan dated 23/07/2020  REASON: In the interests of the appropriate development of the site, to prevent intensification in the development of the site and in the interests of the visual amenities of the area. | | | | | | | | |
| 3 | Notwithstanding the submitted details, the height of any of the dwellings proposed in any subsequent reserved matters application(s) shall not exceed two storeys in height.    REASON: In the interests of the visual amenities and character of the area and to ensure that the proposed development remains compatible with the landscape character of the area and responds appropriately to the topography of the site so as to minimise undue visual impact. | | | | | | | | |
| 4 | The details in respect of the submission of any reserved matters shall be generally in accordance with the design principles and parameters as set out in the following approved documentation:  Masterplan Rev C (dated February 2021)  Design and Access Statement (June 2020 (Revised September 2020))  REASON: To ensure the development accords with the agreed general principles in relation to design, green infrastructure and pedestrian, cycle and vehicular movement within the site. | | | | | | | | |
| 5 | The reserved matters application(s) shall include details of all proposed boundary treatments/fencing/walling, refuse collection points and existing and proposed land levels, including proposed slab levels.  For the avoidance of doubt the submitted information shall include existing and proposed sections through the site including details of the height, scale and location of proposed housing in relation to adjacent existing development/built form (where applicable). The development shall be carried out in strict accordance with the approved details.  REASON: In order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline permission.  P.T.O. | | | | | | | | |
| 6 | The reserved matters application(s) shall include full details of the proposed play area and a Play Space Management Plan including long term design objectives, timing of works, management responsibilities and maintenance schedules for the play area.  For the avoidance of doubt the Play Space Management Plan shall also provide precise details of all play equipment and its maintenance and indicate a timescale when the play area shall be provided and made available for use. The development shall be carried out in strict accordance with the approved details and the play area managed in accordance with the timings and methodology contained within the approved Management Plan.  REASON: To ensure that the application includes adequate areas on-site public open space provision. | | | | | | | | |
| 7 | Landscape, Ecology and trees  The submission of the reserved matters shall include an Arboricultural Impact Assessment and Tree Constraints Plan in respect of the existing trees situated within influencing distance of the development site and shall include details of all root protection measures to be undertaken during the construction process. The development shall be carried out in strict accordance with the approved details and the specified tree protection measures shall remain in place throughout the construction phase of the development.  REASON: To ensure the adequate protection of trees/hedging of landscape and visual amenity value on and adjacent to the site or those likely to be affected by the proposed development. | | | | | | | | |
| 8 | The reserved maters application(s) shall include full details of proposed mitigation measures detailed/recommended within Section 7 of the submitted Ecological Appraisal (Ref 4851, report version 4).  This shall include information to establish the value of the Category 1 trees identified in the Ecological Appraisal in relation to their potential use by bats. The trees shall be subjected to a detailed climbing investigation by a qualified and licensed ecologist and the results of the investigation shall be submitted to the local planning authority.  The development shall thereafter be carried out in accordance with the approved details and recommendations.  REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development.  P.T.O. | | | | | | | | |
| 9 | The reserved matters application(s) shall include details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites. 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 and retained thereafter.  REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development. | | | | | | | | |
| 10 | The reserved matters application(s) shall include details of a scheme for any external building or ground mounted lighting/illumination. For the avoidance of doubt the submitted details shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution and shall include details to demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated.  The lighting schemes(s) shall be implemented in accordance with the approved details and retained.    REASON: To enable the Local Planning Authority to exercise control over development which could prove materially harmful the character and visual amenities of the immediate area and to minimise/mitigate the potential impacts upon protected species resultant from the development. | | | | | | | | |
| 11 | Highways  Any application for the approval of reserved matters shall include details of the provision of domestic external or internal (within garages) sockets for the charging of electric/hybrid vehicles on no less than 30% of the dwellings. Development shall be carried out in strict accordance with the approved details and the agreed charging points shall be installed and be made available for use prior to first occupation of the dwelling(s) upon which they are to be located/are intended to serve.  REASON: To ensure that the development provides adequate and appropriate sustainable transport options and in the interest of lowering emissions resultant from vehicular movements associated with the development.  P.T.O. | | | | | | | | |
| 12 | 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 by, the Local Planning Authority..  For the avoidance of doubt the submitted details shall also include the precise nature and design of all pedestrian/cycleway accesses into and out of the site including details of their interface with existing pedestrian/cycle routes or networks. The development shall be carried out in strict accordance with the approved details.  REASON: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site. | | | | | | | | |
| 13 | The proposed access from the site to Highmoor Park shall be constructed to a width of 7.3m with 2m footways on either side.  REASON: To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users. | | | | | | | | |
| 14 | No dwelling hereby approved shall be occupied until the approved scheme for the construction of the site access referred to in Condition 12 has been constructed and completed in accordance with the approved details.  REASON: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works. | | | | | | | | |
| 15 | The new estate road/access between the site and Highmoor Park shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least 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. | | | | | | | | |
| 16 | Prior to the commencement of any development, details of the programming of the offsite highway works, including details of any associated financial contribution(s) and works required for improvements at the junction of Waterloo Road and Shawbridge Street, shall have been submitted to and agreed in writing by the Local Planning Authority. The off-site highway works shall be undertaken in accordance with the agreed program.  REASON: In order that traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of completion of the highway works, in the interests of highway safety.  P.T.O. | | | | | | | | |
| 17 | No dwelling shall be occupied until visibility splays 2.4 metres back from the centre line of the access and extending 43 metres on the nearside carriageway edge in both directions have be provided at the access as shown on the approved plans. Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.  REASON: To ensure adequate inter-visibility between highway users at the street junction or site access, in the interests of highway safety. | | | | | | | | |
| 18 | Prior to the first use of the development hereby permitted, a detailed Travel Plan shall be submitted to, and approved in writing, by the Local Planning Authority. The Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out.  Reason: To promote and provide access to sustainable transport options. | | | | | | | | |
| 19 | No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the Local Planning Authority. The approved plan / statement shall provide:  24 Hour emergency contact number;  Details of the parking of vehicles of site operatives and visitors;  Details of loading and unloading of plant and materials;  Arrangements for turning of vehicles within the site;  Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;  Measures to protect vulnerable road users (pedestrians and cyclists);  The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;  Wheel washing facilities;  Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;  Measures to control the emission of dust and dirt during construction;  Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;  Construction vehicle routing;  Delivery, demolition and construction working hours;  Contact details for the site manager.  The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.  REASON: In the interests of the safe operation of the adopted highway during the demolition and construction phases.  P.T.O. | | | | | | | | |
| 20 | During the period of construction deliveries to the site shall only be accepted between the hours of 9.30am and 2.30pm Monday - Friday, to avoid peak traffic on the surrounding highway network.  REASON: In the interest of highway safety and consideration to the school traffic. | | | | | | | | |
| 21 | For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.  Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety. | | | | | | | | |
| 22 | No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.  Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality.  P.T.O. | | | | | | | | |
| 23 | Drainage and flood risk  No development shall commence until final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:  a) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;  b) A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD);  c) A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period, plus an additional 40% allowance for climate change and a 10% allowance for urban creep. The calculations must demonstrate that surface water runoff will not exceed the existing pre-development greenfield runoff rates and volumes for the corresponding rainfall event;  d) A final site plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network;  e) Confirmation of how surface water is to be managed within any non-drained areas of the site, i.e. gardens and public open space;  f) A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site;  g) Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and  h) Details of an appropriate management and maintenance plan for the surface water drainage network over the lifetime of the development.  The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.  REASON: To ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development, to ensure that water quality is not detrimentally impacted by the development proposal and to ensure that appropriate maintenance mechanisms are put in place for the lifetime of the development.  P.T.O. | | | | | | | | |
| 24 | The application(s) for the approval of reserved matter(s)shall be accompanied by full details of the proposed surface water attenuation pond. For the avoidance of doubt the submitted information shall include proposed sections through the pond including relevant existing and proposed land levels and details of all associated landscaping and boundary treatments where applicable. The development shall be carried out in strict accordance with the approved details prior to the occupation of the first dwelling hereby approved .  REASON: To ensure a satisfactory form of development in the interests of visual and residential amenities and to ensure the Local planning Authority can make an accurate assessment of the details relating to matters of flood risk and sustainable drainage. | | | | | | | | |
| 25 | No development shall commence until details of how surface water and pollution prevention will be managed have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and operational prior to the commencement of the construction of the dwellinghouses.  REASON: To ensure that the construction of development does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies. | | | | | | | | |
| 26 | The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No.: 18522, Dated: Jan 2021) which was prepared by Topping Engineers. No surface water will be permitted to drain directly or indirectly into the public sewer. The development shall be completed in accordance with the approved details.  REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding. | | | | | | | | |
| 27 | Foul and surface water shall be drained on separate systems.  REASON: To secure proper drainage and to manage the risk of flooding and pollution. | | | | | | | | |
| 28 | No ground levels within the 100-year return period plus 35% allowance for climate change extent of Shaw Brook (as identified by Flood Risk Assessment (Ref No.: 18522, Dated: Jan 2021) shall be raised.  REASON: To reduce the risk of flooding to the proposed development and its future users.  P.T.O. | | | | | | | | |
| 29 | Prior to the occupation of the first dwellinghouse hereby approved a post-development 'Operation and Maintenance Plan and Verification Report', shall be submitted to and approved in writing by the Local Planning Authority.  The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme, and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of a final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.  REASON: To ensure that the proposed development has been adequately drained. | | | | | | | | |
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| **Note(s)** |  | | | | | | | | |
| 1 | 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. | | | | | | | | |
| 2 | 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. | | | | | | | | |
| 3 | This Decision Notice should be read in conjunction with the Section 106 Agreement signed and dated 26 January 2023. | | | | | | | | |
| 4 | **Surface water drainage:**  The surface water drainage proposals outlined within the applicant’s flood risk assessment (ref: 18522, dated: August 2019) are only preliminary and may change following further detailed design and investigation. The applicant will therefore be expected to provide a final surface water drainage scheme for the site once all detailed design and investigation work has been completed. The final scheme will need to be submitted to and approved by the LPA prior to the commencement of any development, and must comply with the requirements of the National Planning Policy Framework and the non-statutory technical standards for sustainable drainage systems; March 2015. The strategy must also be accompanied by an appropriate management and maintenance plan that details how the surface water drainage network will be managed and maintained over the lifetime of the development. The LLFA is satisfied that these details can be secured through the inclusion of the above recommended planning condition. | | | | | | | | |
|  | P.T.O. | | | | | | | | |
| 5 | For the avoidance of doubt, the LLFA is not able to assess or comment on the suitability of the proposed surface water runoff rates or volumes at this time. That is because the final surface water runoff rates and volumes are directly influenced by the amount of impermeable area within the proposed development site. An agreement on this can only be reached once the final site layout has been agreed with the LPA.    The applicant is reminded that the final surface water drainage scheme must comply with the drainage hierarchy established under planning practice guidance. Before a drainage connection to the watercourse can be agreed, the applicant will need to provide further evidence and justification to show why disposal via infiltration is not possible. This should include an assessment of the site conditions to confirm infiltrations rates.  **Sustainable Drainage Systems**:  The applicant is encouraged to maximise the use of sustainable drainage systems (SuDS) when designing the surface water drainage scheme for the development site. That is because sustainable drainage systems offer significant advantages over conventional piped drainage systems in reducing flood risk.    Sustainable drainage systems can attenuate the rate and quantity of surface water run-off from a site, and they can also absorb diffuse pollutants and promote groundwater recharge. Ponds, reed beds and seasonally flooded grasslands are also particularly attractive features within public open space. The wide variety of available sustainable drainage techniques means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.    Some SuDS features, for example rainwater harvesting and permeable paving used on roads and driveways, must not be included as part of the hydrological calculations for the site. This is because occupants may change or remove these features in the future and this could have the potential to increase surface water runoff from the site. Where SuDS features such as rainwater harvesting and permeable paving are included in the hydrological calculations, the local planning authority would be advised to consider the removal of permitted development rights. P.T.O. | | | | | | | | |
| 6  7  8 | **Land Drainage Consent:**  The LLFA are the consenting body for works on Ordinary Watercourses. Under Section of Schedule 2 of the FWMA (2010) anyone who intends to carry out works which may obstruct or affect the flow of an ordinary watercourse needs written consent from Lancashire County Council.    It is important to note that Land Drainage Consent is a separate application process that lies outside the planning legislation. It should not be assumed therefore the grant of planning permission means that Land Drainage Consent will automatically be given. Parallel processing of Land Drainage Consent applications is advised, as any land drainage consenting issues could directly impact the suitability of the proposed site layout.    Land Drainage Consent applications can take up to eight weeks to process following receipt of all required information and payment (£50 per structure). Retrospective consent cannot be issued.  **Construction Phase including enabling works:**    It is critical that flood risk is appropriately managed during the construction phase(s) of the development. Compaction of the soil is likely to speed up the run-off rate whilst the site is cleared and the permanent drainage systems and/or attenuation systems are constructed and brought into use.    The developer should identify the flood risk associated with this phase of the development and provide details of how surface water will be managed during construction, including any mitigation. The LLFA is satisfied that these details can be secured through the inclusion of the above recommended planning condition.  **Highway Drainage / Highway Adoption:**  This response does not cover highway drainage, matters pertaining to highway adoption (s38 Highways Act 1980) and/or off-site highway works (s278 Highways Act 1980). Should the applicant intend to install any sustainable drainage systems under or within close proximity to a public road network (existing or proposed), then they would need to separately discuss the use and suitability of those systems with the local highway authority.    The applicant is also encouraged to discuss the suitability of any overland flow routes and/or flood water exceedance with the local highway authority should they have the potential to impact the public highway network and/or public highway drainage infrastructure (either existing or proposed). | | | | | | | | |
| Nicola Hopkins  NICOLA HOPKINS  DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING | | | | | |  | | | |
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**Right of Appeal**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

· If you want to appeal against your local planning authority’s decision then you must do so within 6 months of the date of this notice.

· If this is a decision to refuse planning permission, or approve with conditions, a householder application, if you want to appeal against your local planning authority’s decision then you must do so within 12 weeks of the date of this notice.

· If this is a decision to refuse planning permission, or approve with conditions, a minor commercial application, if you want to appeal against your local planning authority’s decision then you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision> . If it is a householder appeal it can be made online at: <https://www.gov.uk/appeal-householder-planning-decision> . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority’s decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

**Purchase Notices**

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.