

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

REFUSAL

DATE: 13 November 2014
REF: DR
CHECKED BY: JM

APPLICATION NO: 3/2014/0831 (GRID REF: SD 374068 437823)
OUTLINE PROPOSAL FOR A RESIDENTIAL DEVELOPMENT OF UP TO 25 DWELLINGS
WITH ACCESS FROM WHITEACRE LANE. ALL OTHER MATTERS RESERVED.

PARISH/TOWN
COUNCIL:

Objection. Application is contrary to national and local planning policy. A total of 750 dwellings and an industrial site have been approved in Barrow since 2008. Barrow is a village, not a key service centre – it has insufficient facilities and infrastructure to support its current population and it cannot support additional residential development. The cumulative effect must be taken into account. The following additional points are raised:

- The local Co-op is only accessible by car.
- The site lies outside the settlement boundary and does not conform to infill criteria.
- The plans contain insufficient detail but appear to show a high density development, which is inappropriate on a country lane.
- Detrimental to highway safety. Yellow lines required at the site entrance.
- Inaccessible by public transport.
- Loss of hedgerows detrimental to wildlife.
- Primary school does not have sufficient capacity.
- Proposal should include play space for children.
- Public footpath not shown on the plans.
- Members are disappointed to note that the application does not include contributions for the benefit of the community in Barrow.

ENVIRONMENT
DIRECTORATE
(COUNTY
ARCHAEOLOGY):

No significant archaeological implications.

ENVIRONMENT
DIRECTORATE
(CONTRIBUTIONS):

Awaiting comments.

ENVIRONMENT
DIRECTORATE
(COUNTY
SURVEYOR):

Awaiting comments.

ENVIRONMENT
AGENCY:

Objection. The flood risk assessment does not comply with the requirements set out in section 10, paragraph 30 of the Flood Risk and Coastal Change category of the PPG to the NPPF. The submitted

FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

UNITED UTILITIES: No objection subject to conditions relating to foul and surface waters.

ADDITIONAL REPRESENTATIONS: 9 letters of objection have been received. The main concerns raised include:

- Character of Whiteacre Lane would change from rural country road to urban road.
- Impact of additional vehicles on traffic flow, highway and pedestrian safety.
- Lack of pavements along the road.
- Barrow has already been the subject of applications for large numbers of additional houses. The planning applications are in excess of reasonable needs.
- Loss of another green field.
- Road is used as a short cut by vehicles and this development would exacerbate this.
- Impact of pollution given site is adjacent to A59.
- There is a lack of infrastructure given road is very narrow and traffic would therefore head towards Wiswell village to the east to access the A59 and A671.
- Additional pressure on services such as highways, schools and NHS services.
- More ribbon development.
- Cars parked at the junction of Whiteacre Lane and Whalley Road restrict visibility. Additional housing would compromise safety.

Proposal

Outline planning permission is sought for the development of the land to provide up to 25 dwellings. Vehicular and pedestrian access is proposed from Whiteacre Lane, with all other matters reserved. 30% of the dwellings would be affordable.

Site Location

The application site comprises of a rectangular parcel of land measuring 1.49ha on the southern side of Whiteacre Lane. The land contains two fields, separated by a tree lined hedgerow. Whiteacre Lane itself is a country lane with hedgerows either side of the road and no footways. The eastern boundary of the site adjoins an embankment abutting the A59 and to the north of the site on the opposite side of Whiteacre Lane are detached two storey dwellings and bungalows. Levels on the site slope down gradually from east to west. To the south west of the site is Green Park Court, a three storey development of apartments. Trees in the vicinity of the western boundary of the site are protected by Tree Preservation Order.

Relevant History

3/2011/0776 - Outline proposal for residential development of land off Whiteacre Lane – Approved August 2012.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control
Policy G5 - Settlement Strategy
Policy G11 - Crime Prevention
Policy ENV3 - Development in Open Countryside
Policy ENV6 - Agricultural Land
Policy ENV7 - Species Protection
Policy ENV10 - Nature Conservation
Policy ENV13 - Landscape Protection
Policy ENV14 - Archaeological and Historic Heritage
Policy H2 - Dwellings in the Open Countryside
Policy H19 - Affordable Housing - Large Developments and Main Settlements
Policy H20 - Affordable Housing - Villages and Countryside
Policy H21 - Affordable Housing - Information Needed
Policy RT8 - Open Space Provision
Policy RT18 - Footpaths and Bridleways - Improvements
Policy RT19 - Footpaths
Policy T1 - Transport Implications
Policy T7 - Parking Provision

Ribble Valley Core Strategy (Including Proposed Main Modifications)

Key Statement DS1 - Development Strategy
Key Statement DS2 - Presumption in Favour of Sustainable Development
Key Statement EN2 - Landscape
Key Statement EN3 - Sustainable Development and Climate Change
Key Statement EN4 - Biodiversity and Geodiversity
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 and Mobility
Policy DME2 - Landscape and Townscape Protection
Policy DME3 - Site and Species Protection and Conservation
Policy DME5 - Renewable Energy
Policy DME6 - Water Management
Policy DMH1 - Affordable Housing Criteria
Policy DMB4 - Open Space Provision
Policy DMB5 - Footpaths and Bridleways

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Technical Guidance to National Planning Policy Framework

Environmental, AONB, Human Rights and Other Issues

Principle

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

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

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

In assessing this application in relation to the principle of development, it is important to briefly outline of the current position of the authority in producing its Core Strategy. The Core Strategy, after several years of preparation including various public consultations, was subject to an Examination in Public in January 2014. This Examination, as a matter of course, considered in detail the consistency of the Plan and its policies with the National Planning Policy Framework (NPPF). Following the hearings the Inspector asked for some further clarifications, which were then subjected to a public consultation as Main Modifications to the Core Strategy. This consultation closed on 5th September 2014 and, following the supply of all the requested material to the Inspectorate, the authority is currently awaiting the Inspector's response. The Strategy and the Main Modifications have also been subject to a Sustainability Appraisal.

Given the advanced stage of the Core Strategy, the Core Strategy policies are important and relevant influences in the consideration of this proposal. Nevertheless, the Districtwide Local Plan remains the adopted plan for the Borough in so far as its policies are compliant with the NPPF. The NPPF is also a material consideration that should be afforded weight in decision making.

Paragraph 49 of the NPPF states that housing policies should not be considered up-to-date if a 5 year supply cannot be demonstrated. The most recent Housing Land Availability Schedule (to 30th June 2014) demonstrates a 5.1 year supply of housing land in the Borough and as such, paragraph 49 is not engaged. Similarly, current settlement boundaries will remain in place until a full review of settlement boundaries is undertaken. This site lies outside the settlement boundary in the open countryside and therefore policies G5 and H2 are relevant considerations.

Policy G5 recognises the need to protect the open countryside from inappropriate development and sets out a series of criteria in relation to acceptable forms of development outside settlement boundaries. These include development needed for agriculture and forestry; local

needs housing; small scale tourism and development essential to the local economy or social well-being of the area. Policy H2 is also relevant and it echoes some of the above points in relation to local needs housing and agricultural or forestry considerations. The proposed development does not accord with Policies G5 and H2.

Core Strategy Key Statement DS1 (in line with Main Modifications MM21 and 25) states that housing development outside the Borough's 32 Defined Settlements or Principal Settlements will only be appropriate if it delivers either local needs housing or regeneration benefits. Similarly, Policy DMG2 requires development to accord with Key Statement DS1 and goes on to state that outside the defined settlement areas development must meet one of a series of criteria. These relate to; development essential to the local economy or social well-being of the area; local needs housing; development for the purposes of forestry or agriculture; small scale tourism or small scale uses relating to a demonstrable local need and development compatible with an Enterprise Zone designation. In addition Core Strategy policy DMH3 (Dwellings in the Open Countryside and AONB) limits development in these areas to agricultural or local needs residential development.

The application site is located adjacent to the existing settlement boundary of Barrow and as such, is not considered to be isolated. Paragraph 55 of the NPPF is not therefore engaged. Barrow is identified in the Core Strategy as a 'tier 1 settlement' - one of the more sustainable villages in the Borough after the principal settlements and the strategic site at Standen. Main Modifications MM21 and MM25 have been subject to a Sustainability Appraisal (SA Report Addendum May 2014) which confirms that the overall policy is regarded as the most sustainable overall approach. An intrinsic element of this evidenced approach is to consider the detailed individual levels of sustainability of the various settlements and, as a part of this, the amount of development already permitted within the plan period. Thus, whilst Key Statement DS1 acknowledges that Barrow has a degree of sustainability, it also takes into account objectively assessed housing need and extant consents for residential development in Barrow. This analysis indicates that Barrow has already received over and above the level of housing development considered to be appropriate in this area and as such, for the remainder of the plan period, it is considered that further residential development should only be permitted in Barrow if it delivers local needs housing or demonstrable regeneration benefits.

The social role of the NPPF seeks to support communities by providing the supply of housing required to meet the needs of the present and future generations. Whilst this proposal would contribute to the supply of housing in the Borough, planning permissions already granted for development in an around Barrow will substantially increase the number of dwellings in the village compared to the size of the existing population. Approval of further residential development in the village would undermine the social element of sustainable development, given the size of the existing village, the already committed development and the impact of this on infrastructure and services in Barrow. The proposal would harm the emerging development strategy as set out in the Core Strategy and Main Modifications in line with the Inspector's recommendations. The proposal is therefore contrary to Policies DMG2 and DMH3 of the emerging Core Strategy. It is therefore considered that the principle of the development in this location could not be supported at the current time.

Notwithstanding the above, it is recognised that there is an extant consent for the residential development of part of the site adjacent to Whiteacre Lane and the indicative layout showed seven dwellings would be accommodated on the road frontage. However, this proposal for up to 25 dwellings would potentially result in up to 18 additional dwellings in Barrow. The cumulative impact of this with other consented developments in Barrow would further add to the

significant level of residential development coming forward in Barrow, contrary to the emerging Core Strategy.

Affordable Housing

The application proposes 30% of the total number of dwellings constructed on the site would be affordable units, which would equate to up to 8 affordable units. This accords with the Council's housing strategy and would contribute to the provision of affordable housing in the Borough.

Drainage and Flood Risk

The environment agency has raised an objection to the application on the basis of inadequate assessment of flood risk. A refusal reason is therefore recommended.

Residential Amenity

Layout is a reserved matter, however, given the location of the site, I am satisfied that the proposed development of the land in principle would have no undue impact on the amenity of the occupants of adjoining residential properties.

A noise report has been submitted and this identifies that mitigation measures would be necessary at reserved matters stage to protect the future occupants of the dwellings from road noise associated with the A59. I am satisfied that the noise mitigation measures could be secured by condition of any permission and environmental health raised no concerns in respect of air quality. No reason for refusal is therefore raised in these respects.

Access and Highways

As noted above, Barrow is a tier 1 settlement and there are facilities within 1000m-1200m walking distance of the site, which includes a primary school. There are employment opportunities in the area, which is readily accessible by bus with stops on Whalley Road. The Inspector of a previous appeal considered the retail unit at Barrow Brook to be accessible from Barrow. There is an extant consent for the erection of up to seven dwellings on this site and to facilitate access and visibility, the hedgerow and landscaping adjacent to Whiteacre Lane was proposed to be removed as part of that application. The current proposal is similar in this respect. I am mindful that this application for up to 25 dwellings would have a greater material impact on highway and pedestrian safety than the approved scheme for 7 dwellings - in particular, Whiteacre Lane is a single width country road with no footways along part of its length. However, the comments of the county surveyor are awaited and this matter will therefore be reported further in the late item. I am however mindful that the lack of footways along this road may not encourage future residents to walk.

Trees and Impact on Character and Appearance

There is an extant consent for the development of part of the site to provide up to seven dwellings, which would necessitate the removal of the hedgerow along Whiteacre Lane to provide adequate visibility at the site access. The tree lined hedgerow separating the site from the field to the south would have been retained and it was intended that a replacement hedgerow would be planted behind the visibility splay. The same could be secured as part of this application.

The application is outline with access only, hence the layout of the development is a reserved matter. Notwithstanding this, the application proposes the development of the land to provide up to 25 dwellings and the impact of this on the character and appearance of the area is a fundamental consideration of this application.

Whiteacre Lane is predominantly characterised by ribbon development along the road side, reflective of the typical character of rural areas where development peters out towards open countryside. Whilst an indicative layout has not been presented with the application, a layout is included within the noise report and the level of the development shown on this plan would clearly result in a form of development that would be out of character with the area. Similarly, the erection of a 2m high acoustic fence along the eastern boundary of the site could itself be of detriment to visual amenity if not appropriately screened. A further point note is the indicative layout appears to show dwellings in very close proximity to protected ash trees along the western boundary. The layout of the development shown would restrict levels of sunlight reaching the rear elevations and gardens of these dwellings and would be likely to result in tree resentment issues. The trees contribute to the character and appearance of the area and their removal or significant pruning would be detrimental to the visual amenities of the area.

In conclusion, the proposal would introduce an urban form of development at the fringe of the rural area, at odds with the existing pattern of development to the detriment of the visual amenity and character of the area. It is also likely that the development would result in the loss of additional landscape features, including the tree lined hedgerow separating the two fields. Although the indicative layout in the noise assessment shows the removal of this tree lined hedgerow, given layout is a reserved matter, I am limited as to the weight I can afford this. Nevertheless, the retention of landscape features helps to assimilate new development into the area and the cumulative impact of the level of development and the likely loss of this hedgerow only serves to demonstrate the negative impact of the development on the character and appearance of the area. This harm would need to be weighed in the planning balance.

Ecology

The proposal is likely to result in the loss of features of habitat value and the ecological report includes comprehensive proposals that would deliver a net enhancement of biodiversity to offset the losses. Any subsequent reserved matters applications would need to demonstrate how the detailed design achieves a net enhancement of biodiversity and if a net loss is likely, biodiversity offsetting would be required. I am satisfied that a net enhancement could be secured and no reason for refusal is therefore raised in this respect.

It is also noted that the ash tree identified as TN3 could have the potential to support bats and whilst it is not proposed for removal, further surveys would be required with any reserved matters application.

Developer Contributions

Lancashire County Council are yet to advise whether the impact of the development on services and infrastructure would require mitigation in the form of s106 contributions. Contributions may be required to mitigate the impact on sustainable transport and education facilities. This will be reported further in the late item.

The proposal would also place pressure on existing sports and open space infrastructure in the Borough. A comprehensive assessment of existing facilities in the Borough has identified a

need for qualitative improvements to existing facilities and contributions would be necessary to mitigate the impact of the development. Open space would be secured on site.

Conclusion

Consideration of the adverse impacts and benefits would enable a conclusion to be reached on whether the proposal comprises sustainable development, as defined by the NPPF. In terms of benefits, there would be economic benefits in NPPF terms, job creation during the construction period and funding from the new homes bonus.

Whilst the provision of housing and affordable housing would normally comprise benefits, the NPPF is clear that housing provision is a benefit when it is of the right type and in the right location. In respect of the latter, the development strategy of the Borough has been modified at the request of the Inspector presiding over the Core Strategy and this identifies that at the present time, Barrow is not the right location for further new housing development in the Borough. In the case of Barrow, planning permissions for residential development granted to date will already significantly increase the population of the village and the cumulative impact of further residential development in Barrow would undermine the social dimension of sustainable development. In addition, the proposal would undermine the environmental dimension of sustainable development as the applicant has not demonstrated that flood risk would be appropriately mitigated and it cannot therefore be concluded that the proposal would not increase flood risk elsewhere; the proposal would result in the loss of existing landscape features; and whilst layout is a reserved matter, the scale and level of the development as indicated would be urban in character, which would be at odds with the character and appearance of the rural context.

In this case, it is concluded that the adverse impacts of granting permission for this development proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. As such, the proposal does not comprise sustainable development and would compromise the implementation of the emerging planning policies of the Council, contrary to the interests of the proper planning of the area and the core principles and policies of the National Planning Policy Framework. It is therefore recommended that planning permission be refused.

RECOMMENDATION: That planning permission be **REFUSED** for the following reason(s):

1. The proposal, by reason of its scale and location, would lead to the creation of new residential development in the open countryside in excess of the identified residual number of dwellings proposed to be accommodated in Barrow. The proposal would undermine the social dimensions of sustainable development and would cause harm to the development strategy set out in the emerging Ribble Valley Core Strategy Submission Version as proposed to be modified. As such, the proposal does not comprise sustainable development and is therefore considered to be contrary to Policies G5 and H2 of the Ribble Valley Districtwide Local Plan, Key Statements DS1, DS2 and EN3 and Policies DMG1, DMG2 and DMH3 of the emerging Ribble Valley Core Strategy Submission Version as proposed to be modified and the National Planning Policy Framework.
2. The proposal would create a harmful precedent for the acceptable of similar unjustified proposals, which would have an adverse impact on the implementation of the emerging planning policies of the Council, contrary to the interests of the proper planning of the area and the core principles and policies of the National Planning Policy Framework.

3. The applicant has failed to demonstrate that the proposal would mitigate the risk of flooding and would not increase flood risk elsewhere, contrary to the National Planning Policy Framework, Policy G1 of the Districtwide Local Plan, Key Statements EN3 and Policies DMG1 and DME6 of the emerging Ribble Valley Core Strategy Submission Version as proposed to be modified.
4. The proposal, by reason of its scale and the level of development proposed, would result in a discordant and unsympathetic form of development that fails to respond to the inherent pattern of development in the immediate vicinity to the detriment of the visual amenities, character and appearance of the area. As such, the proposal is contrary to Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan, Policies DMG1, DMG2 and DMH3 of the emerging Ribble Valley Core Strategy Submission Version as proposed to be modified and the National Planning Policy Framework.