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| **Report to be read in conjunction with the Decision Notice.** | | | | | | | | | | | | | | | |
| **Signed:** | | **Officer:** | **SK** | | | | **Date:** | | **15.6.23** | | **Manager:** | | **LH** | **Date:** | **16.6.23** |
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| **Application Ref:** | | | | | 2022/0500 | | | | | | |  | | | |
| **Date Inspected:** | | | | | 16/08/22 | | | **Site Notice:** | | 16/08/22 | |
| **Officer:** | | | | | SK | | | | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | | | | | | | | **REFUSAL** | | | |
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| **Development Description:** | | | | | | Technical Details Consent for residential development of up to 9 dwellings following Permission in Principle application 3/2018/0582 and appeal APP/T2350/W/19/3223816. | | | | | | | | | |
| **Site Address/Location:** | | | | | | Land to the south of Chatburn Old Road Chatburn | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | | **Parish/Town Council** | | | | | | | | | |
| Chatburn Parish council have objected to the proposal offering the following observations:  *The above planning application was discussed at the recent parish council meeting and the following observations were made:*   * *The size of the houses of the proposed development, standing on higher ground, will completely dominate the properties on Crowtrees Brow.* * *Old Road is already unable to cope with the number of vehicles accessing the new development, some of which are delivery wagons which must negotiate the narrow road.* * *The problem of flooding is of particular concern. The village has already experienced serious flooding caused by the lack of drainage provision from the previous development.* | | | | | | | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | | **Highways/Water Authority/Other Bodies** | | | | | | | | | |
| **LCC PROW Team:** | | | | | |  | | | | | | | | | |
| The Public Rights of Way Team at Lancashire County Council have requested that a condition be imposed relating to the diversion of the existing public footpath on site (Footpath 3-11-FP1) stating the following:  *The diversion of Footpath 3-11-FP1 along the eastern boundary of plot 8 is to be as per the green line on Drawing DTPC J1050 access layout and PROW fig 1 rev A oct 2022 to prevent the path being a sharp dogleg which may encourage anti-social behaviour and discourage some members of the public from using the path because of concerns regarding safety.* | | | | | | | | | | | | | | | |
| **LCC Highways:** | | | | | |  | | | | | | | | | |
| Following the receipt of revised highways information/details the Local Highways Authority have raised no objection to the proposal stating that *‘Lancashire County Council acting as the Local Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site’.* | | | | | | | | | | | | | | | |
| **United Utilities:** | | | | | |  | | | | | | | | | |
| United Utilities have offered the following observations:  *Further to our review of the submitted documents, Drawing of Drainage Strategy, ref:22033/100/1 dated 6/5/2022, we can confirm the proposals are not acceptable to United Utilities. This is because we have not seen robust evidence that that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.*  *We request the following drainage condition is attached to any subsequent approval:*  *Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:*   1. *An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;* 2. *A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);* 3. *Levels of the proposed drainage systems including proposed ground and finished floorlevels in AOD;* 4. *Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and* 5. *Foul and surface water shall drain on separate systems.*   *The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the*  *development.*  *Reason: To promote sustainable development, secure proper drainage and to manage the risk*  *of flooding and pollution.* | | | | | | | | | | | | | | | |
| **CONSULTATIONS:** | | | | | | **Additional Representations.** | | | | | | | | | |
| 17 letters of representation have been received objecting on the following grounds:   * Increased highways congestion * Detrimental impacts upon residential amenities * Continued unauthorised development * Loss of greenspace * Land-levels * Impacts upon PROW * Increased flooding * Loss of ecology * No housing need | | | | | | | | | | | | | | | |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** | | | | | | | | | | | | | | | |
| **Ribble Valley Core Strategy:**  Key Statement DS1: Development Strategy  Key Statement DS2: Sustainable Development  Key Statement EN3: Sustainable Development and Climate Change  Key Statement EN4: Biodiversity and Geodiversity  Key Statement H1: Housing Provision  Key Statement H2: Housing Balance  Key Statement H3: Affordable Housing  Key Statement DMI1: Planning Obligations  Key Statement DMI2: Transport Considerations  Policy DMG1: General Considerations  Policy DMG2: Strategic Considerations  Policy DMG3: Transport & Mobility  Policy DME1: Protecting Trees & Woodland  Policy DME2: Landscape & Townscape Protection  Policy DME3: Site and Species Protection and Conservation  Policy DME5: Renewable Energy  Policy DME6: Water Management  Policy DMH1: Affordable Housing Criteria  Policy DMH3: Dwellings in the Open Countryside and AONB  Policy DMB4: Open Space Provision  Policy DMB5: Footpaths and Bridleways  National Planning Policy Framework (NPPF) | | | | | | | | | | | | | | | |
| **Relevant Planning History:**  **2018/0582:**  Residential development of up to nine units. (Refused – appeal allowed)  **2017/1052:**  Consultation on LCC application LCC/2017/0087/ASP/FL for retrospective application for the importation of clean soils for use in ground stabilisation and landscaping works associated with the consented residential development.  **2017/0830:**  Erection of one detached dwelling on plot 8 (new house type). (Approved)  **2017/0499:**  Non-material amendment to planning permission 3/2016/0748 to allow the installation of two additional rooflights in the rear/south-east facing roof elevation of Plot 3. (Approved)  **2017/0010:**  Discharge of condition 3 (external materials) from planning permission 3/2016/0748. (Approved)  **2016/1019:**  Erection of single detached dwellinghouse with garden and driveway on plot 6 (New House Type). (approved)  **2016/0748:**  Variation of Condition 02 (substitution of house types/designs for plots 1, 2, 3, 4, 5, 7, 8, 9 & 10, including repositioning of plots 3, 7, 9 & 10, and alteration to internal access road) and Removal of Condition 10 (un-associated condition) of planning permission 3/2014/0618 for the erection of ten dwellings. (Approved) | | | | | | | | | | | | | | | |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | | | | | | | | | | | |
| **Site Description and Surrounding Area:**  The application relates to an area of land located outside but adjacent the defined settlement limits of Chatburn accessed via Chatburn Old Road. The site is bounded to the north by existing residential development with residential development also bounding the site to the south-east by existing dwellings fronting Crow Trees Brow. The site is predominantly greenfield min nature with some engineering works already having been undertaken on site. The application site also falls within a ‘Designated Rural Area’ (Chatburn) as designated under Section 157 of the Housing Act 1985. | | | | | | | | | | | | | | | |
| **Proposed Development for which consent is sought:**  The application seeks ‘Technical Details Consent’ for the erection of 9 residential dwellings following the granting of Permission in Principle consent (3/2018/0582) at appeal (Appeal Ref: APP/T2350/W/19/3223816). | | | | | | | | | | | | | | | |
| **Principle of Development:**  The principle of the development of the site has been established through the granting of extant Permission in Principle consent 3/2018/0582 at appeal APP/T2350/W/19/3223816.  As such, notwithstanding other development management considerations, the principle of the development of the site for residential purposes (up to 9 residential dwellings) raises no significant direct conflict with the adopted development plan whilst the original permission in Principle consent remains extant. | | | | | | | | | | | | | | | |
| **Affordable Housing:**  The application site falls within a ‘Designated Rural Area’ (Chatburn) as designated under Section 157 of the Housing Act 1985, as such Paragraph 64 of the National Planning Policy Framework is relevant insofar that it states that the *’provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)’.*  Key Statement H3 and Policy DMH1 contain an inherent requirement to provide 30% on-site affordable housing provision, with Key Statement H3 being explicit insofar that it states that outside the *‘settlement boundaries of Clitheroe and Longridge’* that *‘developments of 5 or more dwellings (or sites of 0.2 hectares or more irrespective of the number of dwellings) the council will require 30% affordable units on the site’.*  Taking into account above, the ‘lower threshold’ as reflected in Paragraph 64, is fully engaged and endorsed by Key Statement H3 which reads:  **Key Statement H3:**  *Within the settlement boundaries of Clitheroe and Longridge, on housing developments of 10 units or more dwellings (or sites of 0.5 hectares or more, irrespective of the number of dwellings) an element of affordable, local needs housing will be required on all schemes. The Council will seek affordable housing provision at 30% of units on the site. The Council will use open book viability assessments, provided at the developer’s cost, within its consideration of affordable housing provision particularly where thresholds are not being met.*  *In all other locations in the borough, on developments of 5 or more dwellings (or sites of 0.2 hectares or more irrespective of the number of dwellings) the council will require 30% affordable units on the site. The Council will only consider a reduction in this level of provision, to a minimum of 20% only where supporting evidence, including a viability appraisal fully justifies a lower level of provision to the council’s satisfaction.*  *Providing housing for older people is a priority for the Council within the Housing Strategy. Within the negotiations for housing developments, 15% of the units will be sought to provide for older people on sites of 10 units or more. Within this 15% figure a minimum of 50% would be affordable and be included within the overall affordable housing threshold of 30%. The remaining 50% (ie the remaining 50% of the 15% older people’s element) will be for market housing for older people.*  *All affordable housing provided must be made available to those in housing need and will remain affordable in perpetuity. Developers will be expected to provide affordable housing on site as part of the proposed development unless Ribble Valley Borough Council and the developer both agree that it is preferable to make a financial or other contribution towards the delivery of affordable housing on another site. Older people’s housing should meet the Lifetime Homes standard as a minimum.*  With Policy DMH1 stating the following:  *Where proposals involve the provision of affordable housing units, the residential development must be expressly for the following groups of people:*   1. *First time buyers currently resident in the parish or an adjoining parish* 2. *Older people currently resident in the parish or an adjoining parish* 3. *Those employed in the parish or an immediately adjoining parish but currently living more than 5 miles from their place of employment* 4. *Those who have lived in the parish for any 5 of the last 10 years having left to find suitable accommodation and also with close family remaining in the village* 5. *Those about to take up employment in the parish* 6. *People needing to move to the area to help support and care for a sick, older person or infirm relative.*   *In addition to these groups of people, others may have special circumstances that can be applied. These will be assessed on their individual merits. This policy only relates to the affordable housing needs element. Proposals must also conform to Policy DMG1 and any other relevant policy of this core strategy.*  *As mentioned above providing housing for older people is a priority for the council within the housing strategy, and has been for a number of years. however very little such accommodation has been developed by the market. Therefore, within the negotiations for housing developments, 15% of the units will be for older people provision. within this 15% figure a minimum of 50% would be affordable and be included within the overall affordable housing threshold of 30%. the remaining 50% (ie the remaining 50% of the 15% older people elated element) will be for market housing for older people groups.*  *Further detail is outlined within the addressing housing needs in Ribble Valley statement and this policy is further evidenced within the strategic housing market assessment. Any proposals for affordable housing must be accompanied with the following information:*   1. *Details of who the accommodation will be expected to accommodate. this should include a full survey of the extent of need and include persons who have expressed an interest in the property and how the cost of the accommodation will be matched to the incomes of these target groups.* 2. *Details of the methods by which the accommodation will be sold or let, managed and retained for its original purpose.*   Taking account of the above policy requirement(s), to ensure a policy compliant level of on-site affordable housing provision (30%), the proposal is required to provide on-site provision for 3 affordable housing units, 1 of which would be required to be for those aged 55 or over (‘older persons housing’).  However, the proposal fails to include the provision of any on-site affordable housing giving rise to significant conflict with the inherent requirements of Key statement H3. In support of the failure to provide a policy compliant level of on-site affordable housing provision, the applicant has provided a Financial Viability Assessment (FVA) in respect of viability implications, which concludes that providing on-site affordable housing provision would render the proposal commercially unviable.  In respect of the submitted FVA the authority has commissioned an independent appraisal of the submitted viability assessment which concludes the following:  *5.1*  *We have initially run a full policy compliant scheme (3 onsite affordable dwellings). However, this returns a negative residual land value and is therefore deemed to be unviable. We have subsequently re-tested the scheme on the basis of 9 market value dwellings (i.e. nil affordable housing)... This returns a residual land value of (minus) -£350,451. Again, as this is a negative sum (and below the benchmark land value of £350,000) this is deemed to be unviable. The scheme is therefore shown to be technically unviable even before any affordable housing /planning policies are factored in.’*  *5.3*  *Please note, a positive residual land value is shown as a negative figure in the above table. For example, if construction costs were to fall by 5% and sales values increase by 5% the resultant residual land value would be £208,343. However, as this is still below the benchmark land value of £350,000 the scheme would still be technically unviable even in that scenario.*  *5.4*  *In summary, and despite having taken a bullish approach to both the sales values and construction costs, the scheme is still deemed to be unviable even before any planning policies are factored in. The scheme can only therefore be delivered if planning policy requirements are removed and a developer is willing to complete the scheme at a level of developer profit significantly below that recommended in the guidance.*  *5.5*  *However, we would comment that a key reason why the scheme is returning an unviable outcome is, in our view, due to the nature of the design (being high value houses with high corresponding construction costs). It may be the case that a higher density scheme with more typical house types and sizes (i.e. the inclusions of 2/2.5 storey semi-detached housing and smaller detached dwellings of 2/2.5 storeys of sub 200 sq m that do not required lower ground floor construction) would return a viable outcome with affordable housing / planning policies applied. In other words, if the scheme was re-designed to provide a higher number of smaller dwellings, then the viability outcome may be different.*  In respect of point 5.5 above, the authority notes that the upper quantum of development for which consent can be sought (at Techical Details Stage) is restricted by the quantum of development granted consent pursuant to original Permission in Principle consent (‘Residential development of up to nine units’). As such there is no scope within the current application to raise the quantum of development thereby achieving a higher density of residential development on-site.  During the course of the application, the applicant was requested to explore the inclusion of smaller residential units to accommodate the affordable housing element which may assist in reducing/limiting construction or associated costs to achieve a higher financial viable outcome, however the applicant stated they did not want to explore the inclusion of smaller housing units stating that this would not ‘increase the viability’ of the proposal.  In respect of matters of viability, Paragraph 58 of the National planning Policy Framework States:  *Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.*  In respect of the above, both in relation to viability and affordable housing provision, Key Statement H3 is explicit insofar that it states *‘the council will require 30% affordable units on the site. The Council will only consider a reduction in this level of provision, to a minimum of 20% only where supporting evidence, including a viability appraisal fully justifies a lower level of provision to the council’s satisfaction’.*  As such, regardless of the submitted viability appraisal the proposal fails to provide a policy compliant level of on-site affordable housing provision or an acceptable lower level of provision, at a minimum of 20% on-site as required by Key Statement H3.  As such and taking account of the above matters, the proposal is considered to be in direct conflict of Key Statement H2 and H3 and Policy DMH1 of the Ribble Valley Core Strategy and Paragraph 64 of the National Planning Policy Framework by virtue of a failure to provide a policy compliant level of affordable housing provision (within a designated rural area as designated under Section 157 of the Housing Act 1985) without sufficient or adequate justification.  Furthermore the proposal would fail to provide a suitable mix of housing that reflects local needs or result in the creation of a development with a well-integrated mix of homes of different types and tenures to support a range of household sizes, age-groups and community groups that would achieve or encourage a balanced, inclusive, or cohesive sense of community, contrary to the aims and provisions of Paragraphs 8(b) and 130(f) of the National Planning Policy Framework. | | | | | | | | | | | | | | | |
| **Impact Upon Residential Amenity:**  The site to which the application relates has direct interface with a number of existing residential receptors, also having a direct interface with a site that is subject to an existing extant permission for a single residential dwelling (3/2021/1153). As such due consideration must be given in respect of the potential for the proposal to undermine existing/future residential amenities by virtue of a loss of privacy through direct-overlooking, loss of light or unsympathetic overbearing impact, particularly insofar that the site benefits from significant variations in topography compared to that on the adjacent surrounding land.  The site is bounded to the north by Hare Hill Croft with plots 03 and 05 having the closest physical relationship with the existing dwellings on Hare Hill. In this respect, the interface distances from first floor habitable rooms associated with the proposed dwellings to the southern boundaries of numbers 3-5 hare hill Croft ranges between 12-12.5m which is in excess of the 10.5 normally required by the authority (where site levels are commensurate). In respect of the direct interface between existing and proposed habitable room windows the interface distances exceed the 21m minimum distance normally secured by the authority. As such it is not considered that the proposal will have any significant measurable undue impact(s) upon the residential amenities of existing/future occupiers of Hare Hill. Croft.  In respect of the adjacent extant consent (3/2021/1153), plot 09 of the proposed development has a direct interface with the southern boundary of the consented dwelling. In this respect the first floor window associated with plot 09 (central rear gable), at its closest point, falls short of the 10.5m offset distance with normally secured in respect of offset distances from shared boundaries, however it is noted that this ‘central window’ serves a bathroom and not a habitable room, with all other first floor habitable room windows being located in excess of 10.5m from the shared boundary with the extant consent. As such it is not considered that the proposal will have any significant measurable undue impact(s) upon the residential amenities of future occupiers of the dwelling consented pursuant to planning permission 3/2021/1153.  The site bounds numbers 18-28 Crow Trees Brow at its eastern and south-eastern extents with the site benefitting from a higher land level than that of the existing dwellings located on Crow Trees Brow. In this respect consideration must be given for the potential to result in direct overlooking, from an elevated position, into adjacent private residential curtilage areas or habitable room windows of existing residential receptors, particularly that of number 26 Crow Trees Brow. In this respect, taking account of the proximity of habitable room windows associated with Plot 07, in concert with the elevated level(s) associated with the proposed dwelling, it is considered that the residential amenities of the occupants of number 26 will be measurably diminished and adversely impacted to an unacceptable level insofar that the rear garden area of the existing dwelling is likely to be significantly overlooked, from an elevated position by Plot 07.  In this respect, the proposal is considered to be in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy which seeks to protect existing and future residential amenities from undue detrimental impacts. | | | | | | | | | | | | | | | |
| **Visual Amenity/External Appearance:**  The proposed development lies within the designated open countryside albeit directly adjacent and to the south and west of the defined settlement limits of Chatburn. As such, due consideration must be given in respect of the potential for the proposal to have undue impacts upon the character and visual amenities of the immediate and wider area.  The proposed dwellings are of a similar appearance, configuration and overall architectural language to the dwellings to the north associated with Hare Hill Croft, allowing the proposal to be read positively in the context of adjacent development, with the proposal being read as somewhat of a visual continuation of the existing development albeit access via a separate access.  Due to the elevated nature of the proposal in relation to the main central area of Chatburn, it is accepted that there may be some limited views of the proposed housing upon certain approach views, however it is not considered that these will be of a significant detrimental measurable impact upon the character or visual amenities of the area. As such it is not considered that the proposal will result in the introduction of an unsympathetic, discordant nor anomalous introduction into the area. | | | | | | | | | | | | | | | |
| **Highways and Parking:**  Following the submission of additional information, the Local Highways authority have raised no objection to the proposal stating the following:  ***Site Access:***  *The LHA are aware that the site will be accessed off Chatburn Old Road which is an unclassified road subject to a 30mph speed limit. The LHA have reviewed DTPC drawing number J1050 access and prow fig1 Rev A titled "Phase 2 layout" and are aware that the proposed access will have kerb radii's of 10m and 8m, while the access width will be approximately 9.5m wide which reduces to a minimum carriageway width internally of 5.5m. At the access, the site will also provide 2m wide footways on either side, for a short duration.*  *To support the width of the access, in the second Technical Note provided by DTPC dated 15th October 2022, the Consultant has provided swept path analysis drawings of two-way movements occurring between two large cars entering and exiting the site simultaneously, as well as HGVs entering and exiting the site.*  *The LHA have reviewed the swept path drawings in the second Technical Note and are aware that the access and the internal carriageway is suitable for two-way movements and so the LHA have no further comments to make regarding the access width.*  *The LHA have also reviewed the site section and long section drawings of the access and the internal carriageway and are satisfied that the gradient throughout the site complies with the LHAs guidance.*  *Furthermore, the LHA are aware that the access can provide visibility splays of 2.4m x 43m to the right and 2.4m x 36m to the left of the access. The LHA are aware that the visibility splay to the left of the access does not comply with the LHAs guidance. However, the LHA will accept the shortfall due to Chatburn Old Road terminating at this distance. Therefore, the LHA have no further comments to make regarding the visibility splays.*  ***Off-Site Highway Improvements:***  *The LHA will require a number of Off-Site Highway improvements to be made, all at the cost of the Applicant, as identified during the pre-application stage. The LHA will request that a number of Traffic Regulation Orders (TRO) are pursued at the junction between Crow Trees Brow and Ribble Lane; junction between Ribble Lane and Chatburn Old Road; and along Chatburn Old Road.*  *The LHA inform the reader that these requirements are subject to change, following agreements with the LHAs Traffics team and following a public consultation where the locations of these TROs will be identified. But these requests are required for highway safety reasons.*  *The LHA may also require the streetlights along Chatburn Old Road are extended adjacent to the site. Extending the streetlight scene is particularly important in this location, due to the adopted highway having no footways. Therefore, to enable all road users to identify each other during night-time hours and for pure safety reasons, streetlights should be provided.*  ***Internal Carriageway:***  *The LHA have reviewed DTPC drawing number J1050 access and prow fig1 Rev A titled "Phase 2 layout," and are aware that the internal carriageway will be a minimum of 5.5m for the full duration of the spine road and will have a 2m wide footway to the left and a 0.5m service strip on the other side of the spine road.*  *While this does not comply with the LHAs guidance which requires 2m wide footway to be provided on both sides of the internal carriageway, the LHA will accept the shortfall in this case due to the site not being adopted and there being limited space included in the Permission in Principle application to facilitate the minimum pedestrian facilities.*  *The LHA will also accept that Public Footpath 3-11-FP1 will be diverted to the proposed 2m wide footway, but this will require a diversion order from the LHAs Public Right of Way team with information being found in the informatives below. Furthermore, as stated in the previous comments dated 6th September 2022, the LHA have no objection to the junction and internal carriageway which serves Plot 2-7 to remain 4.8m wide with 1.8m wide footways either side.*  ***Turning Head:***  *The LHA have reviewed the amended turning head and the revised swept path drawing provided in the second Technical Note dated 15th October 2022 which shows a refuse vehicle using the turning head and are aware that the turning head is now suitable.*  *Private, Access Track serving Plots 8 and 9*  *The LHA have reviewed the width of the private access track serving Plots 8 and 9 and are aware that the width complies with the LHAs guidance.*  ***Parking:***  *The LHA are aware that the proposed quantity of car parking spaces complies with the LHAs parking guidance as defined in the Joint Lancashire Structure Plan. The LHA have also reviewed the lengths and the widths of the driveways, and they comply with the LHAs guidance. The LHA will condition that Electric Vehicle charging points are provided on each private driveway and cycle storage is provided to comply with the LHAs sustainable transport requirements.*  ***Boundary Treatment Plan:***  *The LHA will condition that a boundary treatment plan is submitted. This is because the LHA are aware that the embankment to the left of the access may require a retaining wall feature to be erected due to the level difference of the internal carriageway and the embankment. The LHA will also require a site section drawing of the embankment, retaining wall and the carriageway to be conditioned to ensure that the gradient does not exceed 1 in 3. For information, any retaining structures adjacent to the highway, retaining land, will need a Structural Agreement if they exceed 1.3m in height. All structures retaining the highway itself will also need an agreement.*  ***Sustainable Transport:***  *The LHA are aware that the site's closest bus stop is located along Ribble Lane, which is approximately 295m away from the sites access. The bus stop serves hourly services to Clitheroe, Nelson and other smaller settlements including Waddington, West Bradford, Grindleton, Downham, Newchurch. The site is also located within close proximity to local shops and other amenities. To access these amenities, the occupants can walk along Chatburn Old Road or use Public Footpath 3-11-FP1, which runs through the site and provides access to Crow Tree Brow.*  *The LHA will require the Public Footpath to be adequately surfaced throughout the site and will require a diversion order to be agreed with the LHAs Public Right of Way team.*  Further to the above matters, the LHA have requested the imposition of conditions in relation to the following:   * Submission of a Construction Traffic Management Plan prior to commencement of development. * Access arrangements to be in place prior to first occupation of any of the dwellings. * No development to be commenced until a scheme for the construction of the site access and the off-site works (number of Transport Regulation Orders to be pursued at the junction between Crow Trees Brow and Ribble Lane; junction between Ribble Lane and Chatburn Old Road; and along Chatburn Old Road; streetlights to be extended along Chatburn Old Road) of highway mitigation has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. * Details of future management and maintenance of roads. * No development to be commenced until full engineering, drainage, street lighting and constructional details of the streets have been submitted to and approved in writing by the local planning authority. * Details of retaining structures adjacent the highway. * Inclusion of the provision of EV charging points. | | | | | | | | | | | | | | | |
| **Landscape/Ecology:**  The application has been accompanied by the submission of and Ecological Survey and Assessment and Arboricultural Constraints Appraisal.  The submitted Arboricultural Constraints Appraisal does not propose the direct removal of any trees/hedgerow to facilitate the development with the Ecological Survey concluding the following:   1. *This ecological survey and assessment presents the ecological, biodiversity and nature conservation status of Moorend, off Chatburn Old Road, Chatburn, Lancashire BB7 4AB. The assessment was requested in connection with proposals to develop the site* 2. *This report presents the results of a desktop study, data search and extended Phase 1 Habitat Survey carried out in December 2021. The scope of survey undertaken is appropriate to identify potential ecological constraints, the remit of mitigation required and opportunities for biodiversity associated with the development proposals.* 3. *The site comprises an area of unmanaged formerly sheep-grazed grassland which has been partially re-seeded (where the ground has been previously cleared during the construction of the residential development to the immediate north of the site, and over an area of imported topsoil). Areas of bare ground (associated with the former construction site) support areas of colonising vegetation, and a public footpath with vegetation planted and colonising the footpath verge are also present. Two mature trees are present at the eastern end of the site.* 4. *The proposals will have no adverse effect on statutory or non-statutory designated sites for nature conservation.* 5. *A small 1m2 area of plant species indicative of calcareous conditions is present (i.e. Salad Burnet) beyond the north-eastern boundary of the site. It is recommended that this area is protected during the construction phase of the proposed development. Measures for the protection of the grassland are presented at Section 5.2. It is recommended that, in the long term, this area is translocated to form part of the 900m2 area of calcareous grassland proposed to the south-west of the site.* 6. *Only common and widespread plant species were found. None of the habitats present are representative of semi-natural habitat. No Priority Habitats are present within the site. In terms of each habitat’s importance in a geographical context, the mature trees are considered to be of ‘site’ importance. The areas of bare ground and colonising vegetation and the grassland habitats are not considered to be of importance in terms of a geographical context.* 7. *Both trees will be retained by the proposed development; measures to protect the trees during the construction phase of the proposals are presented at Section 5.2.* 8. *No invasive plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were detected within the site.* 9. *The mature trees are suitable for use by nesting birds and are of moderate suitability for use by roosting bats; the proposals will retained both trees. Measures for the protection of nesting birds during works and to ensure that nocturnal wildlife are not impacted by lighting as a consequence of the proposals are presented at Section 5.2. Measures to ensure the protection of bats if works are proposed to the trees overhanging the south-western end of the site (of ‘low’ suitability for use by roosting bats due to the presence of Ivy) are presented at Section 5.2, with further measures for the protection of other wildlife, including hedgehog (a Priority Species) during works. Badger activity has been noted within the wider area; the proposals will not impact upon any badger setts or areas of core or important habitat for badger however. Measures to ensure the protection of badger during the construction phase of the proposed development are presented at Section 5.2. No other protected species have been detected.* 10. *The recommendations in Section 5.0 outline all the mandatory measures and additional actions to be applied to ensure compliance with wildlife legislation, the National Planning Policy Framework (NPPF) and best practice.* 11. *The proposals will secure an opportunity to implement beneficial measures such as habitat creation that will safeguard habitats for wildlife such as birds and bats, with the aim of providing a net gain in biodiversity in accordance with the principles of the NPPF. Recommendations for ecological enhancements are presented at Sections 5.3 and 5.4.* 12. *It is concluded that the proposals are feasible and acceptable in accordance with ecological considerations and relevant planning policy. Development at the site will provide an opportunity to secure ecological enhancement for wildlife associated with residential development.*   Taking account of the above, should consent be granted, subject to appropriate landscaping details and ecological/biodiversity enhancement(s)/mitigation the proposal is not considered to result in any significant undue impact upon protected species or species of conservation concern that would warrant the refusal to grant planning permission of these grounds. | | | | | | | | | | | | | | | |
| **Flood Risk / Drainage**  The application site is less than 1ha and within flood zone 1; therefore a flood risk assessment is not required. The drainage strategy identifies that surface and foul water would discharge into an existing combined system. Both the LPA and United Utilities consider that the surface water drainage hierarchy has not been satisfied. The drainage strategy states ‘infiltration has initially been discounted as a suitable means of surface water disposal due to ground conditions’. No evidence of an assessment of ground conditions has been provided. Even if this could be evidenced the hierarchy in the NPPG then requires consideration of drainage to surface water bodies (e.g. watercourses) and surface water sewers, highway drains or other drainage systems, before discharge to a combined sewer would be accepted. However, it is considered that this could be addressed via a suitably worded condition which also requires details of mitigation as appropriate including discharge rates and measures to reduce risk of surcharge. | | | | | | | | | | | | | | | |
| **Other Matters**  The development proposal is below the threshold at which contributions towards school places or public open space would need to be secured. Nevertheless, the proposal would include provision for some green amenity space in the south-east corner of the site, where the protected trees are sited. A condition could be imposed to secure the management and maintenance arrangement of this land.  As the roads would be privately managed details of waste management / bin collection provision would need to be secured by condition to ensure future occupiers had access to a public or private refuse collection service. | | | | | | | | | | | | | | | |
| **Observations/Consideration of Matters Raised/Conclusion:**  As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for refusal. | | | | | | | | | | | | | | | |
| **RECOMMENDATION**: | | | |  | | | | | | | | | | | |
| That planning consent be refused for the following reason(s). | | | | | | | | | | | | | | | |
| **01:** | The proposal is considered to be in direct conflict of Key Statements H2 and H3 and Policy DMH1 of the Ribble Valley Core Strategy and Paragraph 64 of the National Planning Policy Framework by virtue of a failure to provide a policy compliant level of affordable housing provision (within a designated rural area as designated under Section 157 of the Housing Act 1985).  Furthermore the proposal would fail to provide a suitable mix of housing that reflects local needs or result in the creation of a development with a well-integrated mix of homes of different types and tenures to support a range of household sizes, age-groups and community groups that would achieve or encourage a balanced, inclusive, or cohesive sense of community, contrary to the aims and provisions of Paragraphs 8(b) and 130(f) of the National Planning Policy Framework.  Even if a viability justification was accepted, the significant harm caused by the development in failing to provide any affordable housing or encourage a balanced / inclusive community, would outweigh any benefits to development. Therefore the proposal is considered to form an unsustainable development contrary to the overarching objective(s) of the development plan and National Planning Policy Framework. | | | | | | | | | | | | | | |
| **02:** | The proposal is considered to be in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy insofar that the outlook of Plot 07 will result in significant elevated overlooking of the private garden area of number 26 Crow Trees brow, being of significant detriment to the sense of privacy and residential amenities enjoyed by current/future occupiers of the affected dwelling. | | | | | | | | | | | | | | |