

D APPLICATIONS ON WHICH COMMITTEE 'DEFER' THEIR APPROVAL SUBJECT TO WORK 'DELEGATED' TO THE DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED

APPLICATION NO: 3/2012/0179/P

(GRID REF: SD 373589 436016)

PROPOSED OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT FOR THE ELDERLY COMPRISING 37 BUNGALOWS AND 40 RETIREMENT APARTMENTS AT LAND AT ACCRINGTON ROAD, WHALLEY

PARISH COUNCIL:

Have commented in relation to the originally submitted and later revised plans that they will support any objection put forward by the officers or from any statutory consultee on the following issues:

1. The problems with building on the floodplain and the immediate proximity of the River Calder to the proposed development.
2. The possible lack of capacity to receive waste water and sewage.
3. The loss of visual amenity, particularly when viewed in the context of the Conservation Area from Whalley Nab and from Accrington Road and the footpath to the east and south.
4. The inadequacy of parking provision of 15 spaces for 40 apartments – the Parish Council are very surprised that it claimed that this is in accordance with standards.

Further the Parish is very concerned at the lack of LCC Highways comment on the suggested village parking provision. The site, properly developed including adequate long-stay village parking has been identified by the Parish Council and features in the existing Parish Plan as a location for long-stay parking, without which LCC will not make progress on time limited parking in the village centre which is perceived as a means of addressing the congestion from which the village already suffers. If this application is passed without adequate village parking, a real opportunity will have been lost. The Parish Council would seek a considerably larger village car park; adequate protection to prevent residents on the site and their visitors from using the village car park spaces; and a view expressed by LCC Highways that the proposed village parking is sufficient to enable time limited parking to be introduced.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

Has no objection in principle to this outline proposal on highway grounds. Members are referred to the file for full details of his comments regarding the means of access to the

proposed development and the consequent highway safety and capacity impacts which are summarised as follows:

Access from Accrington Road

The vehicular access to the site will be formed from the site to Accrington Road. The design contained in Drawing 1637-040 P4 provides an acceptable range of highway parameters for the design of a suitable vehicular access.

It is indicated that there will be a short section of the access road where the gradient increases from the 1:20 that will form the majority of the road.

The inclusion of a 25 space parking area, identified as "parking spaces for Whalley" offers an opportunity for some off street public parking. However, there are issues regarding the long-term management, maintenance and stewardship that will have to be resolved with Ribble Valley Borough Council.

Highway Improvements at A671 Whalley Road

The Transport Assessment makes clear that the additional traffic generated from the site during the peak morning and afternoon periods does not have a significant impact on the traffic management features on Accrington Road.

The anticipated levels of traffic are such that they will have a negligible impact on the capacity or safe operation of the signals at Spring Wood or the mini-roundabout at King Street.

I am satisfied that the methodology employed and the source data used to determine traffic counts and junction modelling are satisfactory and fairly represent this location and the anticipated traffic demands.

Highway Safety

It is the intention to secure appropriate measures to enhance safe manoeuvring to and from the site should the application be successful. For this reason, significant highway works will be required at this junction to accommodate the additional turning traffic, a variety of travel modes and enhanced pedestrian activity.

PROW

There are two Public Rights of Way, Footpaths 27 and 28 that border the site to the south and east. While they do not enter the site, they must be maintained throughout any construction period, with no alteration to their path or accessibility.

The provision of additional links to these Footpaths from within the development is to be welcomed.

Planning Obligations

Should the LPA be minded to approve this development, the County Council would seek planning obligation contributions from this development to fund measures that support sustainable transport. The planning obligations are expected to cover:

- contribution for sustainable transport, walking, cycling and public transport, and
- request for contribution for advice and assistance with the Travel Plan.

On the basis of the originally submitted plans a highways contribution of £96,600 will be sought. This is based on 78 dwellings of various room sizes, 28 1-bed, 22 2-bed and 5 3-bed for open sale, with 12 1-bed and 11 2-bed for social renting. With an approximated Accessibility score of 20, the contribution are as follows:- 28 x £1,200, 22 x £1,200 and 5 x £1,800 = £69,000 and 23 x £1,200 = £27,600.

Public Transport

A range of bus stop locations are accessible within a 400m radius of the centre of the site. However, it would be beneficial to relocate the stop immediately to the east of Queen Street and place it towards the westerly edge of the development site.

The applicant has identified a site approximately to 95m to the east of its present location. This is acceptable, subject to a agreeing a detailed design and providing a £2k commuted sum for future maintenance. I would require that acceptance to future maintenance of the shelters by the Borough Council is obtained as part of this process.

Committed Development

There are no committed developments that will have a significant impact on this application.

Cycling

Measures such as the following should be considered to link the site to the main amenities within the village as there are clear benefits for healthy walking and cycling routes to, from and through this development:-

- a. A tarmac riverside cycle path from the eastern boundary of the site to Calder Vale along the line of FP27,
- b. A toucan crossing at the junction by Spring Wood.

Traffic Regulation Orders

This application will require the alteration of existing Speed Limits on Accrington Road. To this end, the following alterations should be considered. The applicant has suggested relocating the 30/40mph transition point 100m to the east of its present location.

This change would be fully inclusive of the site and would allow the introduction of additional measures to improve compliance with the revised speed limits, for example with interactive signage.

A contribution to the introduction of a 20mph limit through the village, with a transition point at the westerly edge of the site frontage.

Junction protection, similar to that in place at the Sydney Avenue junction opposite should also be pursued.

It will be agreed that the costs associated with the processing of the proposed TRO and the introduction of the necessary measures to establish the Order on site will be met by the Applicant.

The TRO will be of benefit to the efficient operation of the junction as it will enhance access by reducing the potential for delay with ingress and egress onto Accrington Road as a consequence of parked vehicles. There will also be benefit to pedestrians, as visibility will be improved in the vicinity of the junction.

On this basis, should the TRO not progress, for whatever reason, this would not raise any specific highway safety concerns and would not be viewed as a justification for raising an objection to the proposal on highway safety grounds.

Travel Plan

There is no Travel Plan included within this application. Therefore we would request that a Full Travel Plan be made a condition of planning approval. A contribution of £6000 would be requested to enable Lancashire County Council Travel Planning team to provide a range of services as described in 2.1.5.16 of the Planning Obligations in Lancashire paper dated September 2008.

Standard Conditions

A number of Standard Conditions are proposed.

In relation to the revised plans these do not highlight any new highway safety considerations or change in any way the substance of previous comments concerning this outline application.

LANCASHIRE COUNTY
COUNCIL (PLANNING
CONTRIBUTIONS):

This consultation response outlines the planning contributions request for Lancashire County Council services based on the policy paper Planning Obligations in Lancashire.

Transport

There is likely to be a contribution request for sustainable transport measures.

Waste Management

The County Council makes vital major investments in waste management infrastructure for reasons of environmental protection and sustainability. Based upon the policy paper methodology for waste management the request is £37,440.

LANCASHIRE COUNTY
COUNCIL (MINERALS):

Initially commented on 30 March 2012 that the site lies within the boundary of the mineral safeguarding area as defined in the Emerging Lancashire Minerals and Waste Development Framework Site Allocations and Development Management Policies DPD. Within these mineral safeguarding areas planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals, unless the applicant can demonstrate to the satisfaction of the Minerals Planning Authority a number of criteria set out in Policy M2 of that document. The planning application has the potential to sterilize the sandstone and sand and gravel reserves. Therefore in line with Policy M2 of the emerging plan and the recently published NPPF the applicant needs to address the relevant criteria.

On 5 July 2012 Lancashire County Council withdrew their initial objection to the development on minerals grounds as the applicant had undertaken a ground investigation and satisfied their criteria in Policy M2 of the emerging document Site Allocation and Development Management Policies.

LANCASHIRE COUNTY
COUNCIL (COUNTY
ARCHAEOLOGIST):

The site is considered to have a limited potential to contain previously unknown archaeological deposits and LCAS has advised that the archaeological potential of the site could be investigated post permission. Therefore a condition is requested to be imposed on any consent granted.

UNITED UTILITIES:

Commented on 28 May 2012 that recent investigations have confirmed that Whalley WWTW and the sewer network serving the area is nearing capacity. To ensure that there is a consistent and fair approach taken by United Utilities we would ask that all development applications include an indicative layout plan, a schedule showing the type of housing to be built, a programme of works showing build rates, a load and flow impact assessment, preferred discharge points and proposed rates of flow for each discharge point so that United Utilities can determine the full impact that the development has on our assets. Therefore United Utilities will object to the application pending the submission of the additional information.

Further correspondence dated 19 November 2012 indicates that there are no longer objections raised to the proposal subject to the imposition of a number of conditions on any consent granted.

ENVIRONMENT AGENCY:

Comments dated 5 April 2012 stated that they objected to the proposed development as submitted on the following grounds:

- Floodrisk – the FRA as submitted and the recommendations to minimise the risk of flooding are not acceptable.
- Foul drainage – there are known foul drainage capacity issues that affect Whalley but the FRA indicates that if these problems cannot be overcome to allow the site to connect to the public main system, foul sewage could be treated by an onsite package treatment plant. Priority should be given to development that does not require major investment in new infrastructure and it should be located where there is spare capacity in the existing waste water treatment and sewer capacity. Development in areas where the existing infrastructure cannot accommodate additional flows should be phased to coincide with new infrastructure provision. If it is not possible to upgrade or improve the infrastructure to accommodate the development the suitability of the site should be questioned.

In relation to the submission of further information that include a flood compensation scheme to supplement the FRA, revised location plan and revised illustrative site layout plan the Environment Agency withdraw the initial objection to the development subject to the inclusion of conditions to meet requirements in respect of flood risk, foul drainage and aquatic habitat.

ADDITIONAL
REPRESENTATIONS:

40 letters of objection have been received to the originally submitted and subsequently amended plans. Members are referred to the file for full details which can be summarised as follows:

1. The application is in contravention of Policies G2, G5, H2, PPS1 and PPS25. The site is outside the Whalley settlement boundary and would result in an urban expansion into the open countryside changing the distinctiveness of the area.
2. The Council is in the final stages of consultation on the Core Strategy as to where future development should be in the borough and in what proportion. The application is an attempt to pre-determine the Core Strategy which would undermine the consultation process and destroy credibility in the planning system.
3. Question the affordable offer as the homes will only be exclusively for sale for a limited period of 6 weeks to Ribble Valley residents and that there is no requirement for people to be vetted.
4. It is entirely possible that people over the age of 55 may still have school aged children who will require educating in the Ribble Valley – the local schools are already at breaking point.
5. The housing density is too great and the site too large for its village setting.
6. The house types match the description of the scheme as residential development for the elderly – what need is there for 6 x 3 bed 2-storey houses. It is more akin to family housing.
7. The site is greenfield and not intended for housing.
8. The cumulative effect of this application along with approved development at Riddings Lane and Calderstones Park and the neighbouring areas of Sabden, Barrow and Billington will impact on Whalley's overloaded highway network and escalate existing parking problems in the village.

9. There is inadequate access to and from the site with no pavement on the south side and a narrow pavement on the north side, narrowed further by parked vehicles on the pavement.
10. Concerns about the incline of the proposed access road into the site as well as inadequacy of parking provision.
11. Much of the site is within flood zones 2 and 3 and PPS25 states that LPA's should only allow development in such areas where the benefits of development outweigh the flood risk and where no other appropriate sites are available. No such benefits are included with the submission.
12. Should not permit building on flood plain where it is difficult to get house insurance.
13. Concerns over capacity of sewage treatment plant and the suggestion of an on site package treatment plant has environmental implications and maintenance issues.
14. The development would affect the setting and views into and out of Whalley Conservation Area especially from Whalley Nab and is therefore detrimental to visual amenity.
15. The 3-storey flats located alongside the main road would be visually obtrusive.
16. The application should be made in full not outline.
17. Concerns regarding noise and disturbance throughout the construction process.
18. Loss of light.
19. Light pollution.
20. The development would be detrimental to the ecology of the site.
21. The amended scheme is more visually intrusive due to the increase in elevation caused by the raised platform and this would also lead to a greater impact on neighbouring properties.
22. The revisions to house types means only 10 of the proposed bungalows and true bungalows ie no stairs.

Proposal

This is an outline application to develop a site for residential use for the elderly which as revised, comprises 37 bungalows and 40 retirement apartments. Matters of access are being applied for at this time.

The submitted illustrative layout (amended 4 September 2012) shows 37 bungalows (28 two bed and 9 three bed units) built to Lifetime Homes standard and for occupation by the over 55s with 40 one bed retirement apartments within three linked two storey buildings near to Accrington Road. Indicative elevations are provided for the house types that denote a mix of true single storey bungalows to a height of approximately 5.5m and dormer type bungalows with maximum height of approximately 7.1m. The apartment units would have a maximum height of approximately 11.5m. The single point of vehicular access on to Accrington Road is roughly 35m to the east of the junction of that road with Sydney Avenue on the opposite side of Accrington Road. The units were initially proposed around a circular road layout but the preparation of a flood compensation scheme to meet Environment Agency requirements has meant there is a condensed area of built development with an increased area of up to 60m wide alongside the river to have landscape planting. Links are shown into the public footpath network bounding the site to the east and alongside the river to the south. The scheme also denotes an area of land to the north west corner of the site as a 25 space car park for the general use of Whalley.

Site Location

The site is roughly rectangular in shape with an addition alongside the river bank extending to a total area of approximately 3.27 hectare of open pasture. It is to the south of Accrington Road with residential development along its western boundary, the River Calder to its south, to the east large former poultry buildings now in alternate use and to the north beyond Accrington Road the residential development at The Cloisters and Sydney Avenue. It lies outside the defined settlement boundary of Whalley within land designated open countryside. The Conservation Area of Whalley doglegs around the rear of No's 15 to 41 Accrington Road and then crosses the main road to pass down the rear of properties on Queen Street. The site boundary therefore touches the Conservation Area boundary on the Accrington Road north western extreme road frontage with the properties on Woodfield View to the west of the site separating it from the body of the Conservation Area.

Relevant History

6/10/1244/P – four poultry cabins – approved 23 March 1964.

Relevant Policies

Ribble Valley Districtwide Local Plan Adopted June 1998

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy G11 - Crime Prevention.

Policy ENV3 - Development in Open Countryside.

Policy ENV6 - Development Involving Agricultural Land.

Policy ENV7 - Species Protection.

Policy ENV9 - Important Wildlife Site

Policy ENV10 - Development Affecting Nature Conservation.

Policy ENV13 - Landscape Protection.
Policy ENV16 - Development Within Conservation Areas.
Policy ENV17 - Details Required with Proposals in Conservation Areas.
Policy ENV19 - Listed Buildings.
Policy H20 - Affordable Housing - Villages and Countryside.
Policy H21 - Affordable Housing - Information Needed.
Policy RT8 - Open Space Provision.
Policy T1 - Development Proposals - Transport Implications.
Policy T7 - Parking Provision.

Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft

DS1 – Development Strategy.
EN3 – Sustainable Development and Climate Change.
EN4 – Biodiversity and Geodiversity.
EN5 – Heritage Assets
H1 – Housing Provision.
H2 – Housing Balance.
H3 – Affordable Housing.
DMI1 – Planning Obligations.
DMI2 – Transport Considerations.
DMG1 – General Considerations.
DMG2 – Strategic Considerations.
DMG3 – Transport and Mobility.
DME2 – Landscape and Townscape Protection.
DME3 – Site and Species Protection and Conservation.
DME4 – Protecting Heritage Assets.
DME5 – Renewable Energy.
DME6 – Water Management.
DMH1 – Affordable Housing Criteria.
DMB4 – Open Space Provision.
North West of England Regional Spatial Strategy to 2021
Policy DP1 – Spatial Principles.
Policy DP2 – Promote Sustainable Communities.
Policy DP7 – Promote Environmental Quality.
Policy L1 – Health, Sport, Recreation, Cultural and Education Services.
Policy L4 – Regional Housing Provision.
Policy L5 – Affordable Housing.
Policy EM18 – Decentralised Energy Supply.
National Planning Policy Framework.
Technical Guidance to the National Planning Policy Framework.
Addressing Housing Needs.
Whalley Conservation Area Appraisal and Management Guidance.
Historic Environment Planning Practice Guide.

Environmental, AONB, Human Rights and Other Issues

The matters for consideration in the determination of this application are the principle of development, highway safety, infrastructure provision, nature conservation interests, visual, heritage and residential amenity. For ease of reference these are broken down into the following sub-headings for ease of discussion.

Principle of Development

The starting point in relation to policy principles is the development plan. This has a number of elements at the current time - the Regional Spatial Strategy RS (whilst soon to be abolished remains extant), the Districtwide Local Plan (Saved Policies) and the Regulation 22 Submission Draft of the Core Strategy.

The RS provides a position in relation to the housing requirements, affordable housing and the broad focus of development. Primarily, Policies L4 and L5 are significant policies in this case.

For decision making purposes, the Council has adopted the RS housing requirement pending its review through the preparation of the Core Strategy. The RS requirements plan for some 161 units per year against which the Council can demonstrate a 6.01 year supply at present. The Core Strategy seeks to plan for 200 units per year, however the scale of requirement has been subject to significant and extensive objections that remain to be resolved through the examination process and at this time, the Council attaches less weight to this element of the Core Strategy. However the Council can demonstrate a 5.12 year supply against this requirement. It should be borne in mind that whilst a five year supply can be demonstrated against both the RS and emerging Core Strategy requirements, these are not a maximum or ceiling and development needs to be considered against the principles established in NPPF around the presumption in favour of sustainable development with a judgement being made in relation to the weight to be attached to the key material considerations.

In terms of the saved Local Plan policies the site lies outside but immediately adjacent to the existing settlement boundary. However, it is noted that Whalley is a settlement within the emerging Core Strategy that has been identified as a key service centre where a level of growth is to be accommodated in future years. In that regard it is considered that the settlement will need to expand beyond its existing boundaries to accommodate the level of growth envisaged in the Regulation 22 Submission Draft of the Core Strategy.

Similarly, it is recognised that the settlement strategy in the Districtwide Local Plan as a principle, is considered out of date in relation to both settlement boundaries and the development constraints that are set out. This is because that plan which was formed in the early 1990s and premised upon the relevant Lancashire Structure Plan policies applicable at that time, was established to control development, including housing growth against the strategic framework existing at that time. The adopted Local Plan (adopted 1990) had its strategic basis superseded by the Regional Strategy in 2008 and has been the subject to a review process as a consequence of the Core Strategy and with the Council's current position reflected in the submission Core Strategy. For these reasons it is considered that the development principles must be considered out of date. That is not to say that the consideration of the impact of the development upon visual amenity, character of the area and impact upon relevant heritage assets should not be considered. However, the underlying principle of development falls now, given the outstanding objections to the emerging Core Strategy in respect of housing numbers and apportionment of growth, to be determined against the NPPF.

NPPF emphasises the need to base decisions on the development plan, unless material considerations indicate otherwise. The NPPF is clearly a material consideration as up to date national planning policy. The most significant material consideration is that of the presumption in favour of sustainable development. NPPF at paragraph 49 also highlights that housing applications should be considered in the context of that presumption.

The presumption confirms that where the relevant policies of a development plan are considered out of date granting permission unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework.

The site is considered to be in a sustainable location, would contribute to the supply of housing including affordable provision and market choice. It would be consistent with the policies of NPPF to proactively drive and support economic growth. The impact upon overall housing supply and development strategy would not be so significant to the overall provision to cause harm to the submission Core Strategy and consequently overall is not considered to either significantly or demonstrably outweigh the benefits listed above as a matter of principle.

The development of the site in principle would therefore accord with the presumption in favour of sustainable development and is consequently consistent with the provisions of NPPF. However, there are other material considerations that would need to be satisfied in relation to the application as a whole and these are examined within the remainder of this report.

Affordable Housing

In considering the affordable element of the scheme, it is important to have regard to Policies H20 and H21 of the DWLP, H3 and DMH1 of the Regulation 22 Submission Draft of the Core Strategy and the Council's housing document entitled 'Addressing Housing Needs'.

This scheme is submitted with 30% of the site being offered as affordable units on a shared ownership basis. The housing mix offered is 12 bungalows (9 x 2 bed and 3 x 3 bed) and 11 apartments. As stated previously, all units on this site will be for the over 55s.

The proposal has been considered by the Council's Housing Strategy Officer and considered to meet identified needs. The legal agreement content sub heading later within this report provides specific details for the clauses covering these units to be affordable.

Highway Safety

In terms of access it is proposed to have a new priority junction on to Accrington Road and a 5.5m wide access road, 2m footways extending approximately 18m to the east of the junction and in a westerly direction to meet the existing footway outside No 22 Accrington Road. A pedestrian link to Accrington Road is also shown from the proposed car park. It is clear from the observations of the County Surveyor that he has no objection in principle to the proposal on highway safety grounds. The scheme provides for appropriate sight lines at the access on to Accrington Road and a continuous footway along the site frontage to the village. The illustrative layout denotes footway links through the site linking to the public right of way network alongside the river and these would open up links with the wider area. There is parking provision within the site for residents with the illustrative layout showing some house types having garages with forecourt parking for the apartment block. The scheme does denote an area set to the north western corner to be made available as 25 parking spaces for the village. I have sought further information from the applicant on this particular part of the proposal to ascertain how this would be managed and maintained. As Members may recall, a similar issue arose with the initial Lawsonsteads site (3/2011/0111/P) when the offer of a car park was made. There were issues surrounding the details in support of that and means by which it was proposed to be secured through a Section 106 Agreement. From an RVBC stance we stated that whilst we did not

reject the idea of a car park, it was that specific proposal that did not work. In terms of this proposal, the applicant has advised that they are aware the Council would not wish to take on any management and maintenance responsibilities and that should consent be forthcoming, they would be agreeable to a condition being imposed that required details of such arrangements to be submitted at a later date to enable appropriate controls to be put in place.

The applicant has questioned the request from LCC regarding contributions (£96,000). There is no objection raised to the £2000 payment for future maintenance of a new/upgraded bus stop as it is recognised that this is directly related to the development. However, in respect of the £6000 towards travel plan measures, it is pointed out that this development is below LCC's threshold of 80 dwellings and as such the applicant can see no basis for seeking a contribution. With regards to the wider highways contribution, this must be directly related to the highway impacts of the development proposed and the applicant has questioned the specific justification in order to meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010. They are willing to enter into discussions to establish whether there are specific justifications for highway improvement works related to the proposed development and have asked that the matter is identified in this way to Members that the Section 106 contribution would need to specify specific highway works not just a blanket sum.

Having regard to paragraph 32 of NPPF development should only be prevented or refused on transport grounds where the residual accumulative impacts of development are severe. On the basis of the advice offered by the County Surveyor in this matter, I must conclude that implementation of the development as put forward would not prove significantly detrimental to the local highway network and as such, should not be resisted on highway safety grounds.

Nature Conservation/Trees/Landscaping/Ecology

As stated previously, this is a greenfield site and the application has been submitted with a baseline ecological survey report, the scope of which includes an extended phase 1 habitat survey with an updated report submitted to take account of the extended site area that is required in order to provide flood compensatory measures. In respect of tree coverage on site an arboricultural impact assessment forms part of the submission documents. These have been examined by the Council's Countryside Officer who considers that sufficient information has been submitted in respect of trees, ecology and landscaping in order to determine this outline application. The site supports commonly occurring plant species and there is limited scope for protected species. There is no loss of any major trees and it is noted that the main hedgerow running through the site is species poor – the base of which is being lost and is grazed. Whilst this feature would be lost as part of the development, it is not considered significant to retain and the plans would provide for substantial landscape planting to the riverside. The introduction of a wildlife pond to the south eastern corner of the site would result in ecological enhancement of the site. Therefore, after carefully considering the implications of this development on nature conservation interests, I am of the opinion that subject to appropriate safeguards in the form of conditions of any consent granted, the scheme is acceptable in this respect.

Public Open Space

On a site of this size under Policy RT8 of the DWLP, and DMB4 of the Regulation 22 Submission Draft of the Core Strategy, the layout will usually be expected to provide adequate and usable public open space. The layout for this development provides for treed amenity space alongside the river (as amended a depth of between approximately 50-60m from the

riverbank) and a wildlife pond to the south eastern corner of the site. The scheme also provides footpath links through the site to the existing public right of way network that align the southern and eastern site boundaries. Whilst not providing a formally laid out play area, having regard to the nature of the development proposed here ie a development for the over 55s, it is considered that the extensive landscaped area and biodiversity measures provided by way of the proposed pond, would comply with the requirements of the aforementioned policies.

Infrastructure Provision/Flooding

Members will note that there have been objections raised to the development on the grounds of insufficient infrastructure capacity in terms of the treatment works and existing network in respect of waste water and sewage and issues surrounding potential flood risk associated with developing this greenfield site.

The application site lies within flood zones 1, 2 and 3 and as the submitted FRA indicates is at direct risk of fluvial flooding from the River Calder. The majority of the western area of the site falls within flood zone 2 with an area of flood zone 1 along the east and adjacent to the north east boundary. Flood zone 3 is bounded to the south within the banks of the River Calder. Initially the site layout was to provide for a 16m buffer from the southern boundary with that area remaining as open space with excavation works undertaken as part of the development to expand the existing flood zone 3 thereby creating additional flood plane volume. However, as Members can see, from the initial response from the Environment Agency, the recommendations contained within the original FRA to minimise the risk of flooding were not considered acceptable. There were also concerns expressed about references made to foul drainage in the FRA where it indicated that if foul drainage capacity issues could not be overcome to allow the site to connect to the public main system, foul sewage could be treated via an onsite package treatment plant. Indeed they commented that if it is not possible to upgrade or improve the infrastructure to accommodate the development, the suitability of the site should be questioned. Concerns regarding capacity issues were echoed by United Utilities in their initial response dated 28 May at which time they too objected until further information was submitted in order for them to determine the full impact the development would have on their assets.

On the basis of these two objections, the applicant has undertaken additional work and submitted a revised layout that increases the overall site area running adjacent to the River Calder on the south eastern boundary for flood compensatory measures. The FRA indicates there is potential for the site to flood and has highlighted that a raised platform is required to ensure that the buildings are located above the design flood contour. Therefore, it is proposed that land raising is required on the western areas of the site on which to provide a raised land platform on which to erect some of the dwellings and prevent water from ponding in isolated areas, which would mean revised land levels approximately 1m above current ground levels. The flood compensation scheme also denotes that an area to the south west of the site currently above the design flood level would need to be lowered to provide sufficient compensatory flood storage. This is the information that the Environment Agency has studied and provided revised comments dated 21 September 2012 and concluded that the proposed flood compensation scheme will ensure that the proposed development will not be at an unacceptable risk of fluvial flooding or exacerbated fluvial flood risk elsewhere. Thus, notwithstanding concerns expressed about flood risk, a scheme is capable of being brought forward that would not prove significantly detrimental in this respect – the visual impacts of the works necessary in terms of land raising are discussed elsewhere within this report.

Turning to the concerns raised by United Utilities, the applicant has submitted a flow and load assessment. In response to this, I have been advised that United Utilities does have capacity within its waste water infrastructure to serve this proposal on the basis of planning permissions granted up to 11 October 2012. They have provided specific detailed conditions in relation to this scheme should Members be minded to approve the application.

Therefore, having carefully considered the potential impact of the development on the existing treatment works and its implications for increased risk of flood, there has been submitted sufficient information in support of the scheme for both the Environment Agency and United Utilities to be satisfied that there is no justifiable reason to withhold planning consent on these grounds.

Heritage/Layout/Scale/Visual amenity

As stated previously, the north western tip of the application site touches the boundary of the Whalley Conservation Area on Accrington Road. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

National guidance contained within the NPPF, specifically Chapter 12, details conserving and enhancing the historic environment. Paragraph 131 provides advice when determining planning applications, noting that Local Planning Authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new developments making a positive contribution to local character and distinctiveness.

Paragraph 132 provides more advice when considering the impact of a proposed development on the significance of a designated heritage asset, with paragraph 133 noting that where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefit that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against public benefit of the proposal, including securing its optimum viable use (paragraph 134). Paragraph 137 comments that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the assets should be treated favourably.

Local Planning Policy ENV16 is of relevance noting that within Conservation Areas development will be strictly controlled to ensure that it reflects the character of the area in terms of scale, size, design and materials. Trees, important open spaces and natural features will also be protected as appropriate, and the desirability, preserving or enhancing the character or appearance of the Conservation Area will also be a material consideration in deciding development proposals outside the designated area which would affect its setting or views into or out of the area.

Given the site's relationship with the Conservation Area, the application has been submitted with a Heritage Appraisal and Landscape and Visual Assessment (LVIA). These outlined that whilst the development site comprises open land to the east side of Whalley, it is detached from the main body of the Conservation Area and therefore does not have a direct physical impact upon it. Whalley has developed and extended its built form over the years and the intervening dwellings between the site and Conservation Area (a 60m band of 20th century housing) means the two are offset and there is very limited intervisibility between the Conservation Area and proposed development. Again in terms of identified features of particular heritage value (ie the Calder Weir 80m away, the Marjorie 190m away and Whalley Bridge 240m away) these too are screened by intervening development. There are more distant views of the site from Whalley Nab out of the Conservation Area and the submitted LVIA indicates that the overall impact on the landscape character is mitigated by the capacity of the area to absorb a development of this scale, in part due to the close proximity of existing development. It is considered that development will have a slight to moderate impact on the surrounding area with the most significant impacts being to the footway/bridleway network of Whalley Banks and to the south of the development site.

Having regard to the relationship with the Conservation Area, the Council's Design and Conservation Officer has been consulted on this scheme and commented that in his opinion the proposal would be unduly harmful to the character, appearance and significance (including setting and views into/out) of Whalley Conservation Area. In reaching this conclusion he has had regard to the views over Whalley from the public vantages of Nab Wood, Moor Lane and land above Painterwood Farm and that in his view, a striking feature is the containment and framing of the built heritage by undulating open countryside including the application site. He considers it difficult to dissociate the proposed development site from the aforementioned heritage assets and concludes the scheme will have a detrimental impact upon the setting of the listed building and collective heritage asset as identified above.

The relevant sections of NPPF have already been quoted within this report and it is also important to have regard to guidance offered within the Historic Environment Planning Practice Guide (HEPPG) which states in paragraph 76 that *...the key to sound decision making is the identification and understanding of the differing, and perhaps conflicting, heritage impacts accruing from the proposals and how they are to be weighed against both each other and any other material planning considerations that would arise as a result of the development proceeding.*

Paragraph 79 of HEPPG outlines a number of potential heritage benefits that could weigh in favour of a proposed scheme and amongst other things, this site's securing optimum viable use of the heritage asset in support of its long term conservation, better reveals the significance of the heritage assets and therefore enhances our enjoyment of it and sense of place, and it makes a positive contribution to economic vitality and sustainable community. NPPF refers to the three dimensions of sustainable development and I consider it is important to assess the proposal against those as follows:

Economic growth – this scheme would ensure that sufficient land of the right type is available and in the right place in terms of the site's location in relation to the amenities of Whalley. Consultation responses have indicated that infrastructure provision can accommodate this level of growth at this time in this location.

Social role – the provision of a land for housing to meet the needs of future and present generations by creating a high quality design scheme that is accessible to local services and accommodate market and affordable housing for the over 55s.

Environmental role – this has as one of its component parts improving biodiversity. In respect of this the scheme put forward provides for a wildlife pond and enhanced landscape planting. The scheme would open up to the site to the public with links through to the existing public right of way network. Development should also contribute to protecting and enhancing the natural, built and historic environment and it is with regard to this that due regard needs to be given to the level of harm or loss of significance to the heritage assets and then weigh any harm against the public benefits of the proposal. I am conscious that the Council's Design and Conservation Officer has expressed concerns about the level of harm as a result of this proposal's implementation but I am also mindful of the presumption in favour of sustainable development advocated in NPPF unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework. Having regard to the wider benefits of the scheme I am of the opinion that the proposal represents an acceptable development scheme. It would be a sustainable development and has been suggested in a form designed to conserve heritage assets in a manner appropriate to their significance. In reaching this conclusion I am mindful that any development of this site would have an impact on long range views of the village and that the proposal shown here would involve some reprofiling of the land in order to address issues raised by the Environment Agency in respect of flooding. This said, as explained earlier, the intervisibility with the Conservation Area is limited and as such regard has been taken account of this in assessing significance. Having regard to the indicative site plan and parameters put forward, I am of the opinion that the details provided respect and reflect the general scale of housing in the vicinity of the site. The proposed apartment blocks, whilst higher than the dwellings are positioned at the furthest point from the Conservation Area on the Accrington Road frontage with landform assisting in assimilating these elements into the wider landscape – the site levels drop steeply from Accrington Road at the point where the apartments are to be located, thereby limiting their visual impact from that public vantage point.

Therefore, having carefully considered the scheme as put forward, I am of the opinion that in respect of visual amenity there would be no significant detriment caused to the visual qualities and heritage assets of the area were this development to proceed.

Residential Amenity

In considering residential amenity it is important to have regard to the relationship of the site with surrounding land uses as well as the actual layout put forward on the submitted indicative site layout plan. Members should be aware however that layout is a matter reserved for consideration at a later date and thus the site layout plan indicates an approximate location of buildings and how the built form could relate to the surrounding residential properties.

To the immediate north of the site is Accrington Road with residential properties of The Cloisters beyond. Those dwellings are set approximately 20m to 37m distant from this site's frontage with Accrington Road and are positioned set down from the roadside. I am mindful that the two storey apartments would occupy the road frontage to the development but as they are set between some 13m and 17m back from the roadside I consider them to be sufficient distance away so as not to cause significant detriment to existing properties. Members should remember that the application site is set lower than Accrington Road and thus this will assist in lessening the impact on those properties.

Turning to the properties to the west of the site these are a mix of detached as semi-detached mainly two storey dwellings that front onto Woodfield View. The dwellings proposed as part of this scheme are shown to back onto those rear gardens at distances ranging from approximately 21m to 24m between facing rear elevations with the indicative site plan denoting garages set between 14m to 16m from rear elevations. The details submitted, whilst for illustrative purposes only, denote some of the proposed dwellings would be of the type with dormer windows to rear elevations. I am mindful of the distances between properties and in terms of making an assessment as to the potential impact on existing residential amenities from properties on the western boundary of the site, it is also important to have regard to the revisions in land levels that are proposed in order to address flooding concerns. As explained elsewhere within this report it is necessary to raise land levels in this part of the site by approximately 1m and the raised platform is shown to follow the footprint of the aforementioned structures. The submitted information indicates that land to be used as rear garden areas that immediately abuts the rear gardens of existing properties would be maintained at the same level as existing. On the basis of the information submitted to date I do not consider that there would be a significant detrimental effect on adjacent residents by way of overlooking/overbearing nature of development. Clearly any reserved matters scheme will provide additional information on exact house types, boundary treatment and landscaping and as layout is not a detailed matter applied for at this time there may be scope for minor repositioning of dwellings should that prove necessary at that stage.

Finally it is important when considering residential amenity to have regard to the proposed car park at the north-western corner of the site. This is set to the east of number 22 Accrington Road which has an attached single storey garage on the site boundary and in terms of the gable of the property there are windows in the garage at ground floor and then set back from the boundary a ground floor window towards the rear of the property and first floor centrally positioned narrow window. I have discussed this element of the scheme with the Council's Head of Environmental Health Services and he has commented that it should be conditioned as part of any consent granted that details are submitted of acoustic measures on the western boundary of the car park in order to minimise potential noise disturbance to that property.

Section 106 Agreement

The applicant has submitted a draft Legal Agreement to cover matters of affordable housing provision and a highways contribution. To clarify for Members the Section 106 Agreement will stipulate the following:

1. Affordable Housing

- *The total number of units shall consist of 23 units.*
- *The units shall be made available as shared ownership properties in the first instance to be managed by a registered provider. If the properties are not transferred to a registered provider with one year from the date of completion to be made available as discounted sale at 40% of the open market value.*
- *9 of the units to be 2-bed bungalows.*
- *3 of the units to be 3-bed bungalows.*
- *11 of the units to be 1-person flats.*
- *Eligibility to be a Whalley Parish connection and then on a cascade basis to neighbouring parishes.*
- *All residential units to be for the over 55's.*

2. Highways

- £2,000 to be paid for the relocation of the existing bus stop.
- A sum to be paid for sustainable transport measures *
- £6,000 to be paid as a travel plan contribution *

* These two contributions to be subject of further with LCC to ensure the contribution requested is directly related to the impacts of the development with specific highway works identified.

SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant detrimental impact on nearby residential amenity, nor would it have an adverse visual impact or be to the detriment of highway safety.

RECOMMENDATION: That the application be DEFERRED AND DELEGATED to the Director of Community Services for approval following the satisfactory completion of a Legal Agreement within a period of 6 months (from the date of this decision) as outlined in paragraphs numbered 1 – 2 under the Section 106 Agreement sub-heading within this report and subject to the following conditions:

1. Application for approval of reserved matters must be made not later than the expiration of 3 years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates:
 - (a) the expiration of 3 years from the date of this permission; or
 - (b) the expiration of 2 years from final approval of the reserved matters, or in the case of approval of different dates, the final approval of the last such matter to be approved.

REASON: In order that the Local Planning Authority shall be satisfied as to the details and because the application was made for outline permission and comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

2. No development shall begin until detailed plans indicating the design and external appearance of the buildings, landscape and boundary treatment, parking and manoeuvring arrangements of vehicles, including a contoured site plan showing existing features, the reprofiled land contours, proposed slab floor level and road level (called the reserved matters) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy in order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline permission.

3. The submission of reserved matters in respect of layout, scale, appearance, landscaping and implementation of development shall be carried out in substantial accordance with the Design and Access Statement, Proposed Site Location Plan 1637-LOC C amended 4 September 2012 and Indicative Site Plan Drwg No 1637-40J amended 16 November 2012.

REASON: For the avoidance of doubt to define the scope of this permission.

4. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON: To comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Regulation 22 Submission Draft Core Strategy in order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/work are acceptable before work commences on site.

5. The new estate road/access between the site and Accrington Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

REASON: To comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMG3 of the Regulation 22 Submission Draft Core Strategy to ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

6. Prior to the commencement of development a detailed method statement for the removal or treatment and control of Giant Hogweed (*Heracleum Mantegazzianum*) and Himalayan Balsam (*Impatiens Glandulifer*) on site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of proposed working methods to be adopted to prevent the spread of the species during any operation such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/rot/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

REASON: To prevent the spread of non-native invasive species Himalayan Balsam in the interests of protecting nature conservation issues in accordance with Policies G1, ENV7, ENV9, ENV10 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1, EN4 and DME3 of the Regulation 22 Submission Draft Core Strategy.

7. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site in accordance with Policy ENV14 of the Ribble Valley Districtwide Local Plan and Policy EN5 of the Regulation 22 Submission Draft Core Strategy i

8. Any application for the submission of reserved matters shall include specific measures for the provision of a suitable noise barrier along the western boundary of the proposed car park. The measures so submitted and approved in writing by the Local Planning Authority shall thereafter be implemented in accordance with the approved measures prior to commencement of use of the car park and retained in perpetuity.

REASON: In the interests of residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy,

9. No development shall begin until a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be provided in accordance with the approved details prior to occupation of the development and thereafter retained.

REASON: In order to encourage renewable energy and to comply with Policy EM18 of the North West of England Regional Spatial Strategy to 2021 and Policy DME5 of the Regulation 22 Submission Draft Core Strategy.

10. No development shall take place until details of the provisions to be made for building dependent species of conservation concern artificial bird nesting boxes and artificial bat roosting sites have been submitted to and approved in writing by the Local Planning Authority.

The details shall be submitted on a building dependent bird/bat species development site plan and include details of plot numbers and the numbers of boxes/roosting sites per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated into those dwellings/buildings during the construction of those properties as identified on the submitted and approved plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of biodiversity in accordance with Policies G1 and ENV7 of the Districtwide Local Plan and Policies DMG1 and EN4 of the Regulation 22 Submission Draft Core Strategy.

11. Prior to commencement of any development works which may affect habitats identified in the baseline ecological survey report a detailed mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall include details of the timing of tree works, hedgerow removal in order to avoid the nesting season all works shall proceed in accordance with the approved strategy with any amendments agreed in writing.

REASON: In order to reduce the impact of the development on biodiversity and safeguard the natural habitats of those species of conservation concern in accordance with Policies G1, ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and EN4 of the Regulation 22 Submission Draft Core Strategy.

12. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified on the survey of existing trees (drawing no. c-812-01 all on site trees – T1/2/3 & all off site trees inclusive) shall be protected in accordance with the BS5837 2012 (Trees in Relation to Construction) the details of which shall be agreed in writing and implemented in full under the supervision of a qualified arboriculturalist and in liaison with the Council's Countryside/Tree Officer.

A tree protection – monitoring schedule shall be submitted to and approved in writing by the Local Planning Authority with the tree protection measures so approved being inspected by the Local Planning Authority before any site works are begun.

The root protection/exclusion zone shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection/exclusion zone. In addition no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented without prior written consent, which will only be granted when the Local Planning Authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by development considered to be of visual, historic or botanical value are afforded maximum physical protection from the adverse effects of development in accordance with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

13. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (i) the parking of vehicles of site operatives and visitors
 - (ii) loading and unloading of plant and materials
 - (iii) storage of plant and materials used in constructing the development
 - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - (v) wheel washing facilities
 - (vi) measures to control the emission of dust and dirt during construction
 - (vii) a scheme for recycling/disposing of waste resulting from construction works

REASON: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

14. The dwellings shall achieve a minimum Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

REASON: In order to encourage an energy efficient development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DME5 of the Regulation 22 Submission Draft Core Strategy.

15. The flood compensation scheme outlined in the report dated 24 August 2012 and referenced SMB/557/2383 by Herrington Consulting shall be constructed and completed in

full to the satisfaction of the Local Planning Authority prior to the commencement of any other development on site.

REASON: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and that there is no net loss of flood storage as a result of the development in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

16. All ground floor levels shall be set at 46.60m Above Ordnance Data (AOD).

REASON: To reduce the danger to indented occupants of the building(s) from potential flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

17. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1:100 year return period critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include details of how the scheme shall be maintained and managed after completion and the location of the proposed storage tanks or pipes which must not be located within the flood plain.

REASON: To prevent the increased risk of flooding, both on and off site in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

18. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order with or without modification, no structure shall be erected within the flood storage area as delineated within the letter report by Herrington Consulting dated 24 August 2012; reference SMB/557/2383 and the revised illustrative site layout (drawing No 1637-40H).

REASON: To prevent the erection or construction of any features which may detrimentally affect or reduce the flood storage capacity of the site in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

19. No development shall take place until the proposed wildlife pond as shown on the revised illustrative site layout (dwg. No. 1637-40J) is constructed in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proposed development contributes to improving the biodiversity value of the site in accordance with Policy ENV7 of the Ribble Valley Districtwide Local Plan and Policy EN4 of the Regulation 22 Submission Draft Core Strategy.

20. No development shall commence until details of a lighting scheme (location, type, light direction and intensity) have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details to demonstrate how artificial illumination of important wildlife habitats (the River Calder and its banks, trees with bat roost

potential, hedgerows used by foraging and commuting bats) is minimised. The approved lighting scheme shall be implemented in accordance with the approved details.

REASON: In order to avoid adversely affecting the natural behaviour of protected species in accordance with Policies ENV7 and ENV10 of the Ribble Valley Districtwide Local Plan and Policy EN4 of the Regulation 22 Submission Draft Core Strategy.

21. The development hereby approved shall not exceed 77 dwelling units consisting of 37 bungalows and 40 apartments in accordance with the submitted Proposed Site Plan reference 1637-040 Amendment J received by the Local Planning Authority on 16th November 2012.'

REASON: In order that there is no ambiguity in the decision notice over what amount of development has been approved.

22. Prior to the commencement of development, a strategy outlining the general system of drainage for foul and surface water flows arising from the entire site shall be submitted to the Local Planning Authority and approved in writing. This strategy shall include details of any necessary infrastructure. Thereafter the detailed schemes for foul and surface water drainage for any phase of the development shall be submitted for approval in accordance with the strategy for the entire site approved under this condition. In the event that site investigations demonstrate that a gravity fed foul water system is not possible, the foul water pumping station shall have a maximum foul pumping rate set at no greater than 5 l/s and shall include sufficient storage to comply with the design criteria outlined in SFA 6th Edition.'

REASON: To ensure sufficient details are submitted detailing the proposed means of drainage of the site in accordance Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

23. Prior to the commencement of any phase of development, details of the foul drainage scheme for that phase including any necessary infrastructure shall be submitted to and approved in writing by the Local Planning Authority. No housing shall be occupied for that phase until the approved foul drainage scheme for that phase has been completed in accordance with the approved details. Unless otherwise agreed in writing, the approved foul drainage scheme shall only connect to the foul sewer network at either manhole reference 5108 or manhole reference 5102 identified in the letter from David Wallbank of PSA Design to Daniel McDermott of United Utilities dated 13th June 2012.'

REASON: To ensure sufficient details are submitted detailing the proposed means of drainage of the site in accordance Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

24. Prior to the commencement of any phase of development, details for how foul and surface water shall be drained on separate systems shall be submitted to the Local Planning Authority and approved in writing for that phase. The development shall be completed, maintained and managed in accordance with the approved details.'

REASON: To secure proper drainage and to reduce the risk of flooding in accordance Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

25. Prior to the commencement of any phase of the development, details for surface water drainage and means of disposal for that phase, based on sustainable drainage principles and evidence of an assessment of site conditions (inclusive of how the scheme shall be maintained and managed after completion and any necessary infrastructure) shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, no surface water shall discharge into the public sewerage system, directly or indirectly, in accordance with the submitted application form and flood risk assessment submitted by Graham Sanderson of PSA Design Dated 14th February 2012 reference T1528-D-01. The development shall be completed, maintained and managed in accordance with the approved details.'

REASON: To secure proper drainage and to reduce the risk of flooding in accordance Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

26. Prior to commencement of development a landscape management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for all landscaped areas (other than within curtilages of buildings) shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the details so approved.

REASON: In the interests of residential and visual amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

27. Prior to commencement of development details of the proposed car park including timing of the works, management responsibilities and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The car park shall thereafter be provided in accordance with the details so approved.

REASON: In the interests of amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Regulation 22 Submission Draft Core Strategy.

NOTE(S):

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserved the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Environment Directorate for further information.
2. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information.

3. The granting of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act.
4. This outline planning permission shall be read in conjunction with the Legal Agreement accompanying this application.

APPLICATION NO: 3/2012/0738/P (GRID REF: SD 372552 435959)
 PROPOSED RESIDENTIAL DEVELOPMENT ON LAND OFF DALE VIEW COMPRISING 10 PROPERTIES (7 OPEN MARKET AND 3 AFFORDABLE) WITH THE DEVELOPMENT TO INCLUDE THE CONSTRUCTION OF AN ACCESS ROAD AND TURNING HEAD TO LCC CRITERIA AND THE CONSTRUCTION OF GARAGES AND CREATION OF GARDEN AREAS ON LAND OFF DALE VIEW, BILLINGTON

PARISH COUNCIL: Objects to the application as it is a further erosion of the green space in Billington. They are concerned about the increased volume of traffic and the access to and from the site. They comment that the ratio of affordable housing is lower than expected, and that they are aware that the site has been liable to flooding in the past. It is also outside the settlement area.

ENVIRONMENT
 DIRECTORATE
 (COUNTY SURVEYOR): Has no objection on highway safety grounds to this proposal.

The junction of Dale view and Whalley New Road was improved as part of the adjacent Redrow development some years ago and would comfortably be able to cope with the additional traffic generated by 10 new dwellings in addition to the 12 dwellings from previous application 3/2012/0065/P.

This is an outline planning application and details of the internal highway layout are at present described as indicative. However, it is assumed that the intention is for the highway infrastructure within the development site to be adopted by the Highway Authority, in which case an agreement under Section 38 of the Highways Act will be required between the developer and Lancashire County Council.

It should also be noted that Dale View has not yet been adopted by the Highway Authority.

ENVIRONMENT AGENCY: Has no objections to make in relation to this application.