

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: 16 DECEMBER 2010
title: WEBSITE E COMMENTS ON PLANNING APPLICATIONS
submitted by: DIRECTOR OF DEVELOPMENT SERVICES
principal author: JOHN MACHOLC

1 PURPOSE

- 1.1 To advise Planning & Development Committee about the recent concerns expressed over failure to acknowledge & respond to comments on certain planning applications submitted via a link available on the RVBC website.

2 BACKGROUND

- 2.1 As part of the eGovernment initiative, in 2005 the Council introduced the ability for the public to make representations on individual planning applications via the Council's website.

The website is one of several routes available for commenting on planning applications. The vast majority of comments are received as hard copy letters and by emails sent either direct to the case officer or to the general planning mailbox (planning@ribblevalley.gov.uk). There has been no problem with receiving or registering these submissions.

- 2.2 When the possibility that some comments submitted via the website were not being actioned was brought to the attention of the Development Dept an investigation was immediately carried out. It was discovered that 2 methods of making comment via the website were provided;
- i) via a 'Comments' facility on the Planning 'Home' page (this requires registration so the sender was identified)
 - ii) via a link on the results page of an individual planning application search facility

Each of these two routes stored the comments in its own discrete file. The Development Dept did not have access to the file of comments sent via the results page link (ii) so the Dept were unaware they were being made. This facility (ii) has been removed from the website so only route (i) is currently available for making comments.

3 RESULTS OF INVESTIGATION

- 3.1 The contents of the unavailable file containing the unactioned comments have been analysed. The file contained comments on both current undetermined applications on which no decision had yet been taken & 101 comments relating to 51 different planning applications which had either been determined & a decision notice issued or had not been proceeded with eg application withdrawn or returned as invalid.

3.2 Current Undetermined Applications

As no decision had been made on these applications the receipt of the comments was acknowledged & they will be taken into consideration in the normal procedure.

3.3 Application on which a Decision Notice has been issued

The analysis of the 101 responses to the 51 applications showed:

- a) 10 submissions related to applications which had been withdrawn & no decision made.
- b) 3 submissions referred to applications which were deemed invalid so not proceeded with.
- c) 4 submissions referred to 'prior notification' applications eg agricultural, railway, etc which did not require formal consultation.
- d) 9 submissions related to applications refused by officers under delegated powers for the same reasons as the points made in the comments &/or after consideration of other similar comments received by other routes.
- e) 61 submissions related to applications determined by Planning & Development Committee after considering the Committee report which contained:
either:

the same comments which had been duplicated by their author via both the website & hard copy letter.

or

the same points had been made by other objectors to or supporters of the application.
- f) 3 submissions would not have resulted in the application being considered by Planning Committee as they complied with the current delegation scheme.
- g) 6 submissions would have necessitated the application to be considered by Planning Committee and not as a delegated decision by officers. Details of the six applications including the delegated reports are shown in Appendix 1.

4 ISSUES

- 4.1 I am satisfied that the vast majority of people who made representations about planning applications have not been affected by this problem. It is evident that most people who made representations also sent hard copies or e-mails direct to the planning department rather than rely solely on the comment box on the website.
- 4.2 From the analysis of the reports, it is my opinion that 45 of the 51 cases whilst it is regrettable that the inability to access some representations occurred, the substance of

additional comments would have been unlikely to have altered the ultimate recommendation & no significant harm was caused to the individuals concerned.

- 4.3 The six other cases (Item g) above) are analysed & commented on individually in Appendix 1 which includes the case officer's report on the delegated decision for each case. It will be seen in these officer reports that they had regard to the issues covered in the points of representation and in some cases such as application 3/2009/0934, which related to highway issues, that the statutory consultee – County Surveyor - also did so.

These six applications were determined under the delegation to the Director of Development although they would not have met the delegation scheme at that time. This could be challenged as being inappropriate and it may be necessary to assess their legitimacy, as the decisions were not made according to the delegation procedure so technically it could be argued that no authorised decisions have been made. It is for this reason that the recommendations included in this report are to approve these applications with the conditions previously imposed.

5 RISK ASSESSMENT

- 5.1 The approval of this report may have the following implications

- Resources – No immediate implications.
- Technical, Environmental and Legal – None.
- Political – Could be seen either as an adverse comment if the Council do not investigate this matter independently or conversely as poor use of resources bearing in mind there is no evidence of significant harm being caused.
- Reputation – A thorough investigation of the systems and changes to improve the way the Council operate should enhance its reputation.

6 RECOMMENDED THAT COMMITTEE

- 6.1 **Application 3/2006/0217/P – First floor extension at Brook Cottage, Higher Commons Lane, Mellor be approved subject to the following conditions:**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. Precise specifications or samples or walling and roofing materials and details of any surface materials to be used including their colour and texture shall have been submitted to and approved by the Local Planning Authority before their use in the proposed works.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the

Ribble Valley Districtwide Local Plan and the adopted Supplementary Planning Guidance – ‘Extensions and Alterations to Dwellings’.

3. Unless otherwise agreed in writing with the Local Planning Authority the development shall be carried out in strict accordance with the recommendations of the bat survey and report submitted with the application dated 6 April 2006.

Reason: To comply with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan ensuring that no species/habitat protected by the Wildlife and Countryside Act 1981 are destroyed.

4. The development shall only take place in accordance with the submitted details and specifications shown on the approved plans, drawing number 105-02C.

Reason: To ensure the development is carried out in accordance with the approved plans.

6.2 Application 3/2009/0813/P – Agricultural building for livestock housing at land at Howgill Lane, Rimington be approved subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. This permission shall be implemented in accordance with the proposal as amended by letter and plan received on 9 November 2009 and the proposed site plan.

Reason: For the avoidance of doubt since the proposal was the subject of agreed amendments.

3. Precise specifications or samples of walling and roofing materials and details of any surface materials to be used including their colour and texture shall have been submitted to and approved by the Local Planning Authority before their use in the proposed works.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan ensuring a satisfactory standard of appearance given the location of the building in open countryside.

4. Prior to commencement of any site works, including delivery of building materials and excavations for foundations or services the two Beech trees identified shall be protected in accordance with the BS5837 [Trees in Relation to Construction] the details of which shall be agreed in writing, implemented in full and inspected by the Local Planning Authority before any site works are begun.

The root protection zone shall be at least 12m and must cover at least the entire branch spread of the trees, (the area of the root soil environment from the trunk

to the edge of the branch spread] and 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 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: To comply with Policies G1 and ENV13 of the Districtwide Local Plan in order to ensure that any trees affected by development and considered to be of visual, historic or botanical value are afforded maximum physical protection from the adverse affects of development.

6.3 Application 3/2009/0934/P – Conversion of two redundant agricultural buildings to three units to be used on B1 (light industrial) and B2 (general industrial) at Fishes and Peggy Hill Farm, Henthorn Road, Clitheroe be approved subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. This permission shall relate to the proposal as shown on drawing numbers CS/09/0934/1,2,3,4 and 5.

Reason: For the avoidance of doubt and to ensure compliance with the submitted plans.

3. The use of the premises in accordance with this permission shall be restricted to the hours between 0700 and 1900 hours on weekdays and 0800 to 1400 hours on Saturdays, and there shall be nor operation on Sundays or Bank Holidays.

Reason: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan as the use of the premises outside these hours could prove injuious to the character of the area and/or the amenities of a nearby dwelling.

4. Any fixed plant and machinery to be installed in either of the buildings shall be acoustically insulated and mounted to meet the requirements of BS4142.

Reason: In the interests of the amenities of a nearby dwelling and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

6.4 **Application 3/2009/1082/P – Provision of 2m high mesh fencing around school perimeter at Simonstone C of E School, School Lane, Simonstone be approved subject to the following conditions:**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. This permission shall be implemented in accordance with the plans submitted under drawing number 2680-01.

Reason: For the avoidance of doubt.

6.5 **Application 3/2010/0148/P – 3 fascia signs and 1 totem sign at Somerfield Stores, Inglewhite Road, Longridge be approved subject to the following conditions:**

1. This permission shall relate to the development as shown on plan drawing numbers 6401, 6202, 6210, 6211, 6212 and 6213.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.

2. The signage permitted by this consent shall only be illuminated one hour prior to, during and up to one hour after, the opening hours of the premises to which it relates, and they shall not be illuminated 24 hours.

Reason: To comply with Policy G1 of the Ribble Valley Districtwide Local Plan in the interests of nearby residential amenity.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: Required by the Town and Country Planning (Control of Advertisements) Regulations 1992.

5. Where an advertisement is required under these regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: Required by the Town and Country Planning (Control of Advertisements) Regulations 1992.

6. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aids to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: Required by the Town and Country Planning (Control of Advertisements) Regulations 1992.

6.6 Application 3/2010/0176/P – Single storey and two storey extension at 46 Highfield Road, Clitheroe be approved subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The permission shall relate to the development as shown on plan drawing numbers HRC/GT/01 and HRC/GT/02.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.

- 6.2 Consider the report and in the light of the evidence determine whether there is any need for an independent investigation into the circumstances.

DIRECTOR OF DEVELOPMENT SERVICES

BACKGROUND PAPERS

- 1 Delegated reports relating to

3/2006/0217/P
3/2009/0813/P
3/2009/0934/P
3/2009/1082/P
3/2010/0148/P
3/2010/0176/P

For further information please ask for John Macholc, extension 4502.

APPENDIX 1

APPLICATIONS WHERE OBJECTIONS WERE NOT REPORTED BUT RECEIVED ELECTRONICALLY ON THE WEBSITE

3/2006/0217/P – First floor extension over existing garage at Brook Cottage, Higher Commons Lane, Mellor

An objection was received on the 1/05/06. The objection related to overlooking and privacy issues. The objection was received within the statutory consultation period. This application would have needed to be determined by the Planning and Development Committee as the old delegation scheme did not allow approvals when there is an objection. Under the revised delegation scheme issued in 2009, this would not have gone to Planning and Development Committee.

The application was approved on the 25/05/06 and the building work has commenced.

3/2009/0813/P – Agricultural building at land at Howgill Lane, Rimington

Objection received on the 22/10/09 within the statutory consultation period. The issues related to concerns that the building would be out of keeping and unsightly and use of wrong materials. This should have been determined by the Planning and Development Committee as it related to a non domestic proposal in which there is no delegation to approve if an objection has been received. The application was approved on 10/11/09. I have inspected the site and it would appear that no work has commenced on this application.

3/2009/0934/P – Conversion of units to a B1 and B2 use at Fishes and Peggy Hill Farm to use of B1 light industrial and B2 general industrial use, Henthorn Road, Clitheroe

An objection was received on the 2/12/09 within the statutory consultation period which raised concerns about traffic generation and highway safety. The application was for a commercial proposal and as such would have been a Committee item. The application was approved on 5/03/10. It should be noted that the County Surveyor raised no objection on highway grounds. I am not aware that building work has commenced on this scheme and no building regulation application has been submitted.

3/2009/1082/P – 2m high fence around the school perimeter at Simonstone CE School, School Lane, Simonstone

An objection was on 10/01/10 within the statutory consultation period who raised concerns regarding the visual impact of the proposal and felt the fence to be unnecessary. As the application was not a household scheme, it would have been classified as commercial needed to be determined by Planning and Development Committee. The application was approved on 28/1/10 and the development has been completed.

3/2010/0148/P – Proposed fascia signs at Somerfield Store, Inglewhite Road, Longridge

An e-mail was received by on 21/3/10 within the statutory consultation period which was more akin to a comment and did not specifically express an objection but asked that the sign above

the entrance lobby should not be switched on when the shop was closed. It was considered to cause a nuisance at night and unnecessary light pollution. It should be noted that the signs are now in situ and the application was approved on the 21/4/10.

3/2010/0176/P – Take down existing kitchen extension and build a new single storey and two storey extension at 46 Highfield Road, Clitheroe

Additional objections were received on 29/3/10 and 30/3/10 within the statutory consultation period. Issues made reference to inadequacies of the plan. This issue was adequately covered in the delegated report but it should be noted that this would have resulted in three objections and as such needed to be determined by Planning and Development Committee. A Building Notice has been submitted on this application.