RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

# DEFER AND DELEGATE

**DATE: 30 MAY 2024**

**REF: LH**

**APPLICATION REF: 3/2023/0540**

GRID REF: SD 360461 436598

**DEVELOPMENT DESCRIPTION:**

FULL PLANNING PERMISSION FOR ACCESS, LANDSCAPING AND THE ERECTION OF 52 NEW BUILD RESIDENTIAL PROPERTIES, THE CONVERSION OF THE FORMER BARN TO ONE DWELLING UNIT AND REFURBISHMENT OF EXISTING RESIDENTIAL UNIT (53 CHAPEL HILL). PURSUANT TO VARIATION OF CONDITION 2 (APPROVED PLANS) ON PLANNING PERMISSION 3/2015/0575 (A VARIATION OF 3/2014/0794 3/2011/1071) AND INVOLVING REMOVAL OF POND, REALIGNMENT OF ESTATE ROAD AND FOOTPATH AND ALTERATIONS TO PARKING. **LAND OFF CHAPEL HILL (HALL BARN DRIVE), LONGRIDGE PR3 2YB**



**CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

**PARISH COUNCIL:**

Longridge Town Council have responded raising concerns in relation to the removal of open space given that the original application had a caveat to keep the open space. It is felt that by reversing original decisions [this] sets a precedent to developers.

**LOCAL HIGHWAY AUTHORITY (LCC HIGHWAYS):**

Original response – objection - As a result of the estate road being re-aligned a swept path of a refuse vehicle using the estate road is required. Require the internal pedestrian link to Chapel Brow to still be provided because it connects to Bridleway BW0302058, part of the Public Right of Way network. Raise a concern regarding the parking spaces for plots 50 and 52.

Revised response – having seen the tracking plan slight improvements to the internal carriageway are needed to ensure that it is safe and suitable for a refuse vehicle to use. Furthermore, the highway layout would not be suitable for adoption.

**ADDITIONAL REPRESENTATIONS:**

Letters of representation have been received from 16 households objecting to the application on the following grounds:

* Unclear if the application is seeking to restore the levels to those originally approved and remove all unlawfully dumped spoil which has raised the site levels and been an eyesore for many years
* Support the aspect of the proposal which sees to restore the site levels to their original levels by removing the soils deposited in the east of the site
* Is there a way of verifying that the ‘as built’ levels are the same as those approved
* No public access to the on-site green space or footpath link to Chapel Brow
* Concern about future maintained of the open space
* Concern about more houses coming forward on the open space land
* Concern about the loss of the pond which would have been a positive feature and beneficial to wildlife
* Safety concerns over a new pond are not supported by any risk assessment
* Previous conditions are being ignored
* This is a conservation area and the previous landscape enhancement were identified as being sufficient to outweigh the limited harm to the historic environment caused by the development
* The National Planning Policy Framework seeks to ensure that the quality of approved development is not materially diminished between permission and completion but this is what the applicant wants to achieve

1. **Site Description and Surrounding Area**

* 1. The application site relates to a partially constructed residential development off Chapel Hill, Longridge. The site lies to the south of St Cecilia’s RC High School, recycling unit, industrial units and residential properties, and to the north of Alston Reservoir No 2 (a designated County Biological Heritage Site). To the east lies residential properties fronting Chapel Brow, which is also a Bridleway. The site was formerly a greenfield site with two substantial buildings along the site frontage; one of which has been demolished (no.53) with only a former barn remaining, identified as a Building of Townscape Merit. Part of the site lies within the St Lawrence’s conservation area and the entire site falls within the settlement boundary of Longridge.

2. **Proposed Development for which consent is sought**

2.1 This application seeks to vary a previous planning permission. The original development was considered by the Council’s Planning & Development Committee in July 2012. That application granted consent for a development of 52 new build dwellings, the conversion of the former barn to one dwelling and refurbishment of the existing residential unit (No.53). The permission was subsequently varied in 2014 and then again in 2015 to allow for a phased development to come forward.

2.2 Section 73 (s73) of the Town and Country Planning Act 1990 enables applicants to apply for a minor material amendment by varying or removing conditions imposed on the original permission. In this case, the changes that are being applied for relate to amending the approved site layout as follows:

* Realignment of the estate road layout at the southern end of the site (in front of plots 24-31), with the proposed road approximately 6 metres further south
* Realignment of the footpath which runs to the south of the aforementioned section of estate road by the same distance, and also bringing the footpath closer to the estate road along the western site boundary
* Removal of pond in the public open space and change to footpath layout within this area
* Amendment to parking provision for various plots including Nos 8, 25-31 and 53

2.3 There are no changes proposed to the house types, building footprints, vehicle access or pedestrian access points onto Chapel Hill and Chapel Brow (as confirmed by amended plans received). Nor are changes proposed to the barn conversion. A separate planning permission (3/2022/0679) was granted and implemented to demolish No.53 and replace it with a pair of semi-detached dwellings, and the plans illustrate these dwellings and associated parking in situ, which are not for consideration as part of this s73 application. For the avoidance of doubt there is no proposed increase in the number of dwellings being considered in this application.

2.4 16 no. dwellings have been secured previously as affordable housing, with a split of 8 no. shared ownership units, 6 no. affordable rent units and 2 no. discount sale properties. It is proposed to retain this tenure split, but with the Section 106 agreement modified such that an affordable housing scheme will need to be submitted to ensure the scheme accords with the Council’s policy on meeting local need. A housing association is currently looking at purchasing the site and delivering the development.

3. **Relevant Planning History**

3/2011/1071: Full planning permission for access, landscaping and the erection of 52 new build residential properties, the conversion of the former barn to one dwelling unit and refurbishment of existing residential unit (53 Chapel Hill) – Approved

3/2014/0794: Deletion of condition 30, variation of conditions 2 and 31 and revised wording to conditions 3,4,6,7,8,9,10,12,14,15,16,17,19,20,21,22,24,26 and 33 of planning consent 3/2011/1071 – Approved

3/2015/0575: Variation of condition 21 (surface water drainage) on planning permission 3/2014/0794 – Approved

3/2015/1009: Discharge of conditions 1 (timescale) and 7 (door and window paint) from planning permission 3/2015/0575 (in relation to phase 1) – Approved

3/2016/1051: Discharge of condition 29 (external works relating to Plot 48) from planning permission 3/2015/0575 – Approved

3/2017/0961 - Variation of S106 Agreement dated 1st November 2012 as part of planning permission 3/2011/1071 to change from 16 affordable homes (8 affordable rent and 8 shared ownership) to 14 shared ownership homes only - Refused

3/2017/0855: Retention of unauthorised vehicular access for a temporary period of 6 months to facilitate site preparation works approved under planning permission 3/2015/0575 – Approved

3/2017/0981: Discharge of conditions 3 (materials), 4 (streetscape details), 6 (window cross-sections), 7 (timber painted windows), 8 (archaeological record), 10 (highway improvements), 17 (ecology mitigation), 20 (bird and bat boxes), 21 (surface water drainage) 22 (foul and surface water drainage), 23 (construction method statement), and 31 (foul drainage system) from planning permission 3/2015/0575 (variation of 3/2014/0794 which was a variation of 3/2011/1071) – Split Decision

3/2018/0763: Discharge of conditions 21 (surface water flooding and means of disposal), 22 (details of how foul and surface water shall be drained on separate systems) and 31 (foul drainage scheme) from planning permission 3/2015/0575) – Refused

3/2023/0430: Approval of details reserved by conditions 21 (sustainable surface water drainage), 22 (foul and surface water drainage separate systems) 25 (Renewable Energy) and 31 (foul water drainage scheme) of planning permission 3/2015/0575 – Pending

In respect of the part of the site relating to the former dwelling at No.73 Chapel Hill the following applications are relevant:

3/2019/0318: Demolition of existing farmhouse and erection of two semi detached dwellings - Approved

3/2022/0679: Variation of condition 2 (Plans) of planning application 3/2019/0318. Proposed change of house design - Approved

4. **Relevant Policies**

 **Ribble Valley Core Strategy:**

Key Statement DS1: Development Strategy

Key Statement DS2: Sustainable Development

Key Statement EN2: Landscape

Key Statement EN3: Sustainable Development and Climate Change

Key Statement EN4: Biodiversity and Geodiversity

Key Statement EN5: Heritage Assets

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 DME4: Protecting Heritage Assets

Policy DME6: Water Management

Policy DMH1: Affordable Housing Criteria

Policy DMH4: The Conversion of Barns and Other Buildings to Dwellings

Policy DMB4: Open Space Provision

Policy DMB5: Footpaths and Bridleways

National Planning Policy Framework (NPPF)

National Planning Practice Guidance

Technical Guidance to National Planning Policy Framework

Longridge Neighbourhood Plan

5. **Assessment of Proposed Development**

5.1 Principle of Development and Procedural Matters:

5.1.1 The site is located within the defined settlement boundary of Longridge and the principle of residential development on this site is established.

5.1.2 In determining a section 73 (s73) application, the local planning authority must only consider the condition/s that is/are the subject of the application and that it is not a complete reconsideration of the application although it must still be determined according to the current development plan and other material conditions. The main material considerations in this s73 application are therefore whether the amendments listed in section 2.2 of this committee report are acceptable.

5.2 Impact upon Residential Amenity:

5.2.1 As per Core Strategy Policy DMG1, development must not adversely affect the amenities of the surrounding area; and provide adequate day lighting and privacy distances.

5.2.2 The proposed changes will not result in any material impacts upon existing residents or future occupants compared to the approved development, given that no change to building footprints or house types/designs are proposed. There is not considered to be any material impacts as a result of the amended road layout and footpaths in terms of noise or other disturbance. Given the above the proposal is considered compliant with Policy DMG1 (Amenity).

5.3 Visual Amenity/External Appearance/Landscape

5.3.1 As per Core Strategy Policy DMG1, all development must be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials. Development must (also) have regard to public safety and secured by design principles. Policy DMB4 ensures that residential sites over 1ha will provide adequate and usable open space.

5.3.2 Further consideration is given to CS Policy DME2, which states that ‘development proposals will be refused which significantly harm important landscape or landscape features including:

1. Traditional stone walls

2. Ponds

3. Characteristic herb rich meadows and pastures

4. Woodlands

5. Copses

6. Hedgerows and individual trees (other than in exceptional circumstances where satisfactory works of mitigation or enhancement would be achieved, including rebuilding, replanting and landscape management)

7. Townscape elements such as the scale, form and materials that contribute to the characteristic townscapes of the area

5.3.3 The site plan submitted illustrates that a mature belt of sycamore trees across the centre of the site are to be retained, there is no change to this element. It indicates the retention of the existing stone barn along the site frontage (to be converted) and its associated sandstone wall, as well as the sandstone wall along the southern boundary. The scheme will have no material impact on existing landscape features compared to the previously approved development.

5.3.4 CS Policy DME2 goes onto state that the Council will seek, where possible, to enhance the local landscape, with policy DMG1 outlining a mitigation hierarchy which gives preference to enhancing the environment. The landscape strategy report which accompanied the original (2011) application stated ‘the existing landscape features will be enhanced and supported by new landscape elements comprising:

* Pedestrian footways;
* Existing trees and vegetation;
* Feature Pond & Sustainable Urban Drainage (SUDS) ditches;
* Hard landscaping;
* Boundary treatments;
* Road boundary planting;
* General tree planting;
* Structure planting;
* Hedgerow planting;
* Ornamental planting; and
* Grassland areas.

5.3.5 Using the same bullet headings, this s73 application proposes:

* No change to the pedestrian access into the development to the north, east and west including retention of existing track at the centre of the site. 3 No. pedestrian access points into the green space (previously 4) linked by open space footpaths;
* No change to the retention of the majority of existing trees identified as trees of landscape and amenity value;
* The removal of the previously proposed drainage pond and swales (NB this was to be a new feature in the development and is not on the site currently). The application cites the reason to remove the pond is because of concerns expressed by the prospective housing association about the health and safety implications, however little weight is given to this reason as it is considered that suitable design details such as perimeter fencing would alleviate any concerns;
* No change to the tarmac roads, pavements and pathways, or surfacing of the open space footpaths which would be in self-binding gravel. Private driveways now tarmac (previously Tegular type paving). Removal of road feature zones;
* No change to the use of sandstone walls and ‘Cheshire’ style metal railings along the Chapel Hill boundary of the site and to define the open space;
* Linear groups of tree planting alongside the ‘Cheshire’ style metal railings along the Chapel Hill boundary (previously hedgerow and linear groups of tree planting alongside the railings);
* No change to the new tree (general and structure) planting across the site in front and rear gardens, public realm and open space areas, including providing definition of areas and bolstering of existing buffer planting;
* No change to the hedgerow planting along the eastern site edge. Only change to previously approved scheme is removal of hedgerow along Chapel Hill boundary;
* No ornamental planting proposed (this was only a very small area in the original scheme);
* Central area of open space proposed to be grass seeded and regularly maintained and mown to allow space for recreation. Two areas of ‘wild meadow’ planting proposed to be cut back seasonally.
	+ 1. As can be seen from the above, some previously proposed new landscape features would be lost or changed, however based on those elements of the scheme that would remain, it considered that the s73 application would still provide the necessary landscape enhancement in order to be policy compliant.
		2. The open space area to the east of the site is unchanged in overall size and position, with good public access to/from the space and through it as per the amended plan. It is considered that this would still provide adequate and useable amenity space in line with policy DMB4. In addition, whilst a section of the footpath is proposed closer to the southern boundary as a result of the proposed road alignment, this stretch of open/amenity space is still considered adequate and useable by future residents as well as the public. Therefore the s73 application would still provide the necessary open space in order to be policy compliant.

5.3.8 A number of concerns have been raised about raised land levels on the eastern part of the site, however the plans submitting with this s73 application include site levels that clearly show this land as returning to existing ‘pre-development’ levels. This is necessary to secure an acceptable visual impact and can be secured by condition.

5.3.9 Given the above the proposal is considered compliant with CS Policy DMG1 (Design, Access), DME1, DME2 and DMB4. However a landscape scheme is required to be submitted to ensure appropriate detailing which can be secured by condition.

5.3.10 Paragraph 140 of the NPPF states that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). The removal of the pond and a small number of other landscape features such as hedgerow along Chapel Hill is unfortunate, however these are a small number of features that are not considered to diminish the quality of the development when looking at the scheme as a whole. Also, importantly, taking into account that development on this site commenced in circa 2017 but has stalled for a number of years and currently sits as an eyesore in the landscape, and that there now appears to be a housing association looking to take on the site and see the development proposed in this s73 application through to completion.

5.4 Impact upon the Conservation Area

5.4.1 Part of the application site (including the stone barn and extending eastwards) lies within St Lawrence’s conservation area. As such the local planning authority has a duty to consider the development under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. In considering whether to grant planning permission for development which affects a conservation area, the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

5.4.2 The heritage statement submitted with the original (2011) application identifies that much of the conservation area relies on a tight urban grain and linear built form and enclosure to define its character, but is also reliant on openness and views. There are some glimpsed views across the application site but that other than the site frontage, the site is largely invisible from views outside except as seen from neighbouring properties along Chapel Brow.

 5.4.3 The s73 application maintains the master layout and so continues to protect the glimpsed views afforded across the site. As with the original application, it will allow access to an area that is currently publicly inaccessible and improve links to the conservation area. Additional tree planting and open space areas will enhance the landscape character of the wider area. As such the s73 proposal is considered to protect and enhance the conservation area and not have a materially different impact compared to the original scheme, therefore satisfying section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 as well as key statement EN5 and policy DME4 of the Core Strategy.

5.5 Ecology:

5.5.1 A phase 1 ecology report was submitted with the original (2011) application. This confirms that Alston Reservoirs Biological Heritage Site (BHS) is situated immediately to the south which is designated based on omithological and botanical interest. Further afield lie Spade Mill Reservoirs and College Wood BHS. The site was not considered to provide habitat that directly supports nearby BHS sites with mitigation measures in the form of information boards and sensitive lighting scheme design considered suitable to avoid disturbance to the adjacent BHS.

5.5.2 Amphibian surveys did not reveal the presence of great crested newts on site and impacts to the closest population, some 530m to the south, considered extremely unlikely. The new drainage pond proposed in the original scheme was identified as providing new breeding opportunities for amphibians, however the report also identified that the pond would have an attenuation feature which is not optimal for wildlife albeit suitable design could try and maximise its habitat potential.

5.5.3 There is no denying the fact that the removal of the pond will reduce the extent of biodiversity enhancement offered by the site. However, the new areas of planting as well as new and retained trees and hedgerow that form part of this s73 application are considered to be sufficient to maintain wildlife corridors and achieve enhancement on site. Bat and bird boxes on buildings and within trees can also be secured by condition. Previous surveys have identified that the barn to be converted may require a bat license from Natural England because of historic findings. This can be secured in a condition together with any mitigation needed.

* + 1. Given the above the proposal is considered compliant with CS Policy DME3.

5.6 Highway Safety and Accessibility:

5.6.1 Further information was requested by the Highways Authority to demonstrate that a refuse vehicle can adequately use the estate road. A tracking plan was subsequently provided, with LCC Highways requesting further improvement. The agent, in response, has reiterated that this s73 only seeks minor changes to a section of the internal road layout and has stated that the Council’s refuse department has already given their approval for bin collection based on the tracking plan provided. Furthermore, the agent, and prospective housing association, are aware that the highway is not designed to adoptable standard (and never has been) and as such will be privately managed and maintained.

5.6.2 Amended plans have been received reinstating the new footpath link to the eastern boundary onto Chapel Brow which addresses one of the issues raised by LCC Highways. Furthermore the agent has provided additional information on the parking arrangements between plots 50 and 52 which confirms no conflict. Whilst some of the parking spaces are outside of curtilage and less accessible, the s73 scheme is not materially different to the approved scheme and has the same level of parking provision.

5.6.3 Given the above the proposal is considered acceptable from a highways perspective and would maintain good levels of pedestrian connectivity through the site in order to comply with CS Policies DMG1, DMG3 and DMI2.

5.7 Water Management

5.7.1 The drainage pond on site was originally proposed to ensure adequate on-site drainage attenuation. A discharge of condition application currently pending proposes an alternative drainage solution whereby water is piped underground where it connects to an existing culvert along the southern boundary which in turn outfalls into an open watercourse in Chapel Brow. It is understood that the principle of this alternative scheme is acceptable to United Utilities, with some outstanding technical matters to resolve (i.e. proximity to easements) before they can formally respond to remove their objection. As a suitable drainage scheme can be found without being dependent on the pond, the s73 application is considered compliant with CS Policy DME6.

5.8 Planning Obligations:

5.8.1 At the time of the original application no contributions were deemed necessary to mitigate the impact of the development on school places or the local highway, including sustainable travel. As this s73 application does not increase the quantum of development on site compared to the previous permissions then it would not be reasonable to consider this further.

5.8.2 As previously stated a deed of variation to modify the original S106 agreement is required to secure the 16 affordable dwellings.

6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 For the reasons outlined above the proposed development is considered to be compliant with the relevant policies outlined within the Ribble Valley Core Strategy as well as the NPPF. The principle of the development is established, and the revised scheme, despite some landscape omissions and changes, is still considered to secure landscape and ecology enhancement overall. Furthermore, it is considered that allowing this application is likely to help to bring forward a currently stalled development on a sustainable site.

6.2 As such the proposal is recommended for approval, subject to conditions that will follow after the publication of the agenda, and the completion of a modified section 106 agreement to secure affordable housing.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Economic Development and Planning for approval following the satisfactory completion of a Legal Agreement and subject to conditions that will be published separately on a Late Items Sheet.

BACKGROUND PAPERS

[Planning Application - Ribble Valley Borough Council](https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2023%2F0540)