

RIBBLE VALLEY BOROUGH COUNCIL

please ask for: OLWEN HEAP
direct line: 01200 414408
e-mail: olwen.heap@ribblevalley.gov.uk
my ref: OH/EL
your ref:
date: 8 August 2016

Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA

Switchboard: 01200 425111
Fax: 01200 414488
www.ribblevalley.gov.uk

Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** is at **6.30pm** on **THURSDAY, 18 AUGUST 2016** at the **TOWN HALL, CHURCH STREET, CLITHEROE.**

I do hope you can be there.

Yours sincerely

CHIEF EXECUTIVE

To: Committee Members (copy for information to all other members of the Council)
Directors
Press
Parish Councils (copy for information)

AGENDA

Part I – items of business to be discussed in public

1. Apologies for absence.
- ✓ 2. To approve the minutes of the last meeting held on 21 July 2016 – copy enclosed.
3. Declarations of Pecuniary and Non-Pecuniary Interests (if any).
4. Public Participation (if any).

DECISION ITEMS

- ✓ 5. Planning Applications – report of Director of Community Services – copy enclosed.
- ✓ 6. Approval of Increase to Building Control Fees 2016/17 – report of Chief Executive – copy enclosed.
- ✓ 7. Revision of Building Control Policy – report of Chief Executive – copy enclosed.

INFORMATION ITEMS

- ✓ 8. 2015-2016 Year End Performance Report – report of Chief Executive – copy enclosed.
- ✓ 9. Local Development Framework – Annual Monitoring Report 2015-2016 – report of Chief Executive – copy enclosed.
- ✓ 10. Appeals:
 - a) 3/2015/0873/P – Replacement access road to dwelling at The Paddocks, Stoneygate Lane, Ribchester – appeal allowed with conditions.
 - b) 3/2016/0095/P – alterations to the existing dwelling to convert the property into three separate retirement homes at Mayfield, Ribchester Road, Clayton-le-Dale – appeal dismissed.
 - c) 3/2016/0086/P – erection of a two storey rear extension at 22 Simonstone Lane, Simonstone – appeal dismissed.
 - d) 3/2015/0159/P – condition 7 regarding erection of 21 industrial units (B1 and B2 use) and layout of estate road and parking areas at former Golf Driving Range, Upbrooks, Lincoln Way, Clitheroe – appeal allowed with conditions.
 - e) 3/2016/0174/P – erection of new shed for the sale of delicatessen products with light refreshments at Stydd Garden Centre, Stydd Gardens, Stoneygate Lane, Ribchester.
 - f) 3/2016/00172/P – erection of new shed for education use at Stydd Garden Centre, Stydd Gardens, Stoneygate Lane, Ribchester – appeal dismissed.
 - g) 3/2015/0647/P – conversion of former garage and stables to form a 3 bed dwelling and associated site works – new access track at Pinfold Farm Barn, Preston Road, Ribchester – appeal dismissed.
 - h) 3/2015/0074/P – erection of a storage building with a lean-to facilities block and change of use of land to create a caravan park development for 21 touring caravans/recreational vehicles – appeal allowed with conditions.
 - i) 3/2016/0050/P – erection of one dwelling on land adjacent to the Village Hall, Main Street, Newton-in-Bowland – appeal dismissed.
- 11. Reports from Representatives on Outside Bodies (if any).

Part II - items of business **not** to be discussed in public

None

INDEX OF APPLICATIONS BEING CONSIDERED						
MEETING DATE: 18 AUGUST 2016						
	<u>Application No:</u>	<u>Page:</u>		<u>Officer:</u>	<u>Recommendation:</u>	<u>Site:</u>
A	APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS:					
					NONE	
B	APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR APPROVAL:					
	3/2016/0354/P	1		RH	AC	The Beeches Waddington Road, Clitheroe
	3/2016/0445/P	7		AB	AC	Gleneagles Drive Brockhall Village
C	APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL:					
	3/2016/0442/P	12		AD	R	Townhead Farm Downham Road, Chatburn
	3/2016/0464/P	20		AB	R	Gleneagles Drive Brockhall Village
	3/2016/0522/P & 3/2016/0523/P	28		UV	R	Whalley Arms Whalley
	3/2016/0587/P	35		JM	R	The Moorcock Slaidburn Road, Waddington
	3/2016/0647/P	42		RH	R	71 Pasturelands Drive Billington
D	APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED					
	3/2015/0652/P	47		SK	DEF	Land off Woone Lane Clitheroe
	3/2015/0495/P	52		SK	DEF	Worthalls Farm Off Westfield Avenue, Read
E	APPLICATIONS IN 'OTHER' CATEGORIES:					
					NONE	

LEGEND

AC Approved Conditionally
R Refused
M/A Minded to Approve

AB Adam Birkett
AD Adrian Dowd
JM John Macholc

RH Rebecca Halliwell
RM Robert Major
SK Stephen Kilmartin
UV Urban Vision

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 18 AUGUST 2016
title: PLANNING APPLICATIONS
submitted by: DIRECTOR OF COMMUNITY SERVICES

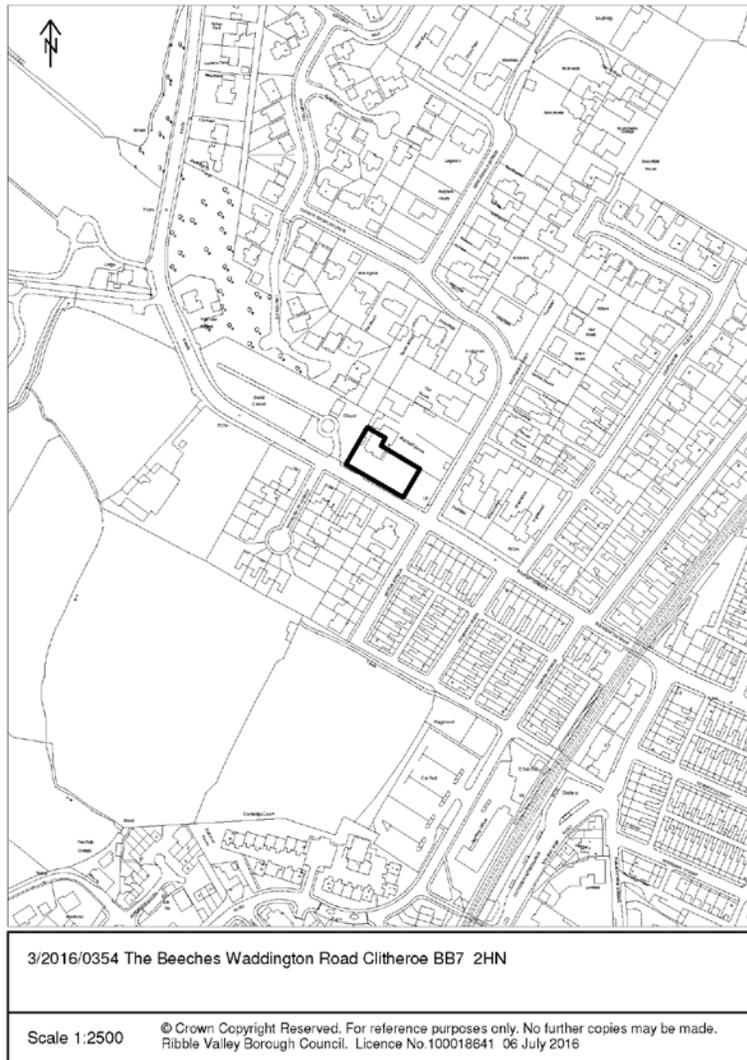
PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION REF: 3/2016/0354

GRID REF: SD 374129 442357

DEVELOPMENT DESCRIPTION:

KITCHEN AND SUN ROOM EXTENSION TO SIDES AT THE BEECHES, WADDINGTON ROAD, CLITHEROE



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No objection.

HIGHWAYS:

No objection.

ADDITIONAL REPRESENTATIONS:

Letters of representation have been received from 2 individual households objecting to the application on the following grounds:

(Some of the comments relate to prior submission of the tree report)

- Closeness of proposed sun room to shared boundary
- Loss of outlook/view from bay window
- Noise pollution
- Threat to biodiversity
- Insufficient detail on the impact the proposed work would have on the tree
- Loss or damage to the boundary fence
- Threat to original features of a non-designated historical asset
- Loss of amenity due to overlooking, overbearing and loss of light issues.

1. Site Description and Surrounding Area

- 1.1 The application property is a substantial two storey semi-detached dwelling set within a large curtilage to the front and side of the property. The application site is located on the edge of the settlement of Clitheroe. The application property is faced with white render & red rosemary tile cladding, slate roof tiles and timber window frames and doors. It is noted that there are a number of semi-detached dwellings in the vicinity of varying design but similarly occupying large gardens.

2. Proposed Development for which consent is sought

- 2.1 The original planning application included details for the erection of a kitchen extension to the west (side) elevation and a sun room extension to the east (side) elevation of the application dwelling. The proposed kitchen extension has subsequently been removed from the proposed application as the works constitutes permitted development so can be constructed without the need for planning consent.

- 2.2 Consent is sought for the erection of a sun room extension to the east (side) elevation at The Beeches, Waddington Road, Clitheroe. This has also been amended in part to take into account the tree report. The proposed sun room extension will project outwards from the side elevation 3.550m and will have a width of 5.600m resulting in the proposed development sitting flush with the principle elevation. It will have a pitched roof with an eaves height of 2.950m and a ridge height of 4m. The proposal will be clad in cement render, solar/active tinted selfclean roof glass, cream grain PVC framework and Georgian gothic arches to lower window frames.

3. **Relevant Planning History**

N/A

4. **Relevant Policies**

Ribble Valley Core Strategy
Policy DMG1 – General Considerations
Policy DMH5 – Residential & Curtilage Extensions
Policy DME1 – Protecting Trees and Woodlands

National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 **Impact upon Residential Amenity:**

5.1.1 It is important to consider the potential impact the proposed development would have on the residential amenity of the occupiers of nearby dwellings.

5.1.2 The proposed sun room includes the insertion of windows to the north east elevation of the proposed extension. These would provide direct views over the private amenity space of Mayfield House. Following officer negotiation with the agent it has subsequently been agreed that these windows will be heavily obscured and non-opening. I note the objections but do not consider that the proposed development would result in any significant harm to the amenities of this neighbour through loss of light, privacy or outlook. Should consent be granted, the use of obscure glass shall be sought via a condition.

5.1.3 The objections which were raised related primarily to the overbearing size of the proposal and the impact the development would have on the adjoining property Mayfield House through loss of outlook and light, noise pollution and loss of outlook/view from bay window. It should be noted that the sun room has been moved away from the shared boundary by 0.8m and the proposed materials have been altered, due to the redesign it has resulted in a reduction of the roof pitch to 20 degrees. With this in mind it is considered that the proposed development would not have an unacceptable impact on the amenity of the occupiers. The proposed extension is modest in size and whilst it may result in some loss of light to the neighbour's bay window this would not warrant refusal.

5.1.4 The objections which were raised relating to loss of view of the castle, access to maintain the proposed development, loss/damage to boundary fencing, boxing in of shared drain pipe are not material considerations and should not be taken into account when assessing the application.

5.2 **Visual Amenity/External Appearance:**

5.2.1 Policies DMG1 and DMH5 of the Ribble Valley Core Strategy requires extensions to be in keeping with the existing house and the surrounding buildings in terms of scale, size, design and facing materials. Any extension should be well proportioned and sit comfortably with the original building. It should respect the scale and proportions of the original dwelling and should not overwhelm it. Furthermore, new development should make a positive contribution to the local

character and distinctiveness of the existing building. In terms of its design, the proposed extensions would be commensurate to the scale of the main dwelling; they would be set down considerably from the ridge line of the existing dwelling.

- 5.2.2 It is considered that the proposed development would not adversely harm the historical features of the existing dwelling nor would it result in any harm to the host dwelling or the surrounding area, the materials proposed would maintain coherence between the main dwelling and the proposed development and would accord with Ribble Valley Core Strategy Policies DMG1 and DMH5.

5.3 Landscape/Ecology:

- 5.3.1 In respect of trees, the application is accompanied by an Arboricultural Report. Three individual trees were surveyed in respect of the proposed development. The trees were allocated a high retention value (Category A), a moderate retention value (Category B) and to be unsuitable for retention (Category U), with the latter being recommended for removal as soon as is practicable for risk management reasons. The report concluded that T1 was offered a high retention value, T2 a moderate retention value and T3 was unsuitable for retention.

- 5.3.2 The submitted report found that the proposed extension would encroach 6.5% into the total Root Protection Area (RPA) of tree T1 a Cut-Leaf Beech. It is noted that Section 7.5 of BS5837:2012 states that: *“The insertion of specially engineered structure within RPAs may be justified if this enabled the retention of a good quality tree that would otherwise be lost (usually categories A or B)”* and that *“Root damage can be minimized by using:*

- *Piles, with site investigation used to determine their optimal location whilst avoiding damage to roots important for the stability of the tree, by means of hand tools or compressed air spoil displacement, to a minimum depth of 600mm; and*
- *Beams, laid at or above ground level, and cantilevered as necessary to avoid tree roots by side investigation.”*

- 5.3.3 It was concluded that in order to construct the extension in the proposed located it would be necessary to use a pile and beam foundation systems, with the beam sat at or above current ground levels and a void between the underside of the structures floor and the existing ground.

- 5.3.4 In view of the above, the Council's Countryside Officer has raised no objection to the planning application. Should consent be granted, a condition shall be attached to the permission to ensure that no development, including any site preparation, demolition, clearance or tree works/removal shall commence or be undertaken on site unless/until the details of a detailed specification drawing for a beam on a pile foundation in accordance with BS5837 Trees in Relation to Demolition, Design and Construction [special materials & working methods for proposed construction within root protection areas] has been submitted to and approved in writing by the Local Planning Authority.

6 Observations/Consideration of Matters Raised/Conclusion

- 6.1 The proposed development would not result in any significant harm to the character and appearance of the existing dwelling or the surrounding area, nor will it cause any

significant harm to the amenity of neighbouring residents. The proposal would not have an unacceptable impact on protected species or highways safety. Accordingly, it is recommended that the application be approved.

RECOMMENDATION: That the application be APPROVED subject to the imposition of the following condition(s):

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawing:

Amended Design – Sun room/conservatory (Received 01/08/2016)

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. Notwithstanding the submitted details, precise specifications or samples of all external surfaces, including surfacing materials and their extents, of the development hereby permitted shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development. The approved materials shall be implemented within the development in strict accordance with the approved details.

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 DMG1 and DMH5 of the Ribble Valley Core Strategy.

4. The proposed windows which are to be introduced into the north east elevation of the sun room extension (Amended Design – Sun room/conservatory (Received 01/08/2016)) shall be fitted with obscure glazing (which shall have an obscurity rating of not less than 4 on the Pilkington glass obscurity rating or equivalent scale) and shall be non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall remain in that manner in perpetuity at all times unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect nearby residential amenity in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

5. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site unless and until the details of a detailed specification drawing for a beam on a pile foundation in accordance with BS5837 Trees in Relation to Demolition, Design and Construction [special materials & working methods for proposed construction within root protection areas] has been submitted to and approved in writing by the Local Planning Authority.

The details as submitted shall also include tree protection fencing in accordance with BS5837 (2012): 'Trees in Relation to Construction' for trees identified T1 and T3 in the Arboricultural Impact Assessment. Such fencing shall be erected in its entirety prior to any other operations taking place on the site. This fencing should not be breached or removed during development. Furthermore within the areas so fenced the existing ground level shall be neither raised nor lowered and there shall be no development or development-related activity of any description including the deposit of spoil or the storage of materials unless expressly agreed by the Local Planning Authority.

REASON: To protect trees/hedging of landscape and visual amenity value on and adjacent to the site or those likely to be affected by the proposed development in accordance with Policies DMG1 and DME1 of the Ribble Valley Core Strategy.

BACKGROUND PAPERS

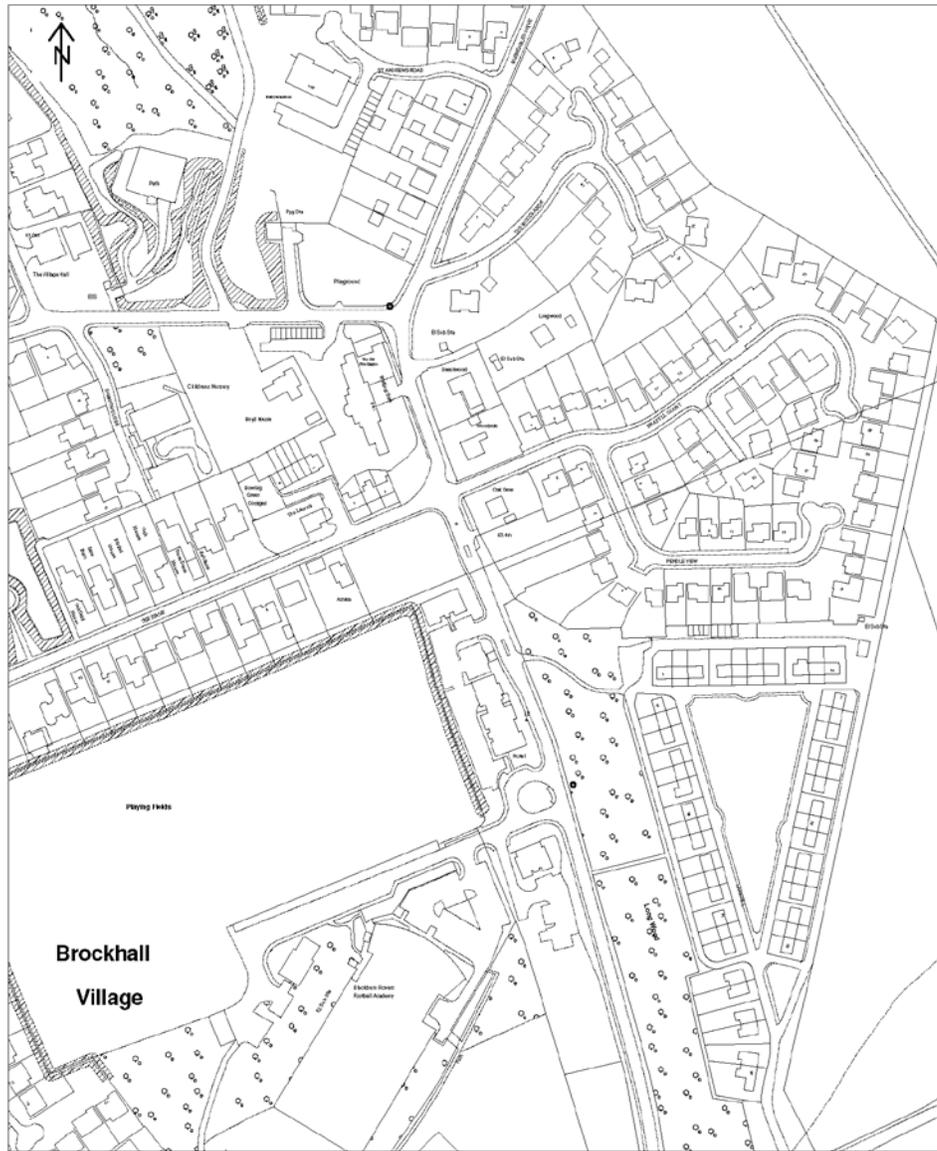
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0354

APPLICATION REF: 3/2016/0445

GRID REF: SD 370305 436402

DEVELOPMENT DESCRIPTION:

LAND AT THE JUNCTION BETWEEN CHERRY DRIVE AND GLENEAGLES DRIVE AND OPPOSITE THE ROUNDABOUT ADJACENT TO THE HOTEL ON GLENEAGLES DRIVE BROCKHALL VILLAGE OLD LANGHO BB6



3/2016/0445 land at Gleneagles Drive, Brockhall Village, Old Langho,.

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

The parish council wish to object to this application for the following reasons:-

- It overlooks the gardens, bedrooms and conservatories of a number of properties,
- Uses selected locations to provide wide angle views, when tighter positioning would better serve the stated purpose.
- The camera covering the roundabout is argued to be required for 'insurance purposes' by the management company. A CCTV camera overlooking the roundabout *may* be required, but this can be close to the roundabout rather than overlooking a wide residential area.
- The installations are planned without any consultation with the residents, particularly those residents most impacted upon.
- Residents have trimmed back tall screening hedges following their consultation with the management company. It transpires that the management company were already planning for these CCTV towers at the time, and residents would not have proceeded with the hedge reductions should they have been so aware.
- A substantial pine tree has very recently been removed (with planning consent) by HDAC or their agents which would have provided a physical screen to the residents at 1 'The Woodlands'.
- Promises of screening and/or collaring of the cameras carry no weight with the residents as there is a lack of confidence in the actions of the management company and their agents in this important area of privacy.
- The bases for the CCTV cameras have already been installed prior to any attempt to follow planning procedures.

ADDITIONAL REPRESENTATIONS:

Letters of representation have been received from 30 individual households/addresses objecting to the application on the following grounds:

- Loss of privacy to as the cameras would provide views into the windows and gardens of nearby dwellings.
- There is no need to CCTV to be installed – the village is quiet with low crime rates.
- The applicant has not stated which areas will be masked.
- It would be against human rights.
- There has been no consultation with neighbours.
- Security measures are disproportionate.
- The development would be out of character with the rest of the street lighting.
- Risk of misuse of data.

There have been 9 letters of support from individual households/addresses stating the following:

- The CCTV camera at the roundabout would aid traffic management.
- The CCTV cameras would help to kerb anti-social behaviour on the park.

1. **Site Description and Surrounding Area**

- 1.1 The application seeks consent for the erection of two pole-mounted high-definition CCTV cameras at the junction between Cherry Drive and Gleneagles Drive and opposite the roundabout adjacent to the hotel on Gleneagles Drive, Brockhall Village. The village is located on the site once occupied by Brockhall Hospital and has been redeveloped into a gated residential community.

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

- 2.1 The application seeks consent for two high definition CCTV cameras mounted on 4.5m high poles. The first of the CCTV cameras would be located on the footpath at the corner of Cherry Drive and Gleneagles Drive to provide surveillance of the adjacent children's play area. The area surrounding this site is predominantly residential with the nearest dwelling to the proposed siting being located at a distance of 16m. The second camera would be positioned on the east side of the Gleneagles Drive opposite the roundabout adjacent to The Avenue Hotel. The mounting poles would have a maximum height of 4.5m and would have a square section with a width of 100mm. The CCTV camera would consist of a high-definition 1080p pan, tilt and zoom and would provide day/night functionality and built-in IR LEDs which illuminate up to 100m.

3. **Relevant Planning History**

None

4. **Relevant Policies**

Ribble Valley Core Strategy
Policy DMG1 – General Considerations

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

5. **Assessment of Proposed Development**

5.1 **Impact upon Residential Amenity**

- 5.1.1 In determining this application the main considerations are the impact of the development on the residential amenities of neighbouring occupants and the impact on the visual appearance of the area. Core Strategy Policy DMG1 requires development to avoid adverse impacts on the amenities of an area including the residential amenities of the occupants of nearby dwellings. The proposed CCTV camera situated at the junction with Cherry Drive and Gleneagles Drive is located in a predominantly residential area with the nearest property, The Old Fire Station, located approximately 16m south-west. The camera would have the ability to be panned 360-degrees and, with a 100-metre range it would provide the ability to view residential gardens and windows. It is noted that the cameras can be programmed to limit how far they can pan in either direction and privacy masking zones can be used to blank out certain scenes. However, in this case due to the proximity of the camera to numerous residential properties there would have to be significant limitations put in place to avoid any loss of privacy for neighbours. I also consider that regardless of whether the cameras are programmed to blank out any views of private gardens

and windows there would remain a sense of overlooking that would be exacerbated by the cameras ability to be panned remotely. The applicant has subsequently agreed to a static camera focussing solely on the children's play area. This would satisfy the applicant's requirement to monitor use of the play area and also safeguard the privacy of neighbours.

5.1.2 With regards to the proposed CCTV camera opposite the roundabout adjacent to the hotel on Gleneagles Drive, this CCTV camera is required for traffic management purposes. There are residential properties located approximately 55m east of the camera location. The ability to move the camera to allow views along Gleneagles Drive to the north and south would be required to monitor traffic and I consider it acceptable to programme this camera to mask out all easterly views in this instance.

5.2 Visual Amenity/External Appearance

5.2.1 In terms of the visual appearance of development, Core Strategy Policy DMG1 requires development to be sympathetic to surrounds in terms of design and materials. Whilst I note reference to the visual appearance of the pole-mounted cameras in objection letters, it is considered that the proposals would not have a significant detrimental visual impact on the surrounding area to warrant refusal of the application. Should consent be granted, the mounting poles shall be painted black to match existing street lamps and reduce their prominence.

5.3 Other Matters:

5.3.1 Concerns have been raised regarding the safety and use of images recorded by the cameras. The cameras are password protected with a high level of encryption and shall be streamed to and from the security lodge. Recording equipment would be stored in a locked wall-mounted enclosure and would be protected by encryption. Notwithstanding the above, information and data security is covered by other legislation including the Data Protection Act and, as such, is not a material consideration in the determination of this application.

6. Conclusion

6.1 Taking into account the above, the proposed CCTV cameras would be acceptable subject to conditions restricting views of private residential gardens and windows. The proposals would not result in significant harm to the appearance of the area and it is recommended that the application be approved.

RECOMMENDATION: That the application be APPROVED subject to the imposition of the following condition(s):

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

CCTV Camera Positions (1906P01A)
CCTV Camera Elevations (1906P02)

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

2. Notwithstanding the details shown on the approved plans, precise specifications of a static camera to be located at the junction between Cherry Drive and Gleneagles Drive hereby permitted shall have been submitted to and approved by the Local Planning Authority before its first use. The camera shall be restricted to visual surveillance within the boundaries of the play area only.

REASON: To ensure the protection of privacy for neighbouring occupiers, and in the interests of residential amenity, in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

3. The camera hereby permitted opposite the roundabout adjacent to the hotel on Gleneagles Drive shall be model Hikvision DS-2DE7186 as submitted with the planning application. The camera shall be permanently adjusted to restrict visual surveillance to Gleneagles Drive only.

REASON: To ensure the protection of privacy for neighbouring occupiers along Larkhill, and in the interests of residential amenity, in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

4. The mounting posts and brackets hereby approved shall be painted black to match the existing street lamps within one month of the CCTV cameras becoming operational.

REASON: To ensure that the visual appearance of the proposals are appropriate to the locality in accordance with Policies DMG1 of the Ribble Valley Core Strategy.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0445

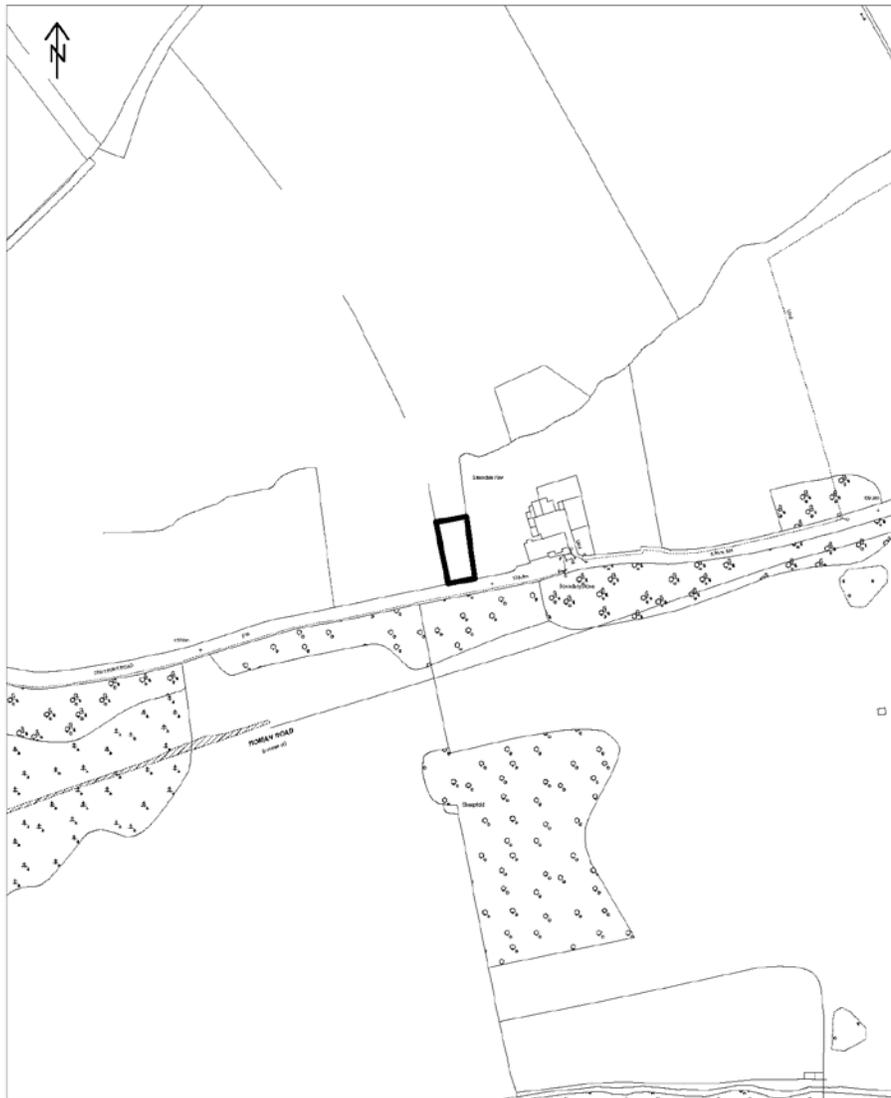
C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL

APPLICATION REF: 3/2016/0442

GRID REF: SD 377848 444341

DEVELOPMENT DESCRIPTION:

CHANGE OF USE OF AGRICULTURAL LAND TO CAR PARK FOR GREENDALE VIEW CAFÉ AT LAND AT TOWNHEAD FARM, DOWNHAM ROAD, CHATBURN



3/2016/0442 Land at Townhead Farm Downham Road Chatburn BB7 4DL

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No observations to make.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

The Highway Development Control Section does not have any objections regarding the proposed Change of use of agricultural land to car park and are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

It is also explained that the new vehicular access, within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (Vehicle crossings over footways and verges) and 5 conditions are suggested as part of the formal planning decision.

HISTORIC ENGLAND:

Do not consider it necessary for this application to be notified to Historic England.

LEAD LOCAL FLOOD AUTHORITY:

No comment because LLFA Flood Risk Standing Advice should have been applied and the proposals are not listed in the 'When to Consult the LLFA' document or in the Development Management Procedure Order 2010.

UNITED UTILITIES:

Consulted, no representations received at time of report writing.

LCC AONB OFFICER:

Consulted, no representations received at time of report writing.

ADDITIONAL REPRESENTATIONS:

None received.

1. Site Description and Surrounding Area

- 1.1 Greendale View is a late C19 stone built house now converted to a café. It lies at the top of a north-west facing escarpment in the open countryside between Chatburn and Downham (outside of both village boundaries shown in the 1998 Local Plan). The escarpment forms the north-western boundary of the Forest of Bowland AONB Pendle Hill outlier; local topography results in strong inter-visibility with the main body of the AONB to the north. The application site is immediately west of the existing Greendale View curtilage.
- 1.2 The boundary treatment of Greendale View and the proposed car park site with the road comprises traditional and more formal walling/gate posts and hedgerow. The site faces the continuous stone wall boundary to the gardens of Downham Hall (Grade II* listed; 'Country house, 1835, by George Webster'- list description) which also forms the

northern boundary to Downham Conservation Area (the Conservation Area boundary extends to the west just beyond the application site before it returns to the south). The site is within the setting of and is inter-visible with Downham Conservation Area. The site may be considered to be within the setting of the listed building if the garden wall is considered to be a curtilage structure to the principal building [section 1(5) Planning (Listed Buildings and Conservation Areas) Act 1990.

- 1.3 The Downham Conservation Area Appraisal (The Conservation Studio consultants, 2005; subject to public consultation) identifies:

“Downham Hall and Parkland to the west”; “remarkable surviving historic appearance, with almost complete lack of 20th century alterations and accretions”; “spacious layout devoid of 20th century infill”; “rural setting of the village”; “trees, both in the surrounding landscape and beside the road”; “local details ... stone boundary walls” (Summary of special interest);

“The Conservation Area boundary encloses the whole of the village settlement and parkland west of Downham Hall which is important to its setting ... unlike many similar English villages, Downham has not suffered from loss of open space due to 20th century infill or construction of garages or off-road parking” (The character of spaces within the area);

“The prevalence of stone as a building material, not only in habitable buildings, but also for walls, gate piers ... unifies the Conservation Area, giving it a distinctive local identity and harmonising the many elements of the built environment” (Building methods, materials and local details);

“The Conservation Area is notable for its stone boundary walls ... stone gate piers are also a feature” (Local details and features);

“Picturesque rural village popular with tourists; dedicated tourist parking; exceptionally unspoilt character and appearance”; “absence of road markings” (Strengths);

“The current main threat to the character and appearance of the Conservation Area is traffic and the pressure of tourism” (Threats).

- 1.4 A line of mature trees runs north-south and approximates to the western boundary of the proposed car park.

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

- 2.1 Planning permission is sought for the change of use of agricultural (grazing) land and associated works to car park. The car park area is 575 m² and is proposed to provide 13 parking spaces (3 disability spaces).

- 2.2 A 2.4m x 60m visibility splay is shown necessitating the demolition/modification of boundary walling and gate posts. Macadam surfacing is shown between the edge of the public highway and a new gate which is indented 6.5m into the site.

- 2.3 A Tree Survey has not been submitted despite works obviously being within influencing distance of the development.

- 2.4 The Design and Access Statement suggests that the car park is required: to sustain the current tenant's business model (reliant on passing trade which may be dissuaded by number of roadside parked cars); allow safe movement of pedestrians from vehicles to café (no existing footpath and national speed limit applies); improve the visual amenity of the approach to the Conservation Area and provide improved safety for general users of the highway.
- 2.5 The Design and Access Statement suggests that locating a car park within the curtilage of Greendale View has been discounted because customers want to eat outside and enjoy their surroundings and views and the tenants will lose their personal space.
- 2.6 The application includes a letter of support from Councillor G. Scott (Chatburn Ward) which, in summary, is concerned at the National Speed Limit on this road and advocates the proposed car park because of the improved pedestrian and vehicular highway safety and help to securing the future of the café through removal of vehicles from the highway.

3. **Relevant Planning History**

- 3.1 Pre-application advice was provided in respect of the proposed development on 26 February 2016. Concern was expressed that the proposed roadside boundary modifications (loss of distinct walling and hedgerow) and car park would be incongruous, conspicuous and intrusive in the landscape and of harm to the character of the Forest of Bowland Area of Outstanding Natural Beauty and the character and appearance of Downham Conservation Area.
- 3.2 There is no planning record of a change of use of the site to a café suggesting the long-standing operation of the business.

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy
 Key Statement DS2 – Sustainable Development
 Key Statement EN2 – Landscape
 Key Statement EC1 – Business and Employment Development
 Key Statement EN5 – Heritage Assets
 Policy DMG1 – General Considerations
 Policy DMG2 – Strategic Considerations
 Policy DMG3 – Transport and Mobility
 Policy DME4 – Heritage Assets
 Policy DME2 – Landscape and Townscape Protection
 Policy DMB1 - Supporting Business Growth and the Local Economy
 Policy DMB3 – Recreation and Tourism Development
 Planning (Listed Buildings and Conservation Areas) Act 1990

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

5. Assessment of Proposed Development

5.1 Land use

- 5.1.1 The site lies within the open countryside outside the settlements of Downham and Chatburn. It is also within the Forest of Bowland Area of Outstanding Natural Beauty.
- 5.1.2 Key Statement DS1 of the adopted Core Strategy sets out the development strategy for the Borough. It seeks to direct the majority of new retail and leisure development toward the centres of Clitheroe, Longridge and Whalley. In addition, development will be focussed towards the Tier 1 villages (Chatburn) which are the more sustainable of the 32 defined settlements. In the remaining Tier 2 Village Settlements (Downham) development will need to meet proven local needs or deliver regeneration benefits. Considerations will include proposed small scale developments in the smaller settlements that are appropriate for consolidation and expansion or rounding off of the built up area.
- 5.1.3 Key Statement DS1 also states that the Council will have regard to the AONB in consideration to the scale, extent and form of development.
- 5.1.4 Policy DMG2 sets out further detail in relation to the strategic requirements of the plan. It effectively sets out exceptions which might be considered in relation to development within the Tier 2 villages and locations outside the defined settlement areas. These include:
- “1. The development should be essential to the local economy or social well-being of the area.*
 - 4. The development is for small scale tourism or recreational developments appropriate to a rural area.*
 - 5. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated”.*
- 5.1.5 In respect to such considerations, DMG2 also states:
- “Within the open countryside development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting” and
- “In protecting the designated Area of Outstanding Natural Beauty the Council will have regard to the economic and social wellbeing of the area. However, the most important consideration in the assessment of any development proposals will be the protection, conservation and enhancement of the landscape and character of the area ... development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the AONB by virtue of its size, design, use of material, landscaping and siting”.
- 5.1.6 Furthermore, Key Statement EN2: Landscape identifies in respect to the AONB that “Any development will need to contribute to the conservation of the natural beauty of the area” and will be expected “to be in keeping with the character of

the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials”.

- 5.1.7 Policy DMB1 (Supporting Business Growth and the Local Economy) also emphasises the requirement of compatibility of new development with its landscape:

“The expansion of established firms on land outside settlements will be allowed provided it is essential to maintain the existing source of employment and can be assimilated within the local landscape”.

- 5.1.8 In my opinion, the proposed car park (which is outside a settlement and not in a suitable location for the rounding off of built development) and associated alterations to traditional walling and gateposts will be incongruous, conspicuous and intrusive in the landscape and of harm to the character of the Forest of Bowland Area of Outstanding Natural Beauty.

- 5.1.9 Policy DMG3 of the Core Strategy recognises that transport considerations are key to the delivery of sustainable development. Such considerations were a key part in defining the settlement hierarchy which now forms the basis of Key Statement DS1. In my opinion, the location could not be considered highly accessible by public transport and is likely to increase car borne journeys.

5.2 Setting of Downham Conservation Area and Downham Hall

- 5.2.1 The duties at section 72 and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that ‘special attention’ and ‘special regard’ be given to the desirability of preserving (‘doing no harm’) or enhancing the character or appearance of a conservation area and the preserving of the setting of a listed building.

- 5.2.2 Policy DME4 (Protecting Heritage Assets) of the Core Strategy also relates to the setting and views into and out of conservation areas and considerations to the setting of listed buildings:

“Conservation Areas:

Proposals within, or affecting views into and out of, or affecting the setting of a conservation area will be required to conserve and where appropriate enhance its character and appearance and those elements which contribute towards its significance. This should include considerations as to whether it conserves or enhances the special architectural and historic character of the area, as set out in the relevant Conservation Area Appraisal. Development which makes a positive contribution and conserves and enhances the character, appearance and significance of the area in terms of its location, scale, size, design and materials and existing buildings, structures, trees and open spaces will be supported

Listed Buildings:

“Alterations or extensions to listed buildings or buildings of local heritage interest, or development proposals on sites within their setting which cause harm to the significance of the heritage asset will not be supported”.

5.2.3 The Downham Conservation Area Appraisal identifies that Downham Hall and its Parkland, the lack of ostensibly modern development (including off-road parking and road markings), the village's rural setting, trees beside the road and local stone walling are key to its significance. In my opinion, the proposed roadside boundary modifications and car park will be incongruous, conspicuous and intrusive and of harm to the character and appearance of Downham Conservation Area.

5.2.4 The harmful impact of proposed development on the designated heritage asset should also to be considered in respect to the importance of the cultural heritage of the AONB (NPPF paragraph 115) which is described in the Forest of Bowland AONB Management Plan April 2014 - March 2019:

"The area was designated as a landscape of national significance due to a variety of factors, including... the landscape's historic and cultural associations ... the distinctive pattern of settlements".

"Collectively these historic and cultural elements of the environment serve to enrich the landscape's scenic quality, meaning and value".

5.2.5 The status of the Downham Hall parkland boundary wall is unclear and possible concerns as to the impact upon the setting of the listed building are therefore not reflected in the refusal recommendations.

5.3 Landscape/Ecology:

5.3.1 Policy DME2 (Landscape and Townscape Protection) states:

"Development proposals will be refused which significantly harm important landscape or landscape features including:

1. *traditional stone walls*
6. hedgerows and individual trees".

In my opinion, the proposed alterations to walling in order to meet safe access to the car park does represent significant harm to the landscape feature.

In the absence of a Tree Survey, the Borough Council's Countryside Officer is to undertake an amenity assessment of the trees within influencing distance of the proposed development. The results of the assessment and any recommendations will be reported verbally to Committee.

5.4 Highway Safety and Accessibility:

5.4.1 I am satisfied that the proposed development implemented in accordance with the conditions recommended by Lancashire County Council (Highways) would have an acceptable impact upon highway safety. I am mindful that one of these conditions requires:

"Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 6m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users”.

I am also mindful that whilst Lancashire County Council (Highways) does not have any objections to the scheme, its comments do not suggest any particular requirement for the proposed car park scheme.

5.5 Impact upon Residential Amenity:

5.5.1 In my opinion, the proposals do not have a significant impact upon the amenity of adjoining or nearby residents.

6. Observations/Consideration of Matters Raised/Conclusion

6.1 Mindful of NPPG (“*In general terms, substantial harm is a high test, so it may not arise in many cases*”) I consider the impact to the character and appearance of Downham Conservation Area to be less than substantial harm. In my opinion, clear and convincing justification (NPPF paragraph 132) for the harm to the designated heritage asset has not been submitted and it is therefore difficult to assess and weigh the importance of public benefits (NPPF paragraph 134).

6.2 Therefore, in giving considerable importance and weight to the duties at section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in giving ‘great weight’ to the conservation of the designated heritage asset (NPPF paragraph 132) and in consideration to Key Statements DS1, DS2, EN2 and EN5 and Policies DMG1, DMG2, DMG3, DMB1, DME4 and DME2 of the Ribble Valley Core Strategy, I would recommend that planning permission be refused.

RECOMMENDATION: That the application be REFUSED for the following reasons:

1. The proposal is considered contrary to Key Statements DS1 and EN2 and Policies DMG1, DMG2, DMB1 and DME2 of the Ribble Valley Core Strategy Adopted Version in that the car park would be incongruous, conspicuous and intrusive in the defined open countryside within the Forest of Bowland Area of Outstanding Natural Beauty and harmful to the development strategy for the borough. It is further considered that the approval of this application would lead to an unsustainable form of development placing further reliance on the private motor-vehicle contrary to the NPPF presumption in favour of sustainable development.
2. The proposal is harmful to the character and appearance of Downham Conservation Area and the cultural heritage of the Forest of Bowland Area of Outstanding Natural Beauty because the car park and associated traditional boundary wall modifications are prominent, ostensibly modern and suburban in appearance and compromise the rural setting and important views with the Conservation Area. This is contrary to Key Statement EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy and the National Planning Policy Framework Paragraph 17 (conserve heritage assets in a manner appropriate to their significance), Paragraph 60 (reinforce local distinctiveness), Paragraph 115 (conserve cultural heritage), Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness) and Paragraph 132 (great weight to conservation).

BACKGROUND PAPERS

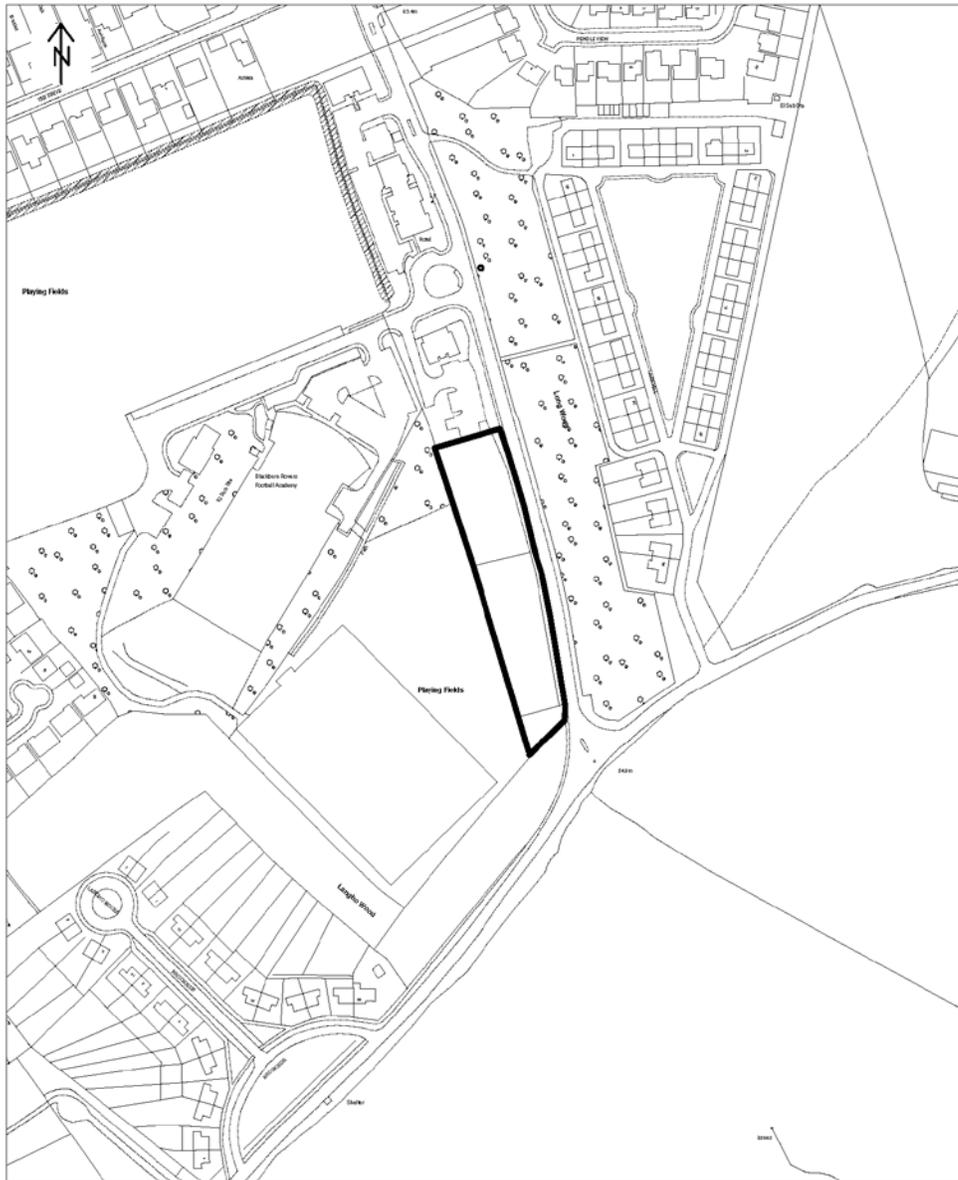
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0442

APPLICATION REF: 3/2016/0464

GRID REF: SD 370352 436225

DEVELOPMENT DESCRIPTION:

THE PROPOSED CONSTRUCTION OF FOUR ALL WEATHER PITCHES/COURTS AT LAND TO THE WEST OF GLENEAGLES DRIVE, BROCKHALL VILLAGE, OLD LANGHO



3/2016/0464 land to the west of Gleneagles Drive, Brockhall Village, Old Langho.

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

The parish council object to this application for the following reasons:-

- It is a loss of amenity land specified as a kick around area for older children
- There will be spotlights on 10m poles which will cause light pollution
- Traffic increase with parking problems on the Avenue and surrounding roads
- There will also be increased noise for local residents as the pitches will be open until 10pm
- There will be a detrimental visual impact for local residents

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

The proposal does not benefit from its own dedicated parking provision instead relying on the availability of spaces at the nearby businesses and pub, the latter is currently vacant. Should this facility reopen then there would be increased competition for the parking with the possibility of on street parking occurring on Gleneagles Drive (Old Langho Road) and the bus terminus. These roads are not adopted and are privately maintained. On the basis of these concerns I would recommend that the application be refused on highway grounds.

The levels of light spill on to the highway seem high and are lighting the road to a much higher level than would be expected in the area. This could lead to some disability glare for passing motorists.

It is also noted that the lighting levels are higher than the guidance given by the FA taken from the 'FA Guide to Floodlighting' available from the FA website. Consideration should be given to reducing the lighting levels which by default would also reduce the amount of light spill.

SPORT ENGLAND:

No objection subject to a condition requiring further technical details of the Artificial Grass Pitches and lighting to be submitted.

UNITED UTILITIES:

No objection subject to appropriate foul and surface water conditions.

ADDITIONAL REPRESENTATIONS:

Letters of representation have been received from 69 individual households/addresses objecting to the application on the following grounds:

- Location is unsustainable particularly as it is to be primarily used by the Accrington and East Lancashire league members. They would be reliant of private transport to visit the site.
- Site is adjacent only access to Brockhall Village which is already at capacity along with surrounding roads. The application would encourage extra traffic from outside the area.
- There is no dedicated parking. The number of parking spaces quoted includes spaces which are already in use by other businesses. 25 vehicles behind the conference centre would have to pass through security barrier which would contravene security guidelines. The 20 spaces associated with the vacant 'Avenue Restaurant' would not be guaranteed as it could come back into use. The proposal would lead to on-street parking and a safety hazard.

- Proximity of pitches to highway would cause a safety hazard due to stray balls.
- Constant flood lighting would be out of character with the area, detrimental to wildlife and will cause light pollution and the use would lead to noise issues.
- No changing facilities/toilets provided
- Site is cramped and would result in overdevelopment alongside the main entrance to the village which would harm visual amenity.
- There are few spaces within the village for children to play.
- Negative impact on the trees adjacent to the site.

1. **Site Description and Surrounding Area**

- 1.1 The application relates to open land located to the west of Gleneagles Drive, the main access road into Brockhall Village and the Blackburn Rovers Senior Training Facility. The village is located on the site once occupied by Brockhall Hospital and has been redeveloped into a gated residential community. The site is currently used as an informal play area and is delineated by a recently erected timber post and rail fence. The eastern boundary of the site adjoins the tree-lined Gleneagles Drive. To the west of the site are all weather pitches associated with the Blackburn Rovers Training Facility and to the north is a currently vacant commercial building and associated parking areas. The commercial applicant, SoccerAp.com, reside in the Conference Centre building located around 180m to the north of the site. The area immediately surrounding the site has a mix of commercial and residential uses; however, the overwhelming predominant use in the wider area is residential. Brockhall Village is situated in rural surroundings and is located around 2.5 miles from the village of Langho.

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

- 2.1 The application proposes the creation of one 6-a-side 3g/4g all-weather pitch and three all-weather courts on the 0.4ha site. The all-weather facilities would be enclosed by a 3.5m high green powder coated weld mesh fencing which would raise to 4.5m behind the goals. Lighting would be provided by 18 LED floodlights providing 200 lumens of light affixed to the top of 10m high posts that would be positioned along the east and west sides of the pitches. There would be pedestrian and vehicular maintenance access off Gleneagles Drive and vehicular parking would be provided by 25 spaces associated with the Conference Centre and a further 20 to the front of and associated with the 'Avenue Restaurant' which is currently vacant. The application proposes opening hours of 16:00-22:00 on all days with extended opening hours during non-term time.

3. **Relevant Planning History**

3/2005/0315 - Redevelopment of remaining areas of former hospital to provide employment uses (B1, C1, C2, D1 and D2), 38 dwellings, village hall and associated open space, kick-about area, formal garden area and garden store (Approved with conditions).

3/1999/0198 - Outline application for development of remainder of village (with exception of sewage treatment plant) to provide 261 new homes and 10500sqm of employment space (Approved with conditions).

4. **Relevant Policies**

Ribble Valley Core Strategy
Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development
Key Statement DMI2 – Transport Considerations
Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport and Mobility
Policy DME1 – Protecting Trees and Woodlands
Policy DME2 – Landscape and Townscape Protection
Policy DMB1 – Supporting Business Growth and the Local Economy
Policy DMB3 – Recreation and Tourism Development
Policy DMB4 – Open Space Provision

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

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The application site was earmarked for use as open space as part of the outline application 3/1999/0198 for the village development and was secured as part of the associated legal agreement that required the applicant to manage and maintain the land as such. A further application in 2005 sought to re-configure the remaining undeveloped parts of the site which included the provision of a children's kick about area on the land that is the subject of this application. The NPPF defines open space as 'All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity'.

5.1.2 The application site currently comprises open space which is used as informal 'kick about' space. Policy DMB4 relates specifically to open space and states "*The Borough Council will refuse development proposals which involve the loss of existing public open space, including private playing fields which are in recreational use. In exceptional circumstances and following a robust assessment where the loss of a site is justifiable because of the social and economic benefits a proposed development would bring to the community, consent may be granted where replacement facilities are provided, or where existing facilities elsewhere in the vicinity are substantially upgraded. These must be readily accessible and convenient to users of the former open space areas.*" Paragraph 74 of the Framework states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

5.1.3 The applicant has failed to provide any evidence that the existing recreational space is surplus to requirements nor have they identified a need for formal

football pitches in this area. Amongst the 65 letters of objection received from neighbours many state that the existing facility is well-used and much needed and I am of the opinion that development of this publicly accessible kick about area for the provision of commercial football pitches would not comply with Policy DMB4 of the Core Strategy as it would fail to be 'readily accessible and convenient to users' of the existing area as required by DMB4. The previous application requires this area of land to be maintained as public open space in order to provide adequate and usable open space for nearby residents. The proposed development would result in the loss of this open space and would fail to provide any social and economic benefits to the wider community. Whilst the application would provide replacement formal play pitches these would be provided as part of a commercial venture and would not be accessible to everyone. The applicant has offered to allow one of the courts to be available to residents of Brockhall Village free of charge, however; this fails to overcome my concerns.

- 5.1.4 In terms of its location, Brockhall Village is identified as a less sustainable Tier 2 Village in Key Statement DS1 of the Core Strategy where development will need to meet proven local needs or deliver regeneration benefits and directs new leisure development to the Principal Settlements of Clitheroe, Whalley and Longridge. Policy DMG2 'Strategic Considerations' provides additional advice on development in Tier 2 Villages stating that development must meet at least one of six criteria. In relation to this development it is not considered appropriate to a rural area and the proposals fail to satisfy any of the conditions in order for the proposed use to be acceptable development in this location.
- 5.1.5 There are also serious concerns regarding the sustainability of the location of the application site for a commercial leisure development. Key Statement DMI2 and Policy DMG3 of the Core Strategy require development to minimise the need to travel and have convenient links to public transport. The application site and Brockhall Village as a whole is located around 2.5 miles from the nearest Tier 1 settlement, Langho, which has some services and facilities. There is a bus stop located in close proximity to the proposed development; however this offers a limited hourly service to Longridge and there is no regular service to the other Principal Settlements in the Borough, Clitheroe and Whalley. In my opinion, the users of the proposed development would be highly reliant of the use of private motor vehicles to visit the site and would generate a notable increase of travel demand. The design and access statement submitted with the application states that the pitches would be predominantly used by members of the East Lancashire Alliance and Accrington Combination Leagues. This would result in a significant increase in mid-distance journeys along unlit country roads. This further highlights the unsustainability of this location.
- 5.1.6 Taking into account the above it is considered that the proposals would result in the loss of essential open space, would be inappropriate development in a rural area and would be unsustainable development by virtue of its location which would result in a significant increase in journeys by private car. The principle of development is unacceptable and contrary to Policies DMB4, DS1, DMG2, DMI2 and DMG3.

5.2 Impact upon Residential Amenity:

5.2.1 Regarding the impact of the proposed development on the residential amenities of nearby householders, the proposals would give rise to concerns relating to noise and disturbance and light pollution. The applicant proposes opening hours of 10.00-22.00 and it is likely that the greatest risk to residential amenity arising from the proposals would be during the evening after the time of around 7pm to 8pm. The nearest residential properties are those located on Larkhill with their rear elevations around 60m from the proposed development. There are trees on both sides of Gleneagles Drive between the development site and these dwellings which would provide some screening during the summer months. Based on the information submitted with the application, I am satisfied that the lighting proposed would not adversely impact upon the living conditions of the closest residential neighbours due to the limited light intrusion into windows and the hours of use could be controlled by an appropriately worded condition.

5.3 Visual Amenity/External Appearance:

5.3.1 Core Strategy Policy DMB3 'Recreation and Tourism Development' requires development proposals that extend the range of tourism and recreation facilities to '*respect the character, quality and visual amenity of the surrounding area*'. The development site is located in a prominent position alongside Gleneagles Drive which is an attractive tree-lined avenue that serves as the main entrance to Brockhall Village. It should be noted that there are existing pitch facilities to the south-west of the site that form part of the Blackburn Rovers Senior Training Facility. These facilities are flood lit and are surrounded by mesh fencing. However, this site is separated from Gleneagles Drive by a distance of 60m at its closest point and is significantly less prominent than the application site when viewed from Gleneagles Drive when entering and leaving the village. The application site contributes significantly to the character and appearance of the entrance to the village which has a feeling of openness on approach to the main site entrance. The development of the site for flood lit football pitches would result in significant harm to this attractive vista and existing trees would not provide any significant screening to avoid views of the proposed development. At its closest point the 3.5m high perimeter fencing would be 5m from the nearest edge of the footpath on Gleneagles Drive and the floodlights supported on 10m high posts would be clearly visible from Gleneagles Drive and when passing the site on Old Langho Road. It is considered that the proposals would undermine the character and qualities of the area by virtue of its siting in a highly prominent location and would be contrary to Policies DMG1, DMG2 and DMB3 of the Core Strategy.

5.4 Highway Safety and Accessibility:

5.4.1 Core Strategy Policy DMB3 requires recreation and tourism development to be well related to the existing highway network and should not create additional traffic movements of a scale and type likely to cause undue problems or disturbance. Proposals should be well related to the public transport network and the site should be large enough to accommodate the necessary car parking, service area and appropriate landscaped areas. The sustainability of the site in terms of its location in relation to the existing highway network, the public transport network and the larger towns and villages in the Borough is discussed in Section 5.1 of this report. It is considered that the proposals would result in a

significant increase in traffic movements by virtue of the reliance of patrons on private motor vehicles to visit the site due to its unsustainable location.

5.4.2 The site should provide adequate car parking facilities to ensure the proposed use would not prove detrimental to highway safety in the area. The application proposes to use parking areas associated with other uses nearby and does not include any dedicated parking. Vehicular parking would be provided by 25 spaces associated with the Conference Centre and a further 20 to the front of and associated with the 'Avenue Restaurant' which is currently vacant. This arrangement is considered to be entirely unacceptable particularly due to the nature of the development which would be a generator of travel demand. The Avenue Restaurant could be brought back into the existing or an alternative use at any time and there would be a crossover between proposed pitch opening times and the opening times of the Conference Centre of which the applicant, SoccerAP.com, is a tenant. The application is clearly contrary to Core Strategy Policy DMB3 which requires sites to be large enough to accommodate the necessary car parking and, should consent be granted, the proposed development would result in significant on-street parking to the detriment of highway safety and the visual appearance of the area. The County Surveyor has also raised concerns relating to the levels of light spill onto the highway which would light the road to a much higher level than would be expected in the area. This could lead to some disability glare for passing motorists. Having regard to the above, there is considered sufficient justification to refuse the application on highway safety grounds.

5.5 Other Matters:

5.5.1 The application is supported by a tree constraints plan that shows that the existing trees adjacent to the site on the west of Gleneagles Drive would be retained alongside the pitches. These trees are covered by the Brockhall Village Woodland Tree Preservation Order (TPO). However, I am not satisfied that the proposed pitches would not impact on the trees due to be retained and there is therefore a requirement for the applicant to provide an Arboricultural Method Statement to describe how construction works can be carried out close to trees without causing damage to the crown or the root system.

5.5.2 I note also that the proposed development would fail to provide appropriate changing or toilets facilities.

6. Conclusion

6.1 Taking into account the above it is considered that the proposed development would result in an unacceptable loss of public open space and would fail to provide any social and economic benefits to the wider Brockhall Village community. In terms of its location, the proposed pitches would be situated in a less sustainable Tier 2 Village and users of the proposed development would be highly reliant of the use of private motor vehicles to visit the site.

6.2 The proposals would undermine the character and qualities of the area by virtue of its siting in a highly prominent location and would be contrary to Policies DMG1, DMG2 and DMB3 of the Core Strategy. Moreover, the scheme would fail to provide the necessary parking and would result in light spill onto the highway which could lead to disability glare for passing motorists. Accordingly it is recommended that the application be refused.

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

1. The proposal, by reason of its location, would be poorly related to the existing highway and public transport network and would lead to an unsustainable form of development in a rural location placing further reliance on the private motor-vehicle contrary to Core Strategy Policies DS1, DMG2, DMI2 and DMG3 and the presumption in favour of sustainable development.
2. The proposed development would result in the loss of public open space without any sufficient justification contrary to Policy DMB4 of the Core Strategy and Paragraph 74 of the Framework.
3. The proposal, by virtue of its siting, appearance and scale, would result in unacceptable harm to the immediate context, being of detriment to the visual amenity and character of the area contrary to Policies DMG1, DMG2 and DMB3 of the Ribble Valley Core Strategy.
4. The proposal, by virtue of the applicant's failure to demonstrate any dedicated off road parking provision, would result in additional on street parking to the detriment of highway and pedestrian safety. As such, the proposal is contrary to Policies DMG1 and DMB3 of the Ribble Valley Core Strategy.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0464

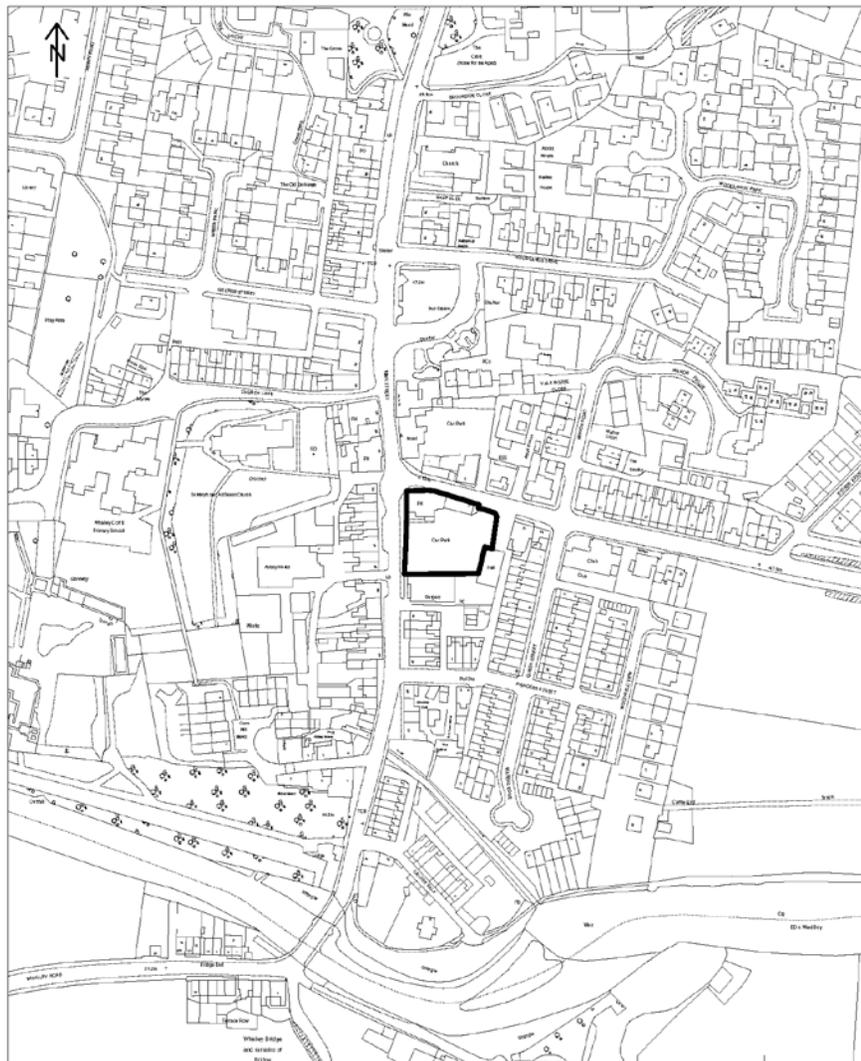
APPLICATION REF: 3/2016/0522 and 3/2016/0523

GRID REF: SD 373349 436145

DEVELOPMENT DESCRIPTION:

3/2016/0522 CHANGE OF USE OF PREMISES FROM USE CLASS A4 TO USE CLASS A1, INTERNAL AND EXTERNAL ALTERATIONS AND WORKS TO PUBLIC CAR PARK AREA WITH ASSOCIATED WORKS. WHALLEY ARMS, 60 KING STREET, WHALLEY, BB7 9SN.

3/2016/0523 LISTED BUILDING CONSENT EXTERNAL ALTERATIONS AND WORKS TO PUBLIC CAR PARK AREA WITH ASSOCIATED WORKS. WHALLEY ARMS, 60 KING STREET, WHALLEY.



3/2016/0522 Whalley Arms, 60 King Street, Whalley BB7 9SN

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

The Parish Council does not object to the Whalley Arms development and are very pleased that the developers have appreciated the need for free parking access in the centre of Whalley, not just for the proposed Co-op but for other businesses as well. Sufficient, easy access parking is a major issue in Whalley. The developers suggest a free parking time of 1 hour. The Parish Council would wish this offer to increase to 1.5 hours with free parking after 6pm but whatever the final agreement we believe that it should form part of the planning consent.

HISTORIC ENGLAND:

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE:

Taken overall, the external changes are not excessive and do not appear to harm the significance of the building or its setting in the townscape.

Of more concern is the proposal to alter the interior by demolishing almost all internal walls (apparently including the staircase) and creating a single open space. The drawings supplied of the proposed ground floor raise a number of questions, not least of which is how the first floor is to be accessed, what division is proposed between the retail floor and goods storage area and where the staff rest areas and facilities are to be located.

The PHS states that the proposed changes are set out on the supplied plans. It does not describe the proposed internal changes further, nor does it assess the significance of any of the elements to be removed, simply stating (section 6.6) that no harm to the building will result. The demolition of the internal divisions between all of the elements is not simple removal of 'minor structural elements' and must be considered to be a significant change to the building. It has the potential to remove much, if not all, surviving evidence of the original layouts of the various parts of the buildings.

A more thorough and informed analysis of the building is required, along with the production of an appropriate record, before the conversion work is permitted to start.

CONSERVATION OFFICER:

The Whalley Arms is in the Whalley Conservation Area and is a grade II listed building. Paragraph 128 of the NPPF states in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should be consulted and the heritage assets assessed using appropriate expertise where necessary.

The Planning and Heritage Statement (PHS) does not supply sufficient information to describe the impact of the proposal on significance regarding the loss of a substantial part of the interior of the building and the loss of the A2 retail shop front. The loss of a significant interior from a listed building could suggest the principle of the change of use is perhaps ill founded. However, I note the change from A4 to A1 is a permitted change.

The A2 shop front at the rear is shown at 1:100 but there is no information on its detail or with which to assess significance. Given it is described as a recent introduction to the east end of the building presumably it can be accurately dated and described. Its loss and replacement with a masonry wall would seem unlikely to be an enhancement to the listed building nor the conservation area. The existing timber door onto King Street is proposed to be replaced with a grey aluminium glazed door. This will appear incongruous on the principal face of the listed building.

A section of wall adjoin the Whalley Arms is shown to be removed. The Whalley Conservation Area Management Guidelines refer to the car park as weakness. Removing this wall will reduce the already limited sense of enclosure of the car park. There is an existing boundary circa 1m high and associated paraphernalia within the car park. This would be removed and replaced with a close boarded fence 2.5m high. While the existing car park is identified as a weakness and an opportunity for enhancement in the Guidelines it would be difficult to describe this change as a positive one to either the setting of the listed building or the conservation area in general.

For the above reasons I am unable to support the application in its current form.

HIGHWAYS:

No objection in principle but would require more details regarding technical issues

ADDITIONAL REPRESENTATIONS: One letter of objection which raises concern about the loss of a pub and the inappropriate use of materials.

None received.

1. Site Description and Surrounding Area

1.1 The proposal site is The Whalley Arms and the adjacent car park. The Whalley Arms is a vacant public house, with a small part of the rear of the premises having been previously used for financial and professional services. The application site is located within the town centre of Whalley. It faces onto King Street at the corner junction with Accrington Road. Due to this corner location it has two prominent frontages, with the main entrance door being located on the King Street elevation. Adjacent to the application site to the south is the Whalley Medical Centre, and to the east is the Masonic Hall, beyond which are residential dwellings. Opposite the site to the west, north and south are commercial uses such as 'The Dog Inn', 'The Swan Inn', estate agents, restaurants, and retail units situated alongside and below residential dwellings.

1.2 The building itself is both one and two stories high, with rooms located in the roof space. It is stone built with pitched slate roofs. It is located within Whalley Conservation Area and is Grade II Listed.

2. Proposed Development for which consent is sought

2.1 Planning permission is sought for external works consisting of the following:

- Removal of the existing A2 shopfront towards the eastern end of the building on the southern facing elevation. The existing window and door openings are to be blocked up with materials to match the existing building.
- Construction of new ramp leading to the goods in door (southern/car park elevation).

- Demolition of boundary wall which adjoins the King Street elevation.
- Construction of 2.5m high closed boarded timber fence to enclose new service yard.
- Replacement of existing entrance door with on King Street elevation with new aluminium glazed entrance door.

2.2 The application description includes the change of use of the premises from Use Class A4 (drinking establishments) to Use Class A1 (retail). However, this change is permitted by virtue of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016.

3. **Relevant Planning History**

3.1 3/2016/0523 – Application for Listed Building Consent for change of use of premises from use class A4 to use class A1, internal and external alterations and works to public car park area with associated works – pending decision

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN5 – Heritage Assets

Key Statement EC2 – Development of Retail, Shops and Community Facilities and Services

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG3 – Transport and Mobility

Policy DME4 – Protecting Heritage Assets

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMR2 – Shopping in Longridge and Whalley

Whalley Conservation Area Appraisal 2005 “WCAA”

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

Technical Guidance to National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity. Significant weight should be placed on the need to support economic growth through the planning system. The NPPF also states that local planning authorities amongst other matters should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. It also states that local planning authorities should promote competitive town centres that provide customer choice, and should support existing business sectors.

- 5.1.2 The support expressed by the Parish Council for the retail unit and free parking is noted. However, as stated within paragraph 2.2, planning permission is not required for the change of use of the application site to a retail unit. In addition, the alterations proposed to the layout and operation of the car park do not require planning permission and therefore both of these elements of the scheme are not for consideration and cannot be controlled by way of this planning application. Although no formal comments have been received from Regeneration I am of the opinion that the reuse would offer significant benefits in relation to regeneration and that the principle is accepted/
- 5.1.3 The Local Planning Authority is also considering a separate application for Listed Building Consent for works to the interior and exterior of the building, this is running concurrently to this application for planning permission.
- 5.1.4 The principle of alterations to the external elevations of the host premises is acceptable. However, such works must also be acceptable in terms of their impact on the visual amenity of the host premises and the character and appearance of Whalley Conservation Area. In this case the proposed works are not considered acceptable in these respects.

5.2 Impact upon Residential Amenity:

- 5.2.1 The NPPF states that there are three dimensions to sustainable development; economic, social and environmental. The planning system needs to perform each of these roles. The environmental role contributes to protecting and enhancing our natural, built and historic environment, and as part of this, helping minimise waste and pollution.
- 5.2.2 Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 5.2.3 Due to their nature and location, the proposed alterations will have a minimal impact on the residential amenity of the occupants of neighbouring residential properties, in terms of loss of outlook, daylight and sunlight. The proposed 2.5m high fencing will enclose a new plant yard. In the interests of protecting surrounding residents from noise disturbance as a result of the new external plant, a condition could be attached to the planning permission to control this, and to require a background noise assessment to ensure that any plant noise does not exceed existing background noise levels at the nearest residential property.
- 5.2.4 In summary, the proposed external alterations are considered to be in accordance with Policy DMG1 of the Core Strategy and the NPPF in terms of their impact on residential amenity.

5.3 Visual Amenity/External Appearance:

- 5.3.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

- 5.3.2 In respect of designated heritage assets the NPPF states that when determining the impact on the significance of a heritage asset great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 5.3.3 Whilst it is noted that the Lancashire Archaeological Advisory Service have raised no objections to the proposed external works, the Conservation Officer has raised significant objections. Firstly, he has noted that the submitted Planning and Heritage Statement does not supply sufficient information to describe the impact of the proposal on significance regarding the loss of the A2 retail shop front. This is contrary to paragraph 128 of the NPPF, which states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should be consulted by the applicant and the heritage assets assessed using appropriate expertise where necessary.
- 5.3.4 No information has been provided within the detail of the shop front to enable the LPA to assess its significance. The Conservation Officer has advised that the loss and replacement of the shop front with a masonry wall would neither enhance the appearance of the listed building or the conservation area. In addition, the proposed replacement of the existing timber door onto King Street with a grey aluminium glazed door will appear incongruous on the principal face of the listed building.
- 5.3.5 The removal of the section of wall adjoining the public house facing onto King Street is also considered to be unacceptable. As noted by the Conservation Officer, the removal of this section of wall will reduce the already limited sense of enclosure of the car park and would be in conflict with the Whalley Conservation Area Management Guidelines, which refer to the car park as a weakness. The introduction of a 2.5m closed boarded timber fence adjacent to the southern facing elevation of the building would also introduce a highly incongruous and alien feature which would result in harm to the setting of the listed building and the conservation area.
- 5.3.6 In summary, it is considered that that the proposed external works are contrary to advice contained in the NPPF in that they will result in the introduction of incongruous and discordant features which will cause harm to the significance of the Grade II Listed building, and the character of the conservation area. This is also contrary to policies DME4 and EN5 in that it will result in harm to the conservation and enhancement of the host site and Whalley Conservation Area. The heritage asset (Whalley Arms and the Conservation Area) would not be conserved and enhanced in a manner appropriate to its significance for its heritage value, and its important contribution to local character, distinctiveness and sense of place.

6. **Conclusion**

6.1 Taking account of the above observations and matters raised it is considered that the proposed works would result in harm and detriment to the visual amenity of the host premises and the character and appearance of the Conservation Area.

6.2 It is for the above reasons and having regard to all material considerations and material matters raised that the application is recommended accordingly.

RECOMMENDATION: That the application 3/2016/0522 be REFUSED for the following reason(s):

1. The proposal is considered contrary to the NPPF and Policies DME4 and EN5 of the Ribble Valley Core Strategy insofar that the proposed works would result in significant harm to the character and appearance of the host site and Whalley Conservation Area.

RECOMMENDATION: That the application for Listed Building Consent 3/2016/0523 be REFUSED for the following reason(s):

1. The proposal is considered contrary to the NPPF and Policies DME4 and EN5 of the Ribble Valley Core Strategy insofar that the proposed works would result in significant harm to the character and appearance of the host site and Whalley Conservation Area.

BACKGROUND PAPERS

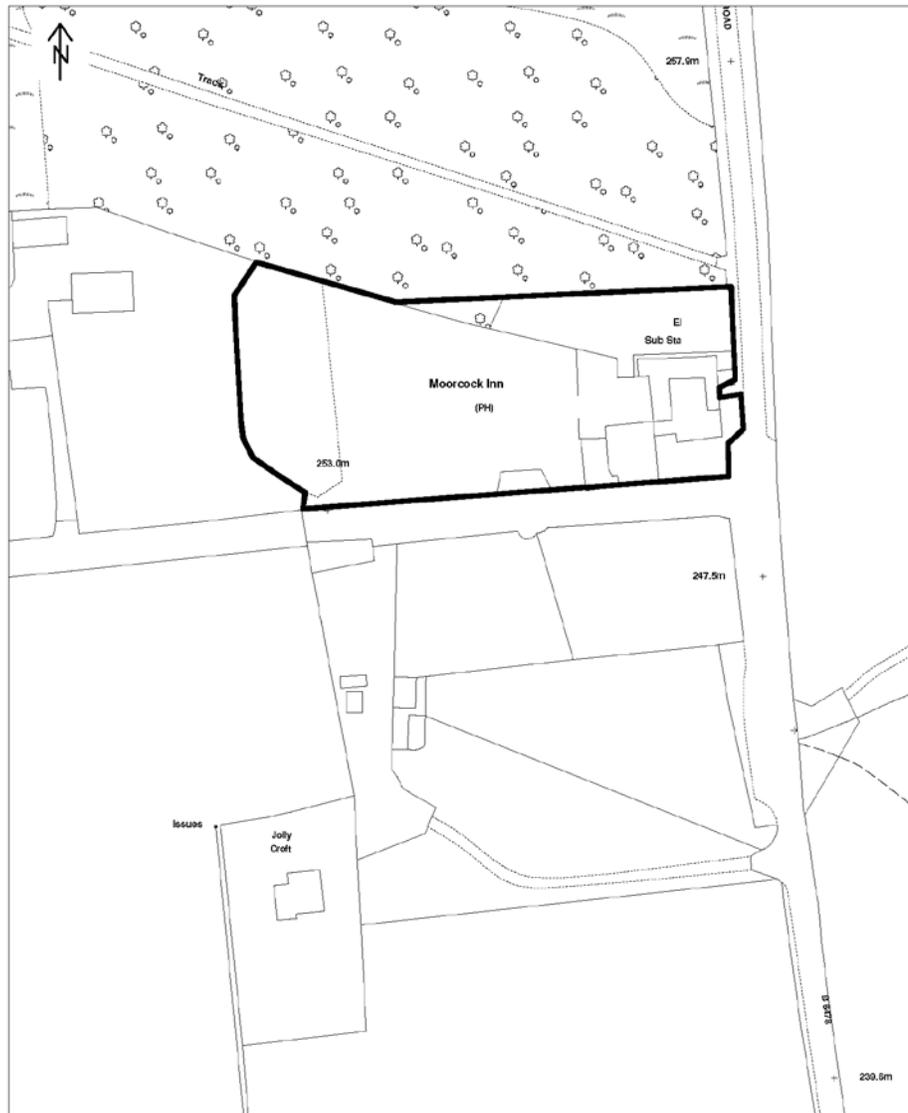
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0522

APPLICATION NO: 3/2016/0587/P

GRID REF: SD 371966 446630

DEVELOPMENT DESCRIPTION:

DEMOLITION OF THE MOORCOCK INN AND ERECTION OF FOUR DWELLINGS INCLUDING ASSOCIATED DRIVES, GARDENS AND EXTERNAL LANDSCAPING WORKS. CREATION OF WORK FROM HOME OFFICE/STUDIO SPACE AT THE MOORCOCK INN, SLAIDBURN ROAD, WADDINGTON BB7 3AA



3/2016/0587 The Moorcock Inn, Slaidburn Road, Waddington BB7 3AA

Scale 1:1250

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PARISH COUNCIL:

Since The Moorcock Inn closed in 2010, the state of the site has continuously deteriorated and has been vandalised to such an extent that it has become an eyesore in an Area of Outstanding Natural Beauty.

Members of Waddington Parish Council have never objected to any previous plans for the site and indeed have welcomed plans to transform this location and make it an asset to the local area.

As the building is located on one of the main tourist routes, it is very visible for anyone travelling to and from the Trough of Bowland via Waddington. In its current state it does not give a good impression and any application which seeks to improve its aesthetics is to be welcomed.

The Parish Council has considered the proposal for four dwellings on the site, with associated drives, gardens and external landscaping and the creation of work from home office/studio space. As the new homes would be built on the curtilage of a site which already exists, services will already be in place. A precedent has already been set for the building on the site as it was, for many years, the location of a substantial and reputable Ribble Valley hotel.

Members of Waddington Parish Council are of the opinion that the new proposal would be an asset to the local area and they welcome any improvement that is made to the site. The Parish Council also believes the provision of new dwellings would contribute not only to Ribble Valley Borough Council's funds, but also to its housing target. For these reasons they strongly recommend that the application is approved.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

No comments received but previously advised on a larger scheme that the proposed parking provision for each dwelling is in accordance with the parking standards and comments that the proposal would result in considerably less traffic than the existing authorised use of this property. As such, there is no objection to the proposed development on highway grounds.

LCAS:

No representation but previously advised that the 1st Edition Ordnance Survey (Yorkshire Sheet 182) surveyed in 1847 shows the site to comprise two much smaller buildings adjacent to the main road in the southeast corner of the site. Buildings of this date, if well preserved, might be considered to be of some limited archaeological interest where the preservation by record (building recording to English Heritage Level 2) would be appropriate. However in this instance, information contained in the Heritage Statement makes reference to the building having been badly damaged by fire in the 1970's and subsequently been rebuilt, and that little or no original features survived. Consequently LCAS has no objection to the proposed demolition nor does it consider it necessary to require the applicant to undertake any archaeological recording of the buildings.

PRINCIPAL AONB OFFICER:

No comments but previously advised in relation to the 7 residential dwellings that are built to reflect the local building scale and stone vernacular. In order to facilitate the proposed development, the existing building and its car park would be removed – actions which, on their own, would have significant beneficial effects for the local landscape character. The building is relatively large scale, appearance, large car park in close proximity to Slaidburn Road

emphasise its presence in the landscape and combined to create significant unacceptable landscape character impacts.

By virtue of the domestic building scale, simple building design using materials and a style which mimics that of the area, alongside mitigation planting, the AONB Officer is satisfied that there would be no significant adverse effects on the landscape character of the AONB. In fact, removal of the Moorcock Inn and its car park, together with the reinstatement of previously lost landscape fabric are clear positive outcomes of the proposed scheme. The AONB Officer stated that two detailed aspects of the landscaping elements of the proposal needed to be amended. (Those points have been satisfactorily addressed on an amended landscaping scheme submitted to address the points made by the AONB Officer.)

With those changes having been made, the AONB Officer is of the opinion that the likely landscape and visual effects of the proposed scheme would be acceptable in landscape terms and that the purposes of AONB designation would not be compromised.

UNITED UTILITIES: No objection

ADDITIONAL REPRESENTATIONS:

Two letters have been received from nearby residents in which concerns and objections are raised about the proposal on grounds that are summarised as follows:

- 1, Pleased to see demolition of Moorcock but important to control design and materials of new build.
2. Concern regarding traffic and highway safety.
3. No objection to previous conversion and single dwelling but concern that the scheme involves creation of a small hamlet in a visible and isolated location.
4. Not sustainable.
5. Visual detriment to the AONB.
6. Still consider no change since previous refusal and dismissed appeal.

1. **Proposal**

- 1.1 The application seeks full planning permission for the demolition of the existing building and the redevelopment of the site (including the car park) to provide 4 detached dwellings with home studio office space, associated landscaping and garages.
- 1.2 The existing vehicular access will be used to gain access to the new dwellings with each unit having a separated gated entrance. One unit has an integral double garage and a first floor work unit with the others having double garages set into embankment which have grass flat roofs.
- 1.3 The buildings are two storey 5 bedroom units with 2 of the dwellings having the gable end fronting the site. One plot has a cat slide roof arrangement and another has a small 2 storey gable treatment at the front of the building. The maximum height of the buildings would be 10 m which allows for bedroom accommodation in the roof space.

- 1.4 The proposed external materials comprise a mixture of appearance and details including reclaimed natural stone for walls and new dressed stone for quoins and surrounds. Roofs would be finished with natural slate with grass roofs for the detached garages.

2. **Site Location**

- 2.1 The application relates to the former Moorcock Inn Public House and Hotel that is located on the northwest side of Slaidburn Road within the Area of Outstanding Natural Beauty approximately 2 miles north of Waddington Village. The buildings have not been in use since the business was ceased in the summer of 2010. The application site comprises the area upon which the buildings stand plus the large car park which, together, give a total area of approximately 1.8 acres. There are two dwellings relatively close to the application site, one to the west and one to the south west, otherwise there are few other buildings or properties within approximately 500m of the site.

3. **Relevant History**

3/2012/0356/P – Proposed conversion and redevelopment of the public house and hotel to form three private residential properties. Approved with conditions.

3/2012/0819/P – Proposed demolition of the redundant public house and hotel and the erection of three detached dwellings, three detached garages with annex accommodation over and the creation of garden and landscaped areas. Refused.

3/2013/0394/P – Proposed demolition of the redundant public house and hotel and the erection of three detached dwellings with three detached double garages with annex accommodation over and the creation of garden and landscaped areas (resubmission of 3/2012/0819/P). Withdrawn.

3/2014/0592 - Proposed demolition of the Moorcock Inn and the erection of 7 no. dwelling houses including associated drives, gardens and external landscaping works refused and dismissed on appeal

3/20141119 - Proposed demolition of The Moorcock Inn and the erection of one dwelling house including associated drive, garden and external landscaping works. Approved with conditions.

4. **Relevant Policies**

Ribble Valley Core Strategy (Adopted Version)

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement H1 – Housing Provision

Key Statement H2 – Housing Balance

Key Statement H3 – Affordable Housing

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME2 – Landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation
Policy DMH3 – Dwellings in the Open Countryside and AONB.
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

5. **Environmental, AONB, Human Rights and Other Issues**

5.1 **Principle of Development**

- 5.1.1 In the determination of this application I consider it appropriate to look briefly at the recent planning history of the site and in particular the recent appeal decision and then to consider whether the proposal is acceptable in principle in relation to the sustainability requirements of NPPF and whether or not there is an exception policy.
- 5.1.2 The main issue is the effect of the proposal on the character and appearance of the open countryside, bearing in mind the need to conserve the landscape and scenic beauty of the Forest of Bowland Area of Outstanding Natural Beauty and whether or not it is contrary to sustainable development given its location outside of any main settlement. In assessing its impact it is right to consider the existing negative impact as well as the impact of any new development.
- 5.1.3 In protecting the designated Area of Outstanding Natural Beauty the Council will have regard to the economic and social well-being of the area. However the most important consideration in the assessment of any development proposals will be the protection, conservation and enhancement of the landscape and character of the area avoiding where possible habitat fragmentation. Where possible new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build. Development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the AONB by virtue of its size, design, use of material, landscaping and siting. The AONB Management Plan should be considered and will be used by the Council in determining planning applications.
- 5.1.4 This policy assists the interpretation of the development strategy and underpins the settlement hierarchy for the purposes of delivering sustainable development. In establishing broad constraints to development the Council will secure the overall vision of the Core Strategy.
- 5.1.5 This proposal does not comply with the basic intentions of policy DMG2 of the Core Strategy.
- 5.1.6 In addition, paragraph 55 of the National Planning Policy Framework (NPPF) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 5.1.7 It also states that Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Whilst one of these circumstances is “where the development would reuse redundant or disused buildings and lead to an enhancement to the immediate setting” these proposals would see the complete demolition of the existing inn with no retention (whereas the extant permission retained the best part of the building). Therefore, this

proposal does not appear to be in compliance with the sustainability intentions of NPPF and the Core Strategy Development Strategy (policy DS1).

5.1.8 It is clear from the appeal decision in relation to 7 units that the Inspector considered there to be both visual harm to the AONB and that given its location considered the site to be in an unsustainable location. Although there is an introduction of a small work element I am firmly of the opinion that this reason for refusal remains. Furthermore this has recently been supported in an appeal for a single unit within Newton.

5.1.9 In relation to visual impact I recognise there has been some improvement and there has been an increase in the amount of open space and views of the AONB from within the site.

5.2 Highway Safety and Accessibility

5.2.1 Although no comments have been received I am of the opinion that given the previous representation on a larger development of 7 units that there would be no objections on this instance, irrespective of its location.

5.3 Landscape, Tree and Visual Impact

5.3.1 In relation to visual impact the intention of this application has been to create high quality development that would be appropriate to its AONB location. Having regard to the existing use and previous consents I am satisfied that the, the design and layout of the development is considered to be acceptable and that subject to appropriate landscaping would not have a harmful impact on the AONB. Previously the Countryside Officer considered the proposed landscaping to be appropriate and to a high standard; and the AONB Officer confirmed that he considers the proposal to be acceptable in relation to its landscape and visual effects.

5.4 Flood Risk and Drainage

5.4.1 There are no issues with regards to any drainage or flood issues.

5.5 Residential Amenity

5.5.1 I note the comments of the objectors but do not consider there to be any harmful impact on residential amenity.

6. Conclusion

6.1 I am mindful of all other considerations including issues regarding the viability of the previously approved schemes, dereliction of the existing building and previous consents but conclude that due to its location it would result in appropriate unsustainable development contrary to the settlement strategy of the Core Strategy.

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

1. The proposed development is contrary to Key Statement DS1 and Policy DMG2 and DMH3 of the Ribble Valley Core Strategy submission version as proposed to be modified as it would involve the construction of 7 dwellings in an isolated open

countryside location that do not meet an identified local need. As such, the proposal would cause harm to the Development Strategy for the Borough as set out in the emerging Core Strategy leading to unsustainable development.

2. Permission for the proposed development would create a harmful precedent for the acceptance of other similar proposals without sufficient justification which would have an adverse impact on the implementation of the Core Strategy of the Council contrary to the interests of the proper planning of the area in accordance with the core principles and policies of the NPPF.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0587

APPLICATION REF: 3/2016/0647

GRID REF: SD 372139 435301

DEVELOPMENT DESCRIPTION:

RESUBMISSION OF PLANNING APPLICATION 3/2016/0435 TWO STOREY FLAT ROOF EXTENSION TO SIDE AND EXTENSIONS TO EXISTING FRONT AND REAR DORMERS AT 71 PASURELANDS DRIVE, BILLINGTON.



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No comments received

HIGHWAYS:

Highways raise no objection to the proposal on highway grounds, the existing dropped crossing will need to be extended and a planning condition attached ensuring this should consent be granted.

COUNTRYSIDE OFFICER:

No impact on protected species

ADDITIONAL REPRESENTATIONS:

Members will note a letter of representation was received from 1 individual household objecting to the previous application, at the time of writing this report the 21 day consultation period has not expired, should any further representations be received these will be reported verbally. The objection previously received raised the following concerns:

- Loss of light to habitable rooms
- Closeness to boundary fence
- Closeness to side window of neighbouring property
- Plans are not accurate

1. Site Description and Surrounding Area

1.1 The application property is a semi-detached dormer bungalow which is situated on the south side of Pasturelands Drive. The rear garden of the application property lies adjacent to the Green Belt, within the settlement of Billington. The immediate area is typified by detached and semi-detached properties and is predominantly residential in character.

2. Proposed Development for which consent is sought

2.1 Consent is sought for the erection of a two storey extension to side elevation and extensions to the existing front and rear dormers at 71 Pasturelands Drive, Langho. The proposed side extension will project 1.3m from the side elevation and have a length of 6.4m, the proposed side extension will cover approximately 2/3s of the existing side elevation and be of a flat roof construction with a maximum height of 4.1m.

2.2 Extensions are proposed to both the front and rear dormers, the front dormer will extend across the proposed side extension and the rear will extend up the edge of the existing roofline. The application also proposes the insertion of a first floor window to the rear elevation and a ground floor window to the side elevation of the proposed side extension.

3. **Relevant Planning History**

3/2016/0435: Two storey extension to side and extensions to front and rear dormers (Withdrawn)

4. **Relevant Policies**

Ribble Valley Core Strategy
Policy DMG1 – General Considerations
Policy DMH5 – Residential and Curtilage Extensions

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

5. **Assessment of Proposed Development**

5.1 **Impact upon Residential Amenity:**

5.1.1 It is important to consider the potential impact the proposed development would have on the residential amenity of the occupiers of nearby dwellings. The proposed two storey extension would be located on the west elevation of the application property and is not therefore considered to have any direct impacts upon the residential amenities of No. 69 Pasturelands Drive, to which the application property is attached.

5.1.2 The proposed extension would project 1.3m from the side elevation of the application property resulting in an offset distance of 1.4m off the shared boundary with number 73 to the south west and result in a side to side elevational offset distance of 4.2m.

5.1.3 It is considered that moving the side gable closer to number 73 would be of significant detriment to the amenities of the existing occupiers by virtue of an existing side gable window on the aforementioned property.

5.1.4 The proposed relationship is considered contrary to the aims and objectives of the NPPF which seeks to ensure that new development provides “a good standard of amenity for all existing and future occupants of land and buildings”. Policy DMG1 of the Ribble valley Core Strategy states that any new development must “*not adversely affect the amenities of the surrounding area*”, which the proposal is considered to be in direct conflict with by virtue of the detrimental impact upon the residential amenities of the occupier of No. 73 Pasturelands Drive as a result of its size and siting which would result in an overbearing over dominant impact and loss of outlook.

5.2 **Visual Amenity/External Appearance:**

5.2.1 The increased mass to the side of the dwelling would be of detriment to the visual amenities of the host property. It is further considered that the size and design of the extension would introduce an alien and incongruous feature which would have a significant detrimental impact upon the visual amenities of the immediate street scene and existing dwelling contrary to policies DMG1 and DMH5 of the Ribble Valley Core Strategy.

5.2.2 Any extension should be well proportioned and sit comfortably with the original dwelling. It should respect the scale and proportions of the original dwelling and should not overwhelm. In order to emphasize a submissive relationship with the original dwelling extensions should be set back and set down from the house dwelling for an easy understanding of what is original and what is extension. The proposed two storey side extension would fail to be adequately subservient to the host dwelling. It is considered that the lack of setback would be detrimental given that the size and scale of the extension would over dominate the principle elevation of the original dwelling.

5.2.3 I am mindful that it may be considered that the neighbouring property has benefitted from unsympathetic additions in the past. However, the proposed development would further exacerbate the semi-detached buildings poor design. It is considered that the proposed development would be detrimental to the visual appearance of the existing dwelling and would be detrimental to the visual amenity of the surrounding area.

5.3 Landscape/Ecology:

5.3.1 A Bat survey was submitted as part of the application which found no evidence of bats using the property and concludes that the proposed works are unlikely to cause disturbance to bats, result in the loss of a bat roost or cause injury or death to bats.

5.4 Other Matters:

5.4.1 Members will note that a previous planning application (3/2016/0435) was withdrawn for a similar proposal as a result of discussions whereby the agent was informed the application was likely to be recommended for refusal. The application was likely to be refused as it was considered that moving the side gable closer to No. 73 Pasturelands Drive would be of significant detriment to the amenities of the existing occupiers by virtue of the presence an existing side gable window on the aforementioned property and the detrimental impact the extension would have in terms of outlook and overbearing impact.

5.4.2 The current application is a resubmission of the withdrawn scheme. The applicant has amended the proposal as follows; the two storey side extension now incorporates a flat roof extension and has been reduced in height by around 500mm, however no amendments have been made to the width of the proposed extension, with the 1.3m projection from the side elevation being maintained and therefore there has been no changes to mitigate the previous concerns or perceived impacts upon residential amenities

6. Observations/Consideration of Matters Raised/Conclusion

6.1 Taking into account the above and all material matters raised, it is considered that the proposed development, by virtue of its siting and design, would result in the introduction of an incongruous addition that would be of detriment to the visual amenities of the area. It is further considered that approval of the proposal would result in a form of development that would be of detriment to the residential amenities of neighbouring occupiers directly affected by the proposed side extension.

RECOMMENDATION: That the application be REFUSED for the following reasons:

1. The proposed development, by virtue of its scale and siting, would have a detrimental impact on residential amenity for the adjacent occupiers by virtue of an overbearing impact, overshadowing and loss of outlook contrary to Policy DMG1 of the Ribble Valley Core Strategy.
2. The proposal is considered contrary to the provisions of Policy DMG1 and DMH5 of the Ribble Valley Core Strategy, by virtue of its form and design, in that approval would result in the introduction of an incongruous addition being of detriment to the character, appearance and visual amenities of the immediate area.

INFORMATIVE: This decision notice relates to and shall be read in conjunction with drawings:

Existing and Proposed Plans – No. 3211/01a

Existing and Proposed Elevations – No. 3211/02b

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0647

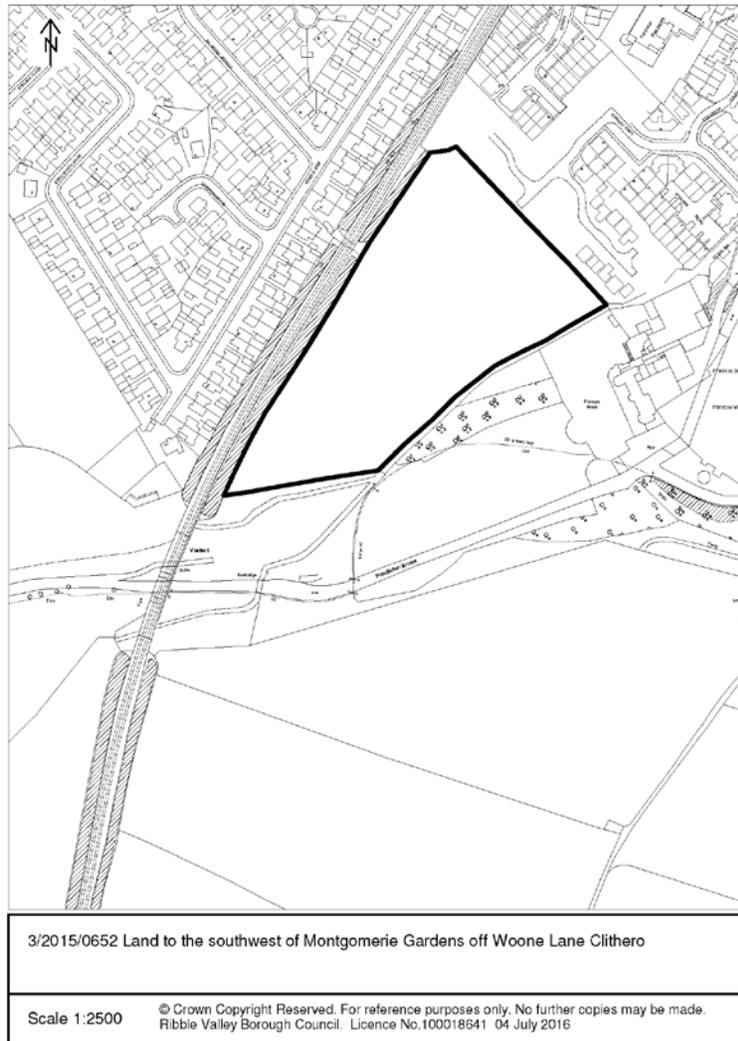
D APPLICATIONS ON WHICH COMMITTEE 'DEFER' THEIR APPROVAL SUBJECT TO WORK 'DELEGATED' TO THE DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED

APPLICATION REF: 3/2015/0652

GRID REF: SD 373521 440725

DEVELOPMENT DESCRIPTION:

APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR THE OUTLINE PART OF PERMISSION 3/2011/1064 AS REQUIRED BY CONDITIONS 12, 13 & 14; NAMELY DETAILS OF SCALE, APPEARANCE, LANDSCAPING AND IMPLEMENTATION OF DEVELOPMENT (INCL PLANS INDICATING THE DESIGN AND EXTERNAL APPEARANCE OF BUILDINGS, LANDSCAPE AND BOUNDARY TREATMENT, PARKING AND MANOEUVRING ARRANGEMENTS OF VEHICLES, CONTOURED SITE PLAN SHOWING EXISTING FEATURES, THE PROPOSED SLAB FLOOR LEVELS AND ROAD LEVEL). LAND TO THE SOUTHWEST OF MONTGOMERIE GARDENS OFF WOONE LANE, CLITHEROE BB7 1BP



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Clitheroe Town Council objects to this application on the following grounds:

- Concerns over the lack of improvements to the Woone lane/Primrose Road Junction.
- The lack of any proposals to improve the weir at Primrose Lodge.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

The Highway Development Control Section does not have any objections to the proposals but have offered some observations in relation to the internal practicalities of elements of the layout. These have been addressed through the submission of revised details.

ELECTRICITY NORTH WEST:

No objection.

LEAD LOCAL FLOOD AUTHORITY:

No objection.

ADDITIONAL REPRESENTATIONS:

13 letters of representation have been received objecting to the application on the following grounds:

- Inadequate access from single point off Woone Lane
- Impacts upon residential amenity
- Impact upon the immediate Highways network
- Loss of view/outlook
- Disruption and disturbance on site as a result of ongoing and likely future construction operations
- Increase in vehicular movements within the site causing disturbance to existing residents
- Devaluation of property

1. Site Description and Surrounding Area

1.1 The proposal site is located directly to the west and adjoins Phase 01 of the Primrose Village development located at the southern extents of Woone Lane, Clitheroe. The site is bounded to the North West by the Clitheroe Rail Line and to the South East by Primrose Lodge and adjacent woodland.

2. Proposed Development for which consent is sought

2.1 Reserved Matters (Appearance, Landscaping, Layout and Scale) consent is sought for the erection of 81 dwellings pursuant to outline consent 3/2011/1064.

2.2 The proposed housing mix is as follows:

- 2 x 2 Bed Bungalows

- 2 x 2 Bed Semi/mews
- 6 x 1 Bed Apartments
- 6 x 2 Bed Semi-detached
- 8 x 3 Bed Semi-detached
- 17 x 3 Bed detached
- 40 x 4 Bed detached

3. **Relevant Planning History**

3/2011/1064: Proposed residential development schemes totalling 113 dwellings (81 market and 32 affordable units). Comprising 81 dwellings on land off Woone Lane adjacent to Primrose phase 1 site (Outline application including details of access, layout and scale) and 32 dwellings on land to rear of 59-97 Woone Lane (detailed application) plus related highway improvements at Whalley Rd/Primrose Rd junction. (Approved with conditions)

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy
 Key Statement DS2 – Sustainable Development
 Key Statement H1 – Housing Provision
 Key Statement H2 – Housing Balance
 Policy DMG1 – General Considerations.
 Policy DMG2 – Strategic Considerations.
 Policy DMG3 – Transport & Mobility
 Policy DME2 – Landscape and Townscape Protection.
 Policy DME3 – Site and Species Protection and Conservation.
 Policy DMH1 – Affordable Housing Criteria

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

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 Members will note that the principle of the development of the site has been established as acceptable though the granting of outline consent 3/2011/1064.

5.1.2 Therefore, notwithstanding other development management considerations, it is considered that in principle there are no potential conflicts with the Development Strategy for the borough as embodied within Key Statement DS1 of the adopted Core Strategy.

5.2 **Impact upon Residential Amenity:**

5.2.1 The originally submitted details proposed a number of 3 storey dwellings which have now been omitted in lieu of 2.5 storey units which will ensure the development accords with the original masterplan/scale parameters contained within the outline consent.

5.2.2 The proposed development interfaces with Phase 01 at its western extents, utilising an existing road/footway as the primary point of access. Plots 01 -07 (at the eastern extents of the development site) will be located directly to the west of existing dwellings constructed as part of Phase 01. Back to back offset distances of approximately 21m are maintained between the rear elevations of existing dwellings and those proposed.

5.2.3 Therefore, into account the proposed separations distances and the spatial relationships between adjacent existing/future dwellings and that of the proposed, it is not considered that the proposals would be of significant detriment to existing or future residential amenities by virtue of a loss of privacy, loss of light or direct overlooking.

5.3 Visual Amenity/External Appearance:

5.3.1 In respect of the appearance of the proposed dwellings, I consider that the overall scale and design of the properties represents an appropriate response to the immediate context and will be read well in the context of the existing development to the north east.

5.3.2 The house types proposed, whilst differing from that of what has already been approved/contracted as part of Phase 01, will be read positively in context given the likely synergy between the materials palette and overall form and scale of development.

5.3.3 I am therefore mindful of the design and appearance of the proposed dwellings in relation to the wider and immediate and consider the proposed housing-types acceptable.

5.4 Highway Safety and Accessibility / Public Rights of Way:

5.4.1 The Highway Development Control Section does not have any objections regarding the proposal given the principle of the quantum of development has been established as acceptable.

5.5 Affordable Housing Provision:

5.5.1 Members will note that affordable provision to be brought forward as part of the proposed development was originally intended to be accommodated on land adjacent to 97 Woone Lane. Following site investigations was ascertained that the aforementioned site has a number of issues which may preclude the site being development whilst bringing forward a viable form of development. It is for that reason that the affordable housing provision for Phase 02 is proposed to be provided on site as part of the current application.

5.5.2 Members will also note that a subsequent consent has also been granted for the erection of nine dwellings on the land adjacent 97 Woone Lane (3/2015/0649) which precludes the ability for the affordable housing provision to be brought forward on this site in any respect. Members will note that the Local planning Authority was fully aware of this situation at the time of the granting of this consent and the approach of affordable housing provision being brought forward within the main body of Phase 02 is considered to be a more preferential solution.

5.5.3 The affordable housing provision to be brought forward on site is still subject of negotiation with the Councils Housing Officer and it is anticipated that all matters will be resolved in respect of the precise nature of the affordable housing provision to be required within the Deed of Variation.

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

- 6.1 Representations have been received in respect of current disruption on site as a result of ongoing construction works and concerns have been raised that it is likely the further phase of development will exacerbate the ongoing issues. In this respect Members will be aware that condition 19 of the outline consent requires the following: *'No development shall take place on any phase of development until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority for that phase'*. It is not considered appropriate or necessary to add further conditions relating to this matter given the applicant will have provide a construction methodology, prior to commencement, which will be assessed at the relevant discharge of condition stage.
- 6.2 The applicant has submitted a Deed of variation which will ensure the requirements and financial obligations imposed under the previous S.106 agreement remain relevant to the current consent. The applicant has been in discussion with the Councils Strategic Housing Officer in relation to the mix and tenure of the affordable provision on site which has subsequently been agreed.
- 6.3 Taking into account the above matters and given the separation distances between existing and proposed/future dwellings and taking account of the orientation of primary habitable room windows it is not considered that the proposal would result in any detrimental impact upon existing/future residential amenities by virtue of direct over-looking.
- 6.4 I am satisfied that the external appearance, scale, layout and orientation of the proposed development would not be of detriment to the visual amenities and character of the area.
- 6.5 It is further considered that the site layout and spatial arrangements resultant from the proposed development are sufficient to ensure that the proposal would not be of detriment to existing/future residential amenities by virtue of a loss of light, over bearing or over dominant impact
- 6.6 It is for the above reasons and having regard to all material considerations and material matters raised that the application is recommended accordingly.

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 3 months from the date of this decision and following the receipt of acceptable landscaping proposals subject to the following condition(s):

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:
 - Drawing number list TBC

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

2. Notwithstanding the submitted details, precise specifications or samples of all external surfaces, including surfacing materials and their extents, of the development hereby permitted shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development. The approved materials shall be implemented within the development in strict accordance with the approved details.

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 DMG1 of the Ribble Valley Core Strategy.

3. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site 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.

For the avoidance of doubt the details shall be submitted on a dwelling/building dependent bird/bat species site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site 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 individual dwellings during the construction of those individual dwellings identified on the submitted plan and be made available for use before each such dwelling is occupied and thereafter retained. The development shall be carried out in strict accordance with the approved details.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development in accordance with Policies DMG1 and EN4 of the Ribble Valley Core Strategy.

4. The garage(s) hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability for their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

REASON: To ensure to ensure that adequate parking provision is retained on site that limits the visual impact of the parked motor-vehicle in accordance with Policies DMG1, DMG2 and DMG3 of the Ribble Valley Core Strategy.

5. The soft landscaping scheme hereby approved shall be implemented in the first planting season following occupation or use of the development unless otherwise required by the reports above, whether in whole or part and shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

The hard landscaping shall be implemented in accordance with the approved details prior to the first occupation of the development and retained thereafter at all times.

REASON: To ensure the proposal is satisfactorily landscaped and appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

BACKGROUND PAPERS

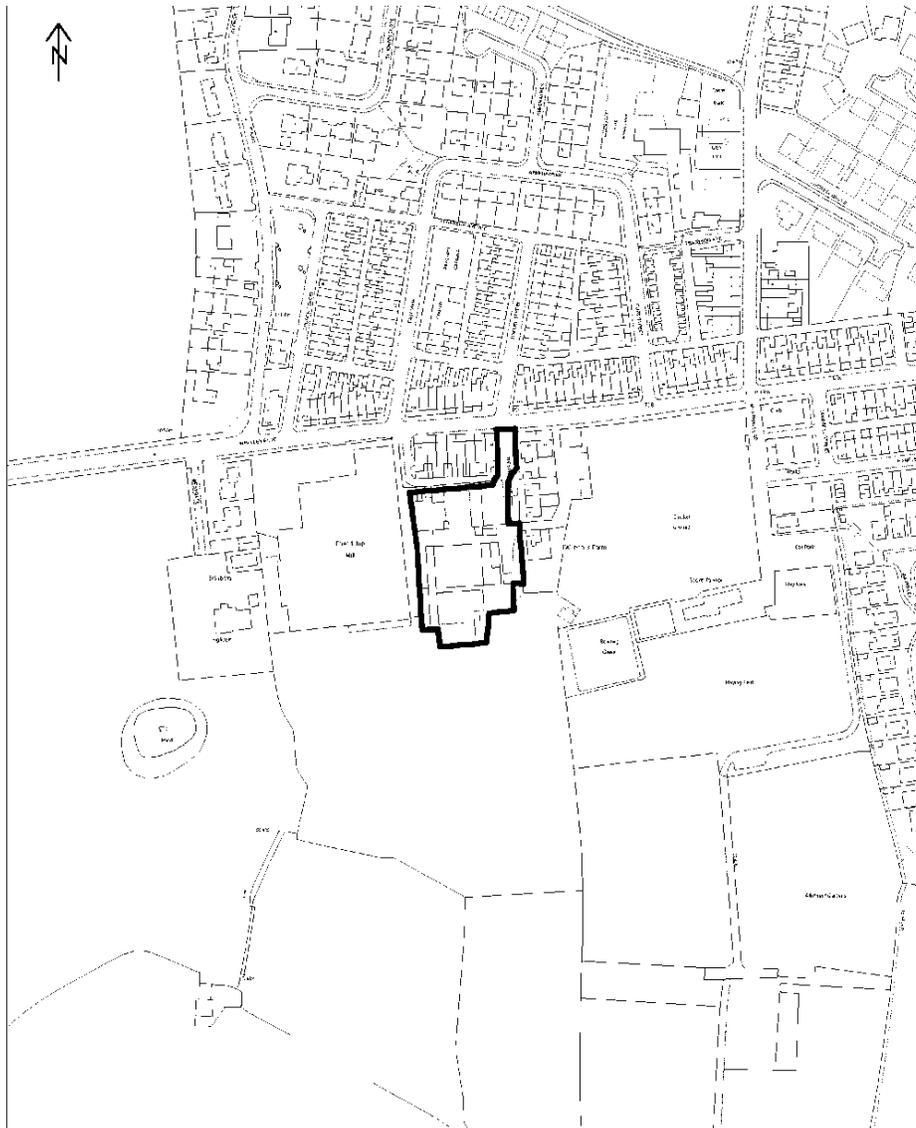
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APPLICATION REF: 3/2015/0495

GRID REF: SD 376641 434427

DEVELOPMENT DESCRIPTION:

OUTLINE APPLICATION (ACCESS ONLY) FOR THE ERECTION OF UP TO 15 DWELLINGS ON LAND AT WORTHALLS FARM WITH ACCESS OFF WESTFIELD AVENUE, READ BB12 7PW.



3/2015/0495 Worthalls Farm, Westfield Avenue, Read, BB12 7PW

Scale 1:2500

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CONSULTEE RESPONSES/REPRESENTATIONS MADE:

PARISH COUNCIL:

Read Parish Council have no objections to this proposal and have stated that they consider that this is a good development of redundant farm buildings.

ENVIRONMENT DIRECTORATE:

Lancashire county council Highways have stated that they are of the opinion that the proposed housing development would have a negligible impact upon highway capacity in the immediate vicinity of the site.

The Highways development Control section further state that the provision of new footpath and junction improvements at the site access on Westfield Avenue is fully supported by the Highway Development Control Section but note that this will remove parking for the adjacent terraced properties.

The applicant has indicated 6 off road parking space to replace the lost parkin on Westfield Avenue and this is fully support as it will remove parked cars from the access onto Whalley Road.

LCC Highways therefore has no objection to the proposal subject to the imposition of planning conditions.

LCC CONTRIBUTIONS:

No response received.

LLFA:

No response received.

UNITED UTILITIES:

No objections subject to the imposition of planning conditions.

United Utilities have stated that a public sewer crosses this site and that they may not permit building over it. An access strip width of six metres, three metres either side of the centre line of the sewer will be required for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

Additionally United Utilities have stated that a water main/trunk main crosses the site and will not permit development in close proximity to the main. An access strip of no less than 5 metres, measuring at least 2.5 metres either side of the centre line of the pipe.

The applicant must comply with our standard conditions for work carried out on, or when crossing aqueducts and easements. This should be taken into account in the final site layout, or a diversion will be necessary, which will be at the applicant's expense. Any necessary disconnection or diversion required as a result of any development will be carried out at the developer's expense.

ADDITIONAL REPRESENTATIONS:

7 letters of representation have been received raising the following observations and objecting on the following grounds:

- The erection of new dwellings would exacerbate the existing poor highways safety and parking problems.
- No alternative parking arrangements for existing residents.
- Lack of footpaths.
- The application has been made on land that is not wholly in the control/ownership of the applicant.
- Increased traffic impact upon the area.
- Highways safety.
- The introduction of TRO's will result in existing residents losing parking provision.

Application Update

Members will note that the application is being brought forward to Planning & Development Committee due to the expiration of the originally agreed 3 month period whereby the application was deferred and delegated to the Director of Community Services for approval following the satisfactory completion of a Legal Agreement within 3 months from the date of the original committee meeting of the 11th February 2016. A further 3 month extended period for delegation is therefore requested to allow for matters relating to the Legal Agreement to be resolved.

It is not considered that there have been any significant changes in relation to adopted Local or National Planning Policy that would require a reassessment of the proposal or principle of the development and consider for that reason, the original recommendation remain unchanged.

1. Proposal

- 1.1 The application seeks outline consent (access only) for the erection of up to 15 dwellings on land at Worthalls Farm with access off Westfield Avenue, Read BB12 7PW.
- 1.2 The submitted details indicate primary vehicular and pedestrian access from Whalley Road off Westfield Avenue. The submitted layout proposes 15 dwellings, with the units being a mixture of detached, semi-detached and terraced forms. The layout proposes an informal cul-de-sac arrangement with parking provision for existing residents being provided towards the site entrance.
- 1.3 As the application is made in outline, layout is not a matter for which consent is sought at this stage and therefore cannot be assessed.

2. Site Location

- 2.1 The proposal site is Located off Whalley Road Read, accessed off Westfield Avenue. The area is predominantly residential in character with the southern extents of the site being bounded by green belt.

3. **Relevant History**

- 3.1 There is no recent planning history for the site that is directly relevant to the determination of the current application.

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy.

Key Statement DS2 – Presumption in Favour of Sustainable Development.

Key Statement EN3 – Sustainable Development and Climate Change.

Key Statement EN4 – Biodiversity and Geodiversity.

Key Statement H1 – Housing Provision.

Key Statement H2 – Housing Balance.

Key Statement H3 – Affordable Housing.

Key Statement DMI1 – Planning Obligations.

Key Statement DMI2 – Transport Considerations.

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMG3 – Transport and Mobility.

Policy DME5 – Renewable Energy.

Policy DME6 – Water Management.

Policy DMH1 – Affordable Housing Criteria.

Policy DMB4 – Open Space Provision.

Policy DMB5 – Footpaths and Bridleways.

Planning Practice Guidance

National Planning Policy Framework

5. **Environmental, AONB, Human Rights and Other Issues**

5.1 **Principle of Development**

5.1.1 In terms of strategic considerations, Key Statement DS1 of the recently adopted Core Strategy outlines that the majority of new housing development will be concentrated within the identified strategic site to the south of Clitheroe (Standen); and the principal settlements of Clitheroe, Longridge and Whalley.

5.1.2 Key Statement DS1 states that the scale of planned housing growth will be managed to reflect existing population size, the availability of, or the opportunity to, provide facilities to serve the development and the extent to which development can be accommodated within the local area.

5.1.3 The Council is required to maintain a 5 year supply of housing land to ensure land supply is not a barrier to housing growth. Objectively assessed housing need identifies 280 units are required to be delivered in the Borough per year – these are minimum targets.

5.1.4 Using the October monitoring figures (Housing Land Availability Schedule October 2015), the Council can demonstrate a 5.67 year supply of housing land with an annual requirement of 280 units using the Sedgfield methodology.

- 5.1.5 The adopted core strategy, based on objectively assessed housing need, identifies the overall minimum housing target for Read and Simonstone is 19 dwellings over the plan period 2008-2028. As of December 2015 19 dwellings remain to be provided in Read and Simonstone over the plan period. The current proposal would contribute up to 15 dwellings to this objectively assessed need and the principle of the development in housing numbers terms is therefore considered to be in accordance with the adopted Core Strategy.
- 5.1.6 Given the site is located within the defined settlement boundary of Read/Simonstone the application is considered to be in broad accordance with the Development Strategy for the Borough and in principle, notwithstanding other material considerations, to be in accordance with Key Statement DS1 and Policy DMG2 of the adopted Core Strategy.

5.2 Highway Safety and Accessibility

- 5.2.1 The development proposal is made in outline with solely matters being applied for. The application seeks consent for the construction of a residential development of up to 15 dwellings which will be accessed off Whalley Road via Westfield Avenue. The submitted details propose that a 2m footway will be provided to the east and west of Westfield Avenue for the first 20 metres of the road.
- 5.2.2 It is noted that the applicant has proposed to provide 6 off-road car parking spaces within the site to replace those that would be lost on Westfield Avenue and this is fully supported as it will remove parked motor vehicles from the access point on to Whalley Road. The location and provision of the aforementioned replacement parking provision will be secured via planning condition that will require the submission of detailed information at the relevant reserved matters stage.
- 5.2.3 LCC Highways have made a number of observations in relation to the application but have raised no objection to the proposal subject to the imposition of planning conditions. The observations made are as follows:
- Westfield Avenue is a private road and is not subject to any future adoption agreement. The applicant should seek legal advice as to whether they have rights over this road to access the site.
 - All off-road car parking spaces should be provided with a manoeuvring/reversing distance of 6m.
 - All parking bays should be 2.4m wide by 5m in length.
 - The shown highway layout is acceptable for all road users but has insufficient provision for services as such the highway as shown is not to minimum adoptable standards and as such highway safety and future maintenance may be jeopardised. The works required to bring the highway design up to an adoptable standard are listed below:
 - A service verge is required on both sides of the new carriageway. A 2m wide service verge is required for locating statutory undertakes equipment and should be provided where buildings front onto the road. The minimum width of the remaining service verge can be reduced to 0.5m providing no street lighting is located within the aforementioned margin. If street lighting is required on the narrow service verge the minimum width is 800mm. Please note - the car parking spaces must not be over the service verge area.

- All trees should be removed from the service verge, as they are not permitted within the adoptable highway. From Lancashire County Council Residential Design Guide. The trees would only be permitted within the adoptable highway if a section 96 agreement of the 1980 Highways Act is entered with the district authority. The principle of the agreement would need to be agreed fully with the district authority before the section 38 agreement is entered.
- The full length of Westfield Avenue is not to an adoptable standard/layout as above.

5.2.4 The Highway Development Control Engineer has requested that should consent be granted, conditions relating to the following matters be attached:

- Wheel washing facilities be made available on site.
- Details of car parking provision to be provided.
- Details of highways works to be submitted.
- Road condition survey to be undertaken pre-commencement and post-completion.
- Construction Method Statement and Traffic Management Plan to be submitted.

5.2.5 It is therefore considered that subject to appropriate conditions, the proposal would be acceptable in respect of access, connectivity and highway safety in accordance with Policies DMG1 and DMI2 of the Adopted Core Strategy.

5.3 Legal Agreement/Planning Obligations

5.3.1 The applicant has submitted a S106 Agreement in respect of the development. Matters relating to the specific content of the S.106 agreement are currently under negotiation but it is envisaged that 30% of the units to be provided on site will be affordable in nature.

5.3.2 In accordance with Policy DMH1 of the Core Strategy it will be required that 15% of the units on site will be for older persons housing provision, 50% of which shall be included within the overall 30% affordable provision. The remaining 50% of older persons housing provision will be market housing, solely to be occupied by those over 55 years of age. It is the Local Authorities preference that the older persons provision be brought forward in the form of bungalows, this matter will be subject to on-going discussion.

5.3.3 At this stage No financial contributions have been requested in respect of education and sports/recreation. Should matters change they will be reported verbally.

5.4 Other Matters

5.4.1 As previously stated, the application is made in outline with all matters reserved save that of access. Matters of detailed layout therefore cannot be assessed at this stage, however it is imperative that the Local Planning Authority are assured that the level/amount of development proposed can be adequately accommodated on site without compromising the residential amenities of neighbouring occupiers or the visual amenities of the immediate and wider area.

5.4.2 I have a numbers of observations in respect of the indicative layout proposed, it is envisaged that these matters would be addressed through negotiation at the appropriate reserved matters stage. The following observations comments have been provided for the purposes of clarity/continuity and in light of the nature of a number of representations received.

5.4.3 In respect of the proposed layout I have the following observations:

- Concerns exist in relation to the potential impact upon existing residential amenities as a result of the orientation of a number of proposed the properties and their proximity to existing properties, in particular but not exclusively plots 1, 14, 15 and 11 to 13.
- Given a number of the units may be in terrace form, consideration will have to be given to a waste management strategy that allows for external provisions of a route that will allow refuse storage receptacles to be taken from the rear of the property to the frontage on collection day.
- The layout as proposed appears to fail to provide adequate manoeuvring for vehicles within the site.
- The dimensions of the replacement residents parking bays appear to be inadequate as do the required reversing manoeuvring distances.

5.4.4 A number of representations have been received in respect of the proposal raising issues of land ownership and that the access to the site does not fall within the ownership of the applicant. Members will note that matters of land ownership are a private legal matter and the LPA cannot consider such matters in the determination of the application.

5.4.5 A number of the representations received also raise concerns in relation to loss of existing parking provision. The applicant has provided a commitment that replacement parking provision will be provided on site, this matter will be addressed through planning condition that will require details of such provision to be submitted at the relevant matters stage.

6. **Conclusion**

6.1 Subject to further work being undertaken on the S.106 agreement , consider in principle, the development as proposed is not in direct conflict with the adopted Core Strategy and accords with the overall development Strategy for the Borough.

6.2 It is for the above reasons and having regard to all material considerations and matters raised that I recommend accordingly.

RECOMMENDATION: That planning permission be DEFERRED AND DELEGATED to the Director of Community Services for approval following the satisfactory completion of a legal agreement(substantially in accordance the related requirements in the report) within 3 months from the date of this Committee meeting or delegated to the Head of Planning Services in conjunction with the Chairman and Vice Chairman of the Planning and Development Committee should exceptional Circumstances exist beyond the period of 3 months and subject to the following conditions:

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates.

- (a) The expiration of three years from the date of this permission; or
- (b) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2. No more than 15 dwellings (Use Class C3) are hereby permitted within the application site.

REASON: For the avoidance of doubt to ensure there is no ambiguity in the decision notice over what amount of development has been approved. In accordance with Key Statements DS1 and DS2 and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy, to ensure a satisfactory quantum and level of development given its location.

- 3. Applications for the approval of reserved matters shall include details of replacement parking provision for residents of Westfield Avenue and Whalley Road, for the avoidance of doubt the provision shall be adequate to accommodate 6 parked motor vehicles and shall not be made available for use by residents of the development hereby approved. The agreed parking provision shall be made available for use and completed in accordance with the approved details prior to first occupation of any of the dwellings hereby approved.

REASON: To secure satisfactory parking provision for existing residents in the area in accordance with Policies DMG1, DMG3 and DMI2 of the Ribble Valley Core Strategy.

- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, no alterations to the roof shall be undertaken and no buildings or structures shall be erected within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the immediate area or be of detriment to the residential amenities of neighbouring occupiers due to site constraints, in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

- 5. Unless otherwise agreed in writing and in line with the surface water manage hierarchy, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing public sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policies DMG1 and DME6 of the Ribble Valley Core Strategy.

6. Applications for the approval of reserved matters shall include details of existing and proposed land levels and finished floor levels, including the levels of the proposed roads. The development shall thereafter be carried out in accordance with the approved details.

REASON: To secure satisfactory finished ground and floor levels in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

7. No development approved by this permission shall commence until a scheme for the on and off-site highway works, including timescales for implementation, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of highway safety and to mitigate the impacts of the development in accordance with Policies EN2, DMG1, DMI2 and DMG3 of the Ribble Valley Core Strategy.

8. No development shall take place, including any site preparation or demolition works, 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. For the avoidance of doubt the statement should provide details of:
 - A. The location of parking provision for vehicles of site operatives and visitors
 - B. The location for the loading and unloading of plant and materials
 - C. The location for the storage of plant and materials used in constructing the development
 - D. The erection and maintenance of security hoarding
 - E. The location of wheel washing facilities that shall be made available during the construction phase of the development
 - F. Measures to control the emission of dust and dirt during construction
 - G. Routes to be used by vehicles carrying plant and materials to and from the site
 - H. Hours of operation and the timing of deliveries
 - I. Measures to ensure that construction and delivery vehicles do not impede upon access to existing properties
 - J. Programme and timings of the road-sweeping of the adjacent highways network
 - K. Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)

REASON: In the interests of protecting residential amenity from noise and disturbance and to satisfy the Local Planning Authority and Highway Authority that the development would not be of detriment to the safe operation of the immediate highway in the interests of highway safety and compliance with current highway legislation in accordance with Policies DMG1, DMG3 and DMI2 of the Ribble Valley Core Strategy.

9. Prior to the commencement of the development, including any demolition or site preparation works, a joint survey shall be carried out between the developer and the Highways Authority to determine the current pre-construction condition of Whalley Road. A similar repeat survey shall be carried out within six months of the completion of the last dwelling hereby approved; the findings of the surveys shall be submitted to and agreed in writing by the Local Planning Authority.

For the avoidance of doubt the submitted details shall specify any works to be undertaken, and their timings, to make good any damage to Whalley Road as a result of

construction works, to return the highway to the pre-construction situation/condition. The development and any remediation/repair works shall be carried out in strict accordance with the approved details.

REASON: To maintain the safe operation of the immediate highway and to ensure no long-term damage to the highway as a result of the construction phase of the development in accordance with Policies DMG1, DMG3 and Key Statement DMI2 of the Ribble Valley Core Strategy.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2015%2F0495

PLANNING APPLICATION STATISTIC REPORT

APPLICATIONS DETERMINED

<u>Approved with conditions</u>	<u>Approved with no conditions</u>	<u>Applications Refused</u>	<u>Total Applications determined</u>	<u>Applications determined by Committee</u>
55	1	20	79	6

(This list does not include prior determinations, split decisions, observations to other Local Planning Authorities and other less frequent application types).

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2015/0495	Land at Worthalls Farm Westfield Avenue Read	11/2/15	5	With Agent
3/2015/1017	Land at Middle Lodge Road Barrow	21/7/16	8	With Legal

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2015/0906/P	Proposed business park comprising 18 industrial units for B8 (storage and distribution) and B1 (offices and light industry) use	Land adjacent to Time Technology Park Blackburn Road Simonstone
3/2016/0078/P	Application to vary conditions 3 (café opening hours) and 4 (lecture room opening hours) of planning permission 3/2011/0838	Holden Clough Nursery Ltd Clitheroe
3/2016/0185/P	Construction of 8 light industrial units with associated parking, landscaping improvements	Land at Barrow Brook Enterprise Park Barrow
3/2016/0578/P	Retention of 3 unauthorised hard standings and creation of 5 hard standings for caravans, replacement of existing temporary facilities unit, wash facility and porta loo with wooden facilities building and wash room, planting with native species/shrubs and trees	Calder Farm Settle Road Bolton-by-Bowland
3/2016/0606/P	Proposed mono-pitch design extension to family accommodation	4 Barker Terrace Clitheroe
3/2016/0608/P	Ground floor extension – certificate of Lawfulness	3 Warrington Terrace Barrow
3/2016/0616/P	LDC single storey extension	11 Edisford Road Clitheroe

APPEALS UPDATE

<u>Application No</u>	<u>Date Received/ Appeal Start Date</u>	<u>Site Address</u>	<u>Type of Appeal Procedure</u>	<u>Date of Inquiry/Hearing if applicable</u>	<u>Progress</u>
3/2014/0697R	29/06/15	Land adj Clitheroe Road, West Bradford	WR		Awaiting Decision
3/2014/0846R	12/08/15	Land at 23-25 Old Row, Barrow	Hearing	18/11/15 20/01/16 11/05/16 07/09/16	Adjourned until 07/09/16
3/2015/0647 R	16/02/16	Pinfold Farm Barn, Preston Rd, Ribchester	WR		Appeal Dismissed 14/07/16
3/2016/0050 R	22/02/16	Land adj Newton Village Hall, Main St, Newton	WR		Appeal Dismissed 22/7/16
3/2015/0873 R	05/04/16	The Paddocks Stoneygate Lane Knowle Green	WR		Appeal Allowed 12/07/16
3/2016/0095 R	20/04/16	Mayfield Ribchester Road	WR		Appeal Dismissed 12/07/16
3/2015/0159 C	13/05/16	Clayton le Dale Former Golf Driving Range Upbrooks Lincoln Way Clitheroe	WR		Appeal Allowed 14/07/15
3/2015/0074 R	13/05/16	Land adj Petre Arms, Langho	WR		Appeal Allowed 15/07/16
3/2016/0172 R	16/05/16	Stydd Garden Centre, Ribchester (Shed 2 - education)	WR		Appeal Dismissed 14/07/16
3/2016/0174 R	16/05/16	Stydd Garden Centre, Ribchester (Shed 1 – deli)	WR		Appeal Dismissed 14/07/16
3/2016/0022 R	21/04/16	1 & 2 Abbeycroft, The Sands Whalley	WR		Awaiting Decision
3/2016/0086 R	03/05/16	22 Simonstone Lane, Simonstone	HH		Appeal Dismissed 12/07/16

<u>Application No</u>	<u>Date Received/ Appeal Start Date</u>	<u>Site Address</u>	<u>Type of Appeal Procedure</u>	<u>Date of Inquiry/Hearing if applicable</u>	<u>Progress</u>
3/2016/0091 R	13/05/16	Great Mitton Hall, Mitton Road, Mitton	WR		Awaiting Decision
3/2015/0605 R	03/05/16	Little Snodworth Farm, Snodworth Road, Langho	WR		Awaiting Decision
3/2016/0114 R	20/05/16	Blue Trees Copster Green BB1 9EP	HH		Awaiting Decision
3/2015/0959 Approved with Conditions 3/2016/0125 R	13/06/16	Lambing Clough Barn, Lambing Clough Lane, Hurst Green BB7 9QN	WR		Awaiting Decision
3/2016/0009 R	07/07/16	Salisbury Cottage, Newton in Bowland, BB7 3DZ	HH		Awaiting Decision
3/2016/0019 R	14/06/16	Broadhead Farm, Moorfield Avenue, Ramsgreave BB1 9BZ	WR		Awaiting Decision
3/2016/0241 R	15/06/16	Field Barn, Old Langho Road, Langho BB6 8AW	Submitted as HH appeal, but officer feels that it is not householder development. (Stable outside residential curtilage)		Awaiting Decision
3/2015/0509 R	23/06/16	Land adj Southport House, Sawley Clitheroe BB7 4LE	WR (to be confirmed)		Awaiting Decision
3/2016/0368 R	Awaiting start date from PINS	Fourwinds 54 Fairfield Drive Clitheroe BB7 2PE	WR		
3/2016/0393 R	13/07/16	Ellerslie House Ribchester Road Clayton le Dale BB1 9EE	WR		Statement Due 17/8/16

<u>Application No</u>	<u>Date Received/ Appeal Start Date</u>	<u>Site Address</u>	<u>Type of Appeal Procedure</u>	<u>Date of Inquiry/Hearing if applicable</u>	<u>Progress</u>
3/2016/0178 R	06/07/16	22 St Peters Close Clayton le Dale BB1 9HH	HH		Awaiting Decision
3/2016/0286 R	12/07/16	Riverside Cottage Sawley Road Sawley BB7 4NH	HH		Awaiting Decision
3/2016/0284 R	12/07/16	Riverside Barn Sawley Road Sawley BB7 4NH	HH		Awaiting Decision
3/2016/0387 R	Awaiting start date from PINS	3 Accrington Road Whalley BB7 9TD	WR (to be confirmed)		
3/2016/0145 R	Awaiting start date from PINS	Thorneyholme Whalley Road Barrow BB7 9BA	WR (to be confirmed)		
3/2016/0260 R	Awaiting start date from PINS	The Hay Moo Mellor Brow Mellor BB2 7EX	WR (to be confirmed)		
3/2015/0393 R	Awaiting start date from PINS	Land west of Preston Road Longridge (Grimbaldeston Farm)	Inquiry (to be confirmed – LPA have asked for Hearing)		
3/2016/0195 R	Awaiting start date from PINS	The Pippins 248 Preston Road Longridge	WR (to be confirmed)		

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: 18 AUGUST 2016
title: APPROVAL OF INCREASE TO BUILDING CONTROL FEES 2016/17
submitted by: CHIEF EXECUTIVE
principal author: HEATHER COAR – HEAD OF ENVIRONMENTAL HEALTH SERVICES

1 PURPOSE

1.1 To approve increased Fees & Charges in relation to Building Control Services.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions – To help make people's lives safer and healthier.
- Community Objectives – To support health, environmental, economic and social wellbeing of people who live, work and visit Ribble Valley.
- Corporate Priorities – To enable the delivery of effective and efficient services.
- Other Considerations – None.

2 BACKGROUND

2.1 In accordance with Government policy, Local Authorities have been empowered to charge for carrying out main Building Control functions relating to building regulations, based on the principle of full cost recovery since the late 1970's. Initially charges were prescribed fees set by Government but have been devolved to Local Authorities since the introduction of The Building (Local Authority) Charges Regulations 2010

2.2 The Council's Building Control fees are reviewed in line with Fees & Charges applied by other Building Control Services in Lancashire. The previous increase was April 2015. Charges are kept competitive due to direct competition from the private sector (Approved Inspectors) who are often preferred & used by larger house builders and persons wishing to avoid perceived Local Authority bureaucracy. Currently Local Authorities have 65 – 75% of the Building Control market.

2.3 Building Control Services are only permitted to charge sufficient to 'break even' and cover the costs of delivery averaged over 5 years. Within the last 5 years the service has significantly reduced from 5.5 full time officers to 3.3 full time officers (although one post is currently vacant) which is considered the absolute minimum to deliver the service taking into account service response times, management & development, holidays, sickness, maintaining professional competence and risk to the Authority.

3 ISSUES

3.1 The new Ribble Valley Scheme of Charges has been based on the LABC model scheme in setting out standard charges for the majority of projects applicable in Ribble Valley. The scheme is similar to schemes in Pendle, Rossendale, Hyndburn Council and Pennine Lancashire.

3.2 The principles of the scheme are that the user pays for the service provided. The new scheme of charges has been formulated using many years of national and local

experience. Local Authorities are reminded in the CIPFA accountancy guide that they should not use building regulation charges to offset other Building Control functions or any other function of the Council.

- 3.3 As in previous years applications to provide access or facilities for disabled persons to existing dwellings and disabled adaptations to buildings to which the public have access are exempt from Building Regulation charges. The cost of the building control service being met from Council funds.
- 3.4 Nationally continuing competition from private 'Approved Inspectors' has resulted in approx. 20 – 35% of work being undertaken by the private sector. In order for Local Authorities to remain competitive building regulation charges must be set at a reasonable level, be fair and equitable relative to the degree of involvement by Building Control.
- 3.5 The appendix sets out the new Ribble Valley Scheme of Building Regulation Charges. Overall the proposed changes would result in an overall 3 - 4% increase in charges. The full scheme will be made available on the internet, a simplified version being available for day to day use.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
 - Resources – The report has the financial implications as set out above.
 - Technical, Environmental and Legal – Ensure appropriate levels of fees & charges are applied in relation to services delivered.
 - Political – To enable the delivery of effective and efficient services.
 - Reputation – Substantial increase to charges can generate adverse publicity.
 - Equality & Diversity – No implications identified

5 **RECOMMENDED THAT COMMITTEE**

- 5.1 Approve the recommended increased fees and charges in relation to Building Control Services as set out in the appendix to this report.

HEATHER COAR
HEAD OF ENVIRONMENTAL HEALTH SERVICES

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Geoff Lawson, extension 4508

**SCHEME FOR THE RECOVERY OF BUILDING
REGULATION CHARGES AND ASSOCIATED MATTERS**

FOR

Ribble Valley Borough Council

TO BE READ IN CONJUNCTION WITH
THE BUILDING [LOCAL AUTHORITY CHARGES] REGULATIONS 2010

Effective from: 1st September 2016

SCHEME FOR THE RECOVERY OF BUILDING REGULATION CHARGES

1. Definitions

The following definitions apply to this Charging Scheme and should be read in conjunction with the other clauses and tables which constitute the Charging Scheme:

'building'

means any permanent or temporary building but not any other kind of structure or erection, and a reference to a building includes a reference to part of a building.

'building notice'

means a notice given in accordance with regulations 12(2)(A)(a) and 13 of the Building Regulations 2010 (as amended).

'building work' means:

- a) the erection or extension of a building;
- b) the provision or extension of a controlled service or fitting in or in connection with a building;
- c) the material alteration of a building, or a controlled service or fitting;
- d) work required by building regulation 6 (requirements relating to material change of use);
- e) the insertion of insulating material into the cavity wall of a building;
- f) work involving the underpinning of a building;
- g) work required by building regulation 4A (requirements relating to thermal elements);
- h) work required by building regulation 4B (requirements relating to a change of energy status);
- i) work required by building regulation 17D (consequential improvements to energy performance);

'chargeable function' means a function relating to the following –

- a) the passing or rejection of plans of proposed building work which has been deposited with the council in accordance with section 16 of the Building Act 1984 (as amended).
- b) the inspection of building work for which plans have been deposited with the council in accordance with the Building Regulation 2010 (as amended) and with section 16 of the Building Act 1984 (as amended)
- c) the consideration of a building notice which has been given to the council in accordance with the Building Regulations 2010 (as amended)
- d) the consideration of building work reverting to the council under the Building (Approved Inspectors etc.) Regulations 2010 (as amended)
- e) the consideration of a regularisation application submitted to the council under regulation 21 of the Building Regulations 2010 (as amended).

'cost' does not include any professional fees paid to an architect, quantity surveyor or any other person.

'dwelling' includes a dwelling-house and a flat.

'dwelling-house' does not include a flat or a building containing a flat.

'flat' means a separate and self-contained premises constructed or adapted for use for residential purposes and forming part of a building from some other part of which it is divided horizontally.

'floor area of a building or extension' is the total floor area of all the storeys which comprise that building. It is calculated by reference to the finished internal faces of the walls enclosing the area, or, if at any point there is no enclosing wall, by reference to the outermost edge of the floor.

'outside the duration of inspection' is an inspection that is requested following a period of dormancy in the building work which is in excess of 6 months.

'relevant person' means:

- (a) in relation to a plan charge, inspection charge, reversion charge or building notice charge, the person who carries out the building work or on whose behalf the building work is carried out;
- (b) in relation to a regularisation charge, the owner of the building; and
- (c) in relation to chargeable advice, any person requesting advice for which a charge may be made pursuant to the definition of 'chargeable advice'

2. Principles of this Scheme

The set charges or method of establishing the charge have been established in this scheme for the functions prescribed in the Building (Local Authority Charges) Regulations 2010 (referred to as the chargeable functions), namely:

- **A plan charge**, payable when plans of the building work are deposited with the Local Authority.
- **An inspection charge**, payable on demand any time after the authority carry out the first inspection in respect of which the charge is payable. *(Normally the invoice is sent shortly after the first inspect but may be deferred until the work is nearing completion if agreeable to the Local Authority)*
- **A building notice charge**, payable in full when the building notice is given to the authority.
- **A reversion charge**, payable for building work in relation to a building:
 - a) Which has been substantially completed before plans are first deposited with the Authority in accordance with Regulation 20(2)(a)(i) of the Approved Inspectors Regulations, or
 - b) In respect of which plans for further building work have been deposited with the Authority in accordance with the Regulation 20(3) of the Approved Inspectors Regulations, on the first occasion on which those plans are or have been deposited.
- **A regularisation charge**, payable at the time of the application to the authority in accordance with Regulation 21 of the Building Regulations.
- **Chargeable advice**, Local Authorities can make a charge for giving advice in anticipation of the future exercise of their chargeable functions (ie before an application or notice is received for a particular case), which is payable after the first hour of advice, on demand after the authority has given notice required by Regulation 7(7) of the Building (Local Authority) Charges Regulations 2010 (ie the charge has been confirmed in writing following an individual determination). This charge can be discounted from a subsequent application or notice received for the work in question.
- The above charges are payable by the relevant person.

- Any charge which is payable to the authority may, in a particular case, and with the agreement of the authority, be paid by instalments of such amounts payable on such dates as may be specified by the authority. If the applicant and an authority are agreeable, an inspection charge can be fully or partly paid up front with the plans charge.
- The charge for providing a chargeable function or chargeable advice is based on the principle of achieving full cost recovery. The charges will be calculated by using the Council officers' average hourly rate stated in the charging scheme, multiplied by the time taken to carry out the functions/advice, taking the following factors into account, as applicable, in estimating the time required by officers to carry out the function/advice:
 - i. The existing use of a building, or the proposed use of the building after completion of the building work;
 - ii. The different kinds of building work described in regulation 3(1)(a) to (i) of the Building Regulations;
 - iii. The floor area of the building or extension;
 - iv. The nature of the design of the building work and whether innovative or high risk construction techniques are to be used;
 - v. The estimated duration of the building work and the anticipated number of inspections to be carried out;
 - vi. The estimated cost of the building work;
 - vii. Whether a person who intends to carry out part of the building work is a person mentioned in regulation 12(5) or 20B(4) of the Building Regulations (i.e. related to competent person/self certification schemes);
 - viii. Whether in respect of the building work a notification will be made in accordance with regulation 20A(4) of the Building Regulations (i.e. where design details approved by Robust Details Ltd have been used);
 - ix. Whether an application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other;
 - x. Whether an application or building notice is in respect of building work, which is substantially the same as building work in respect of which plans have previously been deposited or building works inspected by the same local authority;
 - xi. Whether chargeable advice has been given which is likely to result in less time being taken by a local authority to perform that function;
 - xii. Whether it is necessary to engage and incur the costs of a consultant to provide specialist advice in relation to a particular aspect of the building work.

3. Principles of the scheme in respect of the erection of domestic buildings, garages, carports and extensions

- Where the charge relates to an erection of a dwelling the charge includes for the provision of a detached or attached domestic garage or carport providing it is constructed at the same time as the dwelling.
- Where any building work comprises or includes the erection of more than one extension to a building, the total floor areas of all such extensions shall be aggregated to determine the relevant charge payable, providing that the building work for all aggregated extensions is carried out at the same time.

4. Exemption from charges

The Authority has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing dwelling that is, or is to be, occupied by a disabled person as a permanent residence; and where the whole of the building work in question is solely-

- a) for the purpose of providing means of access for the disabled person by way of entrance or exit to or from the dwelling or any part of it, or
- b) for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person.

The council has not fixed by means of its scheme, nor intends to recover a charge for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of a disabled person in relation to an existing dwelling, which is, or is to be, occupied by that disabled person as a permanent residence where such work consists of-

- a) the adaptation or extension of existing accommodation or an existing facility or the provision of alternative accommodation or an alternative facility where the existing accommodation or facility could not be used by the disabled person or could be used by the disabled person only with assistance; or
- b) the provision of extension of a room which is or will be used solely-
 - i. for the carrying out for the benefit of the disabled person of medical treatment which cannot reasonably be carried out in any other room in the dwelling, or
 - ii. for the storage of medical equipment for the use of the disabled person, or
 - iii. to provide sleeping accommodation for a carer where the disabled person requires 24-hour care.

The council has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing building to which members of the public are admitted (whether on payment or otherwise); and where the whole of the building work in question is solely-

- a) for the purpose of providing means of access for disabled persons by way of entrance or exit to or from the building or any part of it; or
- b) for the provision of facilities designed to secure the greater health, safety, welfare or disabled persons.

Note: 'disabled person' means a person who is within any of the descriptions of persons to whom Section 29(1) of the National Assistance Act 1948, as extended by virtue of Section 8(2) of the Mental Health Act 1959, applied but disregarding the amendments made by paragraph 11 of Schedule 13 to the Children Act 1989. The words in section 8(2) of the Mental Health Act 1959 which extend the meaning of disabled person in section 29(1) of the National Assistance Act 1948, are prospectively repealed by the National Health Service and Community Care Act 1990, section 66(2), Schedule 10, as from a day to be appointed

5. Information required to determine charges

If the authority requires additional information to enable it to determine the correct charge the authority can request the information under the provisions of regulation 9 of The Building (Local Authority Charges) Regulation 2010.

The standard information required for all applications is detailed on the authority's Building Regulation application forms. This includes the existing and proposed use of the building and a

description of the building work

Additional information may be required in relation to –

- The floor area of the building or extension
- The estimated duration of the building work and the anticipated number of inspections to be carried out.
- The use of competent persons or Robust Details Ltd.
- Any accreditations held by the builder or other member of the design team.
- The nature of the design of the building work and whether innovative or high-risk construction is to be used.
- The estimated cost of the building work. If this is used as one of the factors in establishing a charge the 'estimate' is required to be such reasonable amount as would be charged by a person in business to carry out such building work (excluding the amount of any value added tax chargeable).

6. Establishing the Charge

The authority has established standard charges using the principles contained within The Building (Local Authority Charges) Regulation 2010. Standard charges are detailed in the following tables. In the tables below any reference to number of storeys includes each basement level as one-storey and floor areas are cumulative.

If the building work that you are undertaking is not listed as a standard charge it will be individually determined in accordance with the principles and relevant factors contained within The Building (Local Authority Charges) Regulation 2010. If the authority considers it necessary to engage and incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of building work, those costs shall also be included in setting the charge.

When the charge is individually determined the authority shall calculate the charge in the same way a standard charge was set by using the average hourly rate of officers' time, multiplied by the estimated time taken to carry out their building regulation functions in relation to that particular piece of building work and taking into account the applicable factors listed in regulation 7(5) of the charges regulations.

Individually determined charges will be confirmed in writing specifying the amount of the charge and the factors that have been taken into account in determining the charge.

The building regulation charges for the following types of building work will be individually determined and the authority will state which factors in regulation 7(5) of the charges regulations it has taken into account in establishing a standard or individually determined charge:

- i. Where the estimated cost of building work exceeds £200,000
- ii. The replacement of more than 20 windows/glazed doors within a single building.
- iii. The work consists of the erection of a dwelling with a floor area in excess of 700m²
- iv. Fit outs to shops where the estimated cost of building work exceeds £50,000
- v. The work consists of a domestic extension having a floor area over 80m² or non-domestic extension or new build having a floor area over 80m²

- vi. For the consideration of any application for work reverting to the Council under the Building (Approved Inspectors etc) Regulations.
- vii. For the consideration of a regularisation application.
- viii. For the undertaking of inspections where that inspection is “outside the duration of inspection” time as defined in this scheme of charges.
- ix. Where the application is in respect of two or buildings all of which are substantially the same as each other.
- x. Where an application or building notice is in respect of building work which is substantially the same as building work in respect of which plans have previously been deposited or building works inspected by the same authority.
- xi. Where the application is for the erection of more than 5 dwelling units.

Where more than one standard charge applies to the building work and, with the agreement of the relevant person, the authority will establish the charge by individually determining the charge.

7. Other matters relating to calculation of charges

- In calculating these charges, refunds or supplementary charges, an officer hourly rate of £72.11 has been used.
- With the exception of Regularisation applications any charge payable to the authority shall be paid with an amount equal to any value added tax payable in respect of that charge. Vat is chargeable at the rate applicable when the charge is due. *(Vat within the tables has been calculated at the current rate of 20%).*
- Charges are not payable for the first hour when calculating an advice charge
- Charges are quoted in £.
- The authority accepts payment by instalment in respect of all building work where the total charge exceeds £2,000. The authority on request will specify the amounts payable and dates on which instalments are to be paid.

8. Reductions

Any reduced charges are shown in the tables of standard charges and reduced charges may also be made in relation to individually assessed charges when work, or the relevant part of the work, has been, or intends to be carried out by a person mentioned in regulation 12(5) or 20B(4) of the Principal Regulations in respect of that part of the work, *(i.e. competent person/self-certification schemes or other defined non-notifiable work).*

Any reduced charges that may be made in relation to individually assessed charges when a notification is made in accordance with regulation 20A(4) of the Principal Regulations, *(i.e. where, for the purpose of achieving compliance with Requirement E1 of the Principal Regulations, design details approved by Robust Details Limited have been used)* will also be considered in calculating individually determined charges.

The authority shall make a reduction in a standard or individually determined charge when chargeable advice has been given before receipt of an application or notice for proposed building work, which is likely to result in less time being taken by the local authority to perform the chargeable function for that work.

9. Refunds and supplementary charges

If the basis on which the charge has been set or determined changes, the LA will refund or request a supplementary charge and provide a written statement setting out the basis of the refund/supplementary charge and also state how this has been calculated. In the calculation of refunds/supplementary charges no account shall be taken of the first hour of an officer's time

Non-Payment of a Charge

Your attention is drawn to Regulation 8(2) of the Building (Local Authority Charges) Regulations 2010, which explains that plans are not treated as being deposited for the purposes of Section 16 of the Building Act or building notices given unless the Council has received the correct charge. In other words, relevant timescales do not start until the agreed payment has been made. The debt recovery team of the authority will also pursue any non-payment of a charge.

10. Complaints about Charges

If you have a complaint about the level of charges you should initially raise your concern with the relevant officer. The council has a comprehensive complaint handling process.

If your complaint is not satisfactorily responded to by the officer concerned, details of how to resolve your complaint is available on request and can be viewed on the council's web site: www.ribblevalley.gov.uk

11. Transitional Provisions

The Council's scheme for the recovery of charges dated 1st February 2012 continues to apply in relation to building work for which plans were first deposited, a building notice given, a reversion charge becoming payable, or a regularisation application is made, between 1st February 2012 and 30th March 2015 (inclusive).

12. Standard Charges

Standard charges includes works of drainage in connection with the erection or extension of a building or buildings, even where those works are commenced in advance of the plans for the building(s) being deposited.

These standard charges have been set by the authority on the basis that the building work does not consist of, or include, innovative or high risk construction techniques (details available from the authority) and/or the duration of the building work from commencement to completion does not exceed 24 months.

The charges have also been set on the basis that the design and building work is undertaken by a person or company that is competent to carry out the design and building work referred to in the standard charges tables that they are undertaking. If not, the work may incur supplementary charges.

If chargeable advice has been given in respect of any of the work detailed in these tables and this is likely to result in less time being taken by the authority then a reduction to the standard charge will be made.

Plan and Inspection Charges

The plan charge and inspection charge are listed in the following tables.

Building Notice Charge

The time and technical input to carry out the building regulation function is normally higher when full detailed plans are not submitted. The additional costs of using the Building Notice procedure results in the higher charge as detailed in the following tables.

Reversion Charge

These charges will be individually determined

Regularisation Charge

These charges will be individually determined

It should be noted that the level of charges mentioned in this paragraph only applies to current applications, for an application to be current the work must commence within a period of time not exceeding three years from the date the application was deposited.



**RIBBLE VALLEY BOROUGH COUNCIL
BUILDING REGULATION CHARGES**
The Building (Local Authority Charges) Regulations 2010
Charges with effect from 1st September 2016
(VAT rate of 20.00%)



Explanatory Notes

1. Before you build, extend or convert, you or your agent must advise your local authority either by submitting Full Plans or a Building Notice. The charges payable depends on the type of work, the number of dwellings in a building and the total floor area. The following tables may be used in conjunction with the current scheme to calculate the charges. If you have difficulties calculating the charges ring Building Control on 01200 414508.

2. Charges are payable as follows:

2.1 Should you submit Full Plans you will pay a plan charge at the time of submission to cover their passing or rejection.

2.2 With Full Plans submissions, for most types of work, an inspection charge covering all necessary site visits will normally be payable following the first inspection. You will be invoiced for this charge.

2.3 Should you submit a Building Notice, the appropriate Building Notice charge is payable at the time of submission and covers all necessary checks and site visits.

2.4 Should you apply for a regularisation certificate, regarding unauthorised building work, commenced on or after 11 November 1985, you will pay a regularisation charge to cover the cost of assessing your application and all inspections. The Local Authority will individually assess the charge.

3. **Table A:** Charges for small domestic buildings e.g., certain new dwelling houses and flats. Applicable where the total internal floor area of each dwelling, excluding any garage or carport does not exceed 700m² and the building has no more than three storeys, each basement level being counted as one storey. In any other case, Table E applies.

4. **Table B:** Where work comprises more than one domestic extension the total internal floor areas of all the extensions shown on the application may be added together to determine the relevant charge. If the extension(s) exceed 80m² or three storeys in height then Table E applies (subject to a minimum plan charge).

5. **Table C** Charges for certain alterations to dwellings.

6. **Table D** Charges for extension and new buildings other than dwellings.

7. **Table E** Applicable to all other building work not covered by Table A, B, C, or D. Total estimated cost means an estimate accepted by the local authority of a reasonable cost that would be charged by a person in business to carry out the work shown or described in the application excluding VAT and any professional fees paid to an architect, engineer or surveyor, etc., and also excluding land acquisition costs.

8. Floor area is measured as gross internal area on a horizontal plane measured 2 metres above floor level.

9. **Exemptions/reduction in charges:**

9.1 Where plans have been either approved or rejected no further charge is payable on resubmission for substantially the same work.

9.2 Works to provide access and/or facilities for disabled people to existing dwellings and buildings to which the public have access are exempt from charges. In these regulations 'disabled person' means a person who is within any of the descriptions of persons to whom section 29(1) of the National Assistance Act 1948 applied, as that section was extended by virtue of section 8(2) of the Mental Health Act 1959, but not taking into account amendments made to section 29(1) by paragraph 11 of schedule 13 to the Children Act 1989.

10. With the exception of the regularisation charge, all local authority Building Regulation charges are subject to VAT at the rate applicable at the time the application is deposited and for the inspection charge when the invoice is sent.

11. **For work exceeding an estimated cost £200,000 or for complex work the Building Regulation charge will be individually assessed. Please tel. 01200 414508 or email building.control@ribblevalley.gov.uk**

12. **A full copy of the Ribble Valley Borough Council Scheme of Charges is available on request or may be viewed on www.ribblevalley.gov.uk**

**TABLE A
STANDARD CHARGES FOR NEW HOUSING
(up to 300m² floor area including flats and maisonettes but not conversions)**

No of Dwellings	Plan Charge	Vat	Total	Inspect Charge	Vat	Total	Building Notice Charge	Vat	Total
1	220.00	44.00	264.00	500.00	100.00	600.00	800.00	160.00	960.00
2	330.00	66.00	396.00	800.00	160.00	960.00	1290.00	258.00	1548.00
3	390.00	78.00	468.00	900.00	180.00	1080.00	1548.00	309.60	1857.60
4	450.00	90.00	540.00	1000.00	200.00	1200.00	1740.00	348.00	2088.00
5	520.00	104.00	624.00	1133.33	266.67	1360.00	1984.00	396.80	2380.80

Notes

- For 5 or more dwellings or flats over three storeys, the charge will be individually determined. (See table below for dwellings over 300m²)
- The amount of the plan charge is based on the number of dwellings contained in the application.
- The inspection charge is based on the total units in the project.
- Unless otherwise agreed, schemes exceeding twelve months in duration may be subject to an additional charge.
- For larger building projects the Council may agree to fees being paid by instalments.

STANDARD CHARGES FOR NEW HOUSING (floor area between 301m² and 700m²)

	Plan Charge	Vat	Total	Inspect Charge	Vat	Total	Building Notice Charge	Vat	Total
Single Dwelling with floor area between 301m ² and 500m ²	220.00	44.00	264.00	700.00	140.00	840.00	1060.00	212.00	1272.00
Single Dwelling with floor area between 501m ² and 700m ²	220.00	44.00	264.00	900.00	180.00	1080.00	1344.00	268.80	1612.80

If the floor area of the dwelling exceeds 700m² the charge is individually determined.

All the above charges are on the basis that any controlled electrical work is carried out by a person who is a member of a registered Competent Person Scheme, if this is not the case an additional charge may apply.

TABLE B

STANDARD CHARGES FOR CERTAIN SMALL BUILDINGS, EXTENSIONS AND ALTERATIONS TO DWELLINGS

CHARGES FOR CERTAIN SMALL BUILDINGS, EXTENSIONS AND DOMESTIC ALTERATIONS									
Proposal	Plan Fee	VAT	Total	Insp. Fee	VAT	Total	Building Notice Charge	VAT	Total
CATEGORY 1. <u>Extensions to dwellings</u>									
Extension(s):- Internal floor area not exceeding 6m ²	330.00	66.00	396.00	Inc	Inc	Inc	395.83	79.17	475.00
Internal floor area over 6m ² but not exceeding 40m ²	208.33	41.67	250.00	283.33	56.67	340.00	550.00	110.00	660.00
Internal floor area over 40m ² but not exceeding 60m ²	208.33	41.67	250.00	408.33	81.67	490.00	691.67	138.33	830.00
Internal floor are over 60m ² but not exceeding 80m ²	208.33	41.67	250.00	500.00	100.00	600.00	800.00	160.00	960.00
CATEGORY 2. <u>Garages and Carports</u>									
<u>Erection or extension of a detached or attached building or an extension to a dwelling:</u>									
which consists of a garage, carport, or both, having a floor area not exceeding 40m ² in total and is intended to be used in common with an existing building or the conversion of an attached garage into a habitable room.	258.33	51.67	310.00	Inc.	Inc.	Inc.	310.00	62.00	372.00
Where the garage exceeds a floor area of 40m ² but does not exceed 60m ²	375.00	75.00	450.00	Inc.	Inc.	Inc.	450.00	90.00	540.00
CATEGORY 3. <u>Loft Conversions and Dormers</u>									
<i>Formation of a room in a roof space, including means of access thereto. Fees for lofts greater than 40m² are to be based on the cost of work.</i>									
Without a dormer but not exceeding 40m ² in floor area*	345.83	69.17	415.00	Inc.	Inc.	Inc.	415.00	83.00	498.00
With a dormer but not exceeding 40m ² in floor area*	208.33	41.67	250.00	270.00	54.00	324.00	574.00	114.80	688.80

WHERE THE EXTENSION TO THE DWELLING EXCEEDS 80M² IN FLOOR AREA, THE CHARGE IS BASED ON THE ESTIMATED COST IN TABLE E, SUBJECT TO THE SUM OF THE PLAN CHARGE AND INSPECTION CHARGE BEING NOT LESS THAN £851.67 (nett of Vat). THE TOTAL ESTIMATED COST OF THE WORK MUST THEREFORE BE AT LEAST £50,001.

Note: All the above charges are on the basis that any controlled electrical work is carried out by a person who is a member of a registered Competent Person Scheme, if this is not the case an additional charge may apply.

TABLE C

STANDARD CHARGES FOR ALTERATIONS TO DWELLINGS

Proposal	Plan Fee	VAT	Total	Insp. Fee	VAT	Total	Building Notice Fee	VAT	Total
1. Installation of replacement windows and doors * in a dwelling where the number of windows / doors does not exceed 20.	66.67	13.33	80.00	Inc.	Inc.	Inc.	66.67	13.33	80.00
2. Underpinning with a cost not exceeding £30,000.	270.83	54.17	325.00	Inc.	Inc.	Inc.	270.83	54.17	325.00
3. Controlled Electrical work* to a single dwelling (not carried out in conjunction with work being undertaken that falls within Table B)	179.17	35.83	215.00	Inc.	Inc.	Inc.	179.17	35.83	215.00
4. Renovation of a thermal element (excluding cavity wall insulation) i.e. work involving recovering of a roof or renovation of an external wall to which Regulation L1b applies	104.17	20.83	125.00	Inc.	Inc.	Inc.	104.17	20.83	125.00
5. Formation of a single en suite bathroom/shower room or cloakroom within an existing dwelling (excluding electrical work)	216.67	43.33	260.00	Inc.	Inc.	Inc.	216.67	43.33	260.00
6. Removal or partial removal of chimney breast	216.67	43.33	260.00	Inc.	Inc.	Inc.	216.67	43.33	260.00
7. Removal of wall and insertion of one or two steel beams maximum span 4 metres	216.67	43.33	260.00	Inc.	Inc.	Inc.	216.67	43.33	260.00
8. Converting two existing dwellings into a single dwelling	245.83	49.17	295.00	Inc.	Inc.	Inc.	295.00	59.00	354.00
9. Heating Appliance Installation* Installation of a multi fuel heating appliance including associated flue liner/chimney and hearth to which Building Regulation Part J applies, and to a single dwelling by a person not registered under a Government scheme.	216.67	43.33	260.00	Inc.	Inc.	Inc.	216.67	43.33	260.00

* Not carried out under a Competent Person Scheme

Where it is intended to carry out additional work internally within a dwelling at the same time as undertaking alterations as defined in Table C then the charge for all of the internal work (including work as defined in table C) may be assessed using the total estimated cost of work as set out in table E). All other work within dwellings will be charged as set out in table E.

**TABLE D
EXTENSIONS AND NEW BUILD – OTHER THAN TO DWELLINGS**

(i.e. shops, offices, industrial, hotels, storage, assembly etc.)

Note – must be submitted as a full plans application (other than application for replacement windows)

Category of Work	Proposal	Plan Fee	VAT	Total	Insp. Fee	VAT	Total
1	Internal floor area not exceeding 6m ²	395.83	79.17	475.00	Inc	Inc	Inc
2	Internal floor area over 6m ² but not exceeding 40m ²	208.33	41.67	250.00	283.33	56.67	340.00
3	Internal floor area over 40m ² but not exceeding 80m ²	208.33	41.67	250.00	450.00	90.00	540.00
4	Shop fit out not exceeding a value of £50,000	333.33	66.67	400.00	Inc	Inc	Inc
5	Replacement windows						
	a – not exceeding 10 windows	125.00	25.00	150.00	Inc	Inc	Inc
	b – between 11 – 20 windows	216.67	43.33	260.00	Inc	Inc	Inc

**TABLE E
STANDARD CHARGES FOR ALL OTHER WORK NOT IN TABLES A, B, C & D
(excludes individually determined charges)**

Estimated Cost										
From	To	Plan Fee	VAT	Total	Insp. Fee	VAT	Total	Building Notice Fee	VAT	Total
0	1,000	125.00	25.00	150.00	Inc	Inc	Inc	150.00	30.00	180.00
1,001	2,000	216.67	43.33	260.00	Inc	Inc	Inc	260.00	52.00	312.00
2,001	5,000	245.83	49.17	295.00	Inc	Inc	Inc	295.00	59.00	354.00
5,001	7,000	270.83	54.17	325.00	Inc	Inc	Inc	325.00	65.00	390.00
7,001	10,000	316.67	63.33	380.00	Inc	Inc	Inc	380.00	76.00	456.00
10,001	20,000	375.00	75.00	450.00	Inc	Inc	Inc	450.00	90.00	540.00
20,001	30,000	491.67	98.33	590.00	Inc	Inc	Inc	590.00	118.00	708.00
30,001	40,000	275.00	55.00	330.00	333.33	66.67	400.00	683.33	136.67	820.00
40,001	50,000	316.67	63.33	380.00	400.00	80.00	480.00	800.00	160.00	960.00
50,001	75,000	360.00	72.00	432.00	491.67	98.33	590.00	916.67	183.33	1100.00
75,001	100,000	400.00	80.00	480.00	616.67	123.33	740.00	1125.00	225.00	1350.00
100,001	150,000	460.00	92.00	552.00	700.00	140.00	840.00	1250.00	250.00	1500.00
150,001	200,000	500.00	100.00	600.00	800.00	160.00	960.00	1500.00	300.00	1800.00

Where it is intended to carry out additional work on a dwelling at the same time as undertaking an extension within table B then the charge for this additional work (as indicated in Table E) shall be discounted by 50% subject to a maximum estimated cost of less than £20,000

Note: In respect of domestic work the above charges are on the basis that any controlled electrical work is carried out by a person who is a member of a registered Competent Person Scheme, if this is not the case an additional charge may apply.

Where the estimated cost of work exceeds £200,000 Ribble Valley Borough Council will individually assess the charge.

BUILDING CONTROL SERVICES, CHURCH WALK, CLITHEROE. BB7 2RA

www.ribblevalley.gov.uk tel 01200 414508 email. building.control@ribblevalley.gov.uk

08/16

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 18 AUGUST 2016
title: REVISION OF BUILDING CONTROL POLICY
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
principal author: HEATHER COAR – HEAD OF ENVIRONMENTAL HEALTH SERVICES

1 PURPOSE

1.1 To agree a Building Control Policy in accordance with the Building Control Performance Standards Publication of the Construction Industry Council, Local Government Association and the Association of Approved Inspectors.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – To make people's lives healthier and safer and to support health, environmental, economic and social wellbeing of people who live, work and visit the Ribble Valley.
- Corporate Priorities – To enable the delivery of effective and efficient services.
- Other Considerations – None.

2 BACKGROUND

2.1 The Council's last Building Control Policy was adopted a number of years ago and was in accordance with a model issued by the Association of Metropolitan Authorities, Association of District Councils and District Surveyors Association. This was intended to ensure minimum service levels in Local Authority Building Control and set a benchmark for the increasingly emerging private sector building control. The Performance Standards Publication, has representation from the private sectors as well, attempts to conclude that process. All Building Control bodies are recommended to adopt a policy in accordance with the document.

3 BUILDING CONTROL PERFORMANCE STANDARDS

Background

3.1 Building Control is a process that has developed over many years to ensure the construction of safe buildings in the United Kingdom. The Public Health Act of Victorian times and into the early 20th century, lead to the first National Building Regulations of 1965, which was a step change in the way Building Control was organised. In 1984 a review of the regulations enabled the building notice method of application and perhaps more significantly, made provision for the approved inspector private sector building control body. Today, virtually all building work controlled under the Building Regulations can be supervised by the private sector Approved Inspectors more commonly known as AI's, potentially resulting in the loss of workload and income to local authority Building Control.

3.2 More recent changes have enabled Government authorised (competent person) schemes to administer discreet areas of the Building Regulations, such as replacement glazing and domestic electrical installation.

- 3.3 The Council is statutorily obliged to provide a Building Control Service as there are aspects of work which the private sector cannot undertake, including, ironically, certain administrative tasks relating to private sector building control activity and being repository of certificates issued by competent person schemes.
- 3.4 The term building control refers to the execution of the provision of the Building Act 1984 (as amended) under Section 91 and the Building Regulations 2010, together with other areas of activity normally linked to or carried out as part of this role. The term building regulation activity is defined here as the administrative and technical processes involved in the application of statutory building standards contained within the Building Regulations and allied legislation and include:
- a) the examination approval or rejection of submitted plans, calculations and other relevant documents and information;
 - b) the inspection of building work for which either full plans or regularisation application has been deposited or a building notice had been given; and
 - c) the keeping of adequate records in relation to these matters.
- 3.5 The basic principle of building control service is that the user pays. The service is fully funded by the charges building control makes to its service in accordance with the Building (Local Authority Charges) Regulations 2010.
- 3.6 In practice the Building Control Section undertakes other works in addition to providing the defined Building Control service and all of this other work is funded directly by the Council's general fund. Such works include dealing with dangerous structures and demolitions, responding to general enquiries by the public, providing guidance to other council's sections, administering approved inspector notices in respect of building works undertaken by private sector building control etc.
- 3.7 The policy brought before Committee establishes the level of service considered appropriate in dealing with the Building Regulations in order to achieve reasonable standards of health and safety and ensure that the Council's duties and liabilities under the Building Act and the Building Regulations are adequately discharged.
- 3.8 The level of service considered necessary to meet the aims of this policy should be under constant review. It should be reviewed in light of major changes of legislation, case law or technical or operational matters. Additionally the size of establishment and staff competencies considered necessary to achieve the agreed level of service should be formally reviewed at intervals not exceeding 3 years although the Principal Building Control Surveyor will continually review staff levels and competencies on a daily basis to ensure that the statutory function can be effectively achieved, particularly in relation to large or complex projects. Any formal review should be responsive to the views of the customer or client on the degree to which the declared service is being achieved.
4. DELEGATION
- 4.1 The Head of Environmental Health Services acting through the Principal Building Control Surveyor will take responsibility for setting priorities in order to ensure the highest possible service and optimum use of resources available. In practice the day to day management of the building control function is delegated to the Principal Building Control Surveyor.

5 ISSUES

5.1 The following policy is recommended as being a reasonable level of service in relation to the Building Regulations aspect of Building Control. The Building Control Policy brought before Committee looks at a number of issues and the following items are not necessarily in particular priority order:

- Staff competency;
- Performance;
- Consistency;
- LABC;
- Charges;
- Site inspections;
- Marketing;
- Records;
- Contraventions;
- Complaints;
- Review.

5.2 Whilst being service specific to building control, this policy is within the overall umbrella of the Council wide Enforcement Policy. Statements and commitments made in that general policy, whilst being adhered to, will not necessarily be repeated here.

5.3 The principles of good enforcement within this policy ensure that enforcement of legal requirements will be based upon the following key principles:

- Measuring performance against agreed standards.
- Openness in dealing with business and others.
- Helpful, courteous and efficient enforcement officers.
- Published Complaints Procedure.
- Enforcement decisions taken in proportionate and appropriate manner.
- High standards of consistency in enforcement action.

5.4 Although no formal performance standards have been currently set within the authority for Building Control the Building Control Performance Standards Advisory Group make strong and detailed recommendations on the operation of this function.

5.5 Ribble Valley Borough Council's Building Control will start to monitor its performance monthly against a set of performance indicators. The performance indicators will be reported to Head of Service each month and these are to be:

- percentage of applications acknowledged to the applicant within 7 days of receipt;
- percentage of applications upon which a substantive plan check letter has been issued within 21 days of receipt;
- percentage of applications where a decision notice has been issued within the statutory prescribed period;
- percentage of applications upon which a completion certificate is issued with 7 days of a satisfactory completion; and
- percentage of site inspections carried out with the statutorily prescribed time.

5.6 The results of the PI's will be available to the public upon request.

- 5.7 Building Control will provide information and advice in plain language as appropriate regarding enforcement matters and the rules that apply. It will be open on how it operates and will discuss general issues and specific compliance failures or problems within anyone experiencing difficulties with the process or the regulatory requirements. It will make clear to those who are potentially subject to enforcement action what must be done and within what timescale, distinguishing where necessary between statutory requirements and what is desirable but not compulsory.
- 5.8 The Council will provide courteous, efficient and accessible services and all matters to be dealt with as soon as possible.
- 5.9 All formal complaints will be investigated in accordance with written procedures. In cases where disputes cannot be resolved, a further right of complaint or appeal will be explained.
- 5.10 Building Control will minimise the cost of compliance for its customers by ensuring that any action required is proportionate to the risk involved and seriousness of the breach.
- 5.11 The Council will carry out its duties in a fair and consistent manner. Decisions on enforcement always involves a degree of judgement and the circumstances of each case will inevitably differ in detail.
- 5.12 Advice from surveyors will be put clearly and simply and where an enforcement issue is put in writing surveyors will explain why the measures are necessary over what timescale.
- 5.13 Resources will be targeted towards meeting statutory deadlines and requirements.
- 5.14 The full range of legislative powers available to undertake the range of duties are found in Ribble Valley Borough Council's Officer Delegation Scheme May 2014, of which it is available on request.
- 5.15 The Head of Environmental Health Services will be responsible for ensuring that all enforcement officers are familiar with the requirements of and carry out their duties in accordance with this Enforcement Policy.

6 RISK ASSESSMENT

- 6.1 The approval of this report may have the following implications:
- Resources – The report has no direct financial implications.
 - Technical, Environmental and Legal – Ensure appropriate levels of fees and charges are applied in relation to service delivery.
 - Political – To enable the delivery of an efficient and effective service.
 - Reputation – Improvement of the current Council perception as Building Control.
 - Equality & Diversity – No implications identified.

7 RECOMMENDED THAT COMMITTEE

- 7.1 Approve and adopt this Enforcement Policy.

- 7.2 The policy is to be reviewed periodically in response to new legislation or guidance and amended accordingly.
- 7.3 This policy is open to the public and copies can be obtained by contacting the Principal Building Control Officer.

HEATHER COAR
HEAD OF ENVIRONMENTAL HEALTH SERVICES

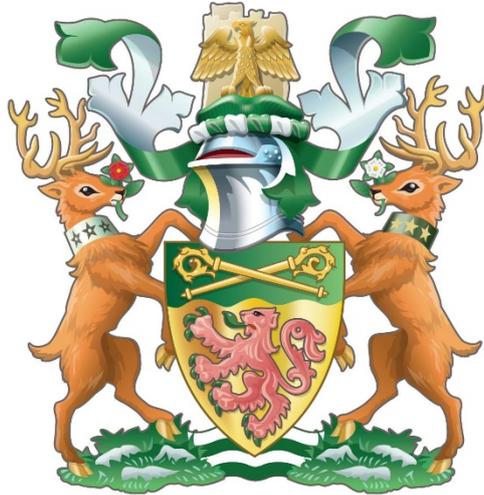
MARSHALL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

(If any)

For further information please ask for Heather Coar, extension 4466.

REF: HC/CMS/P&D/18



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

BUILDING CONTROL BUSINESS POLICY JULY 2016

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1. INTRODUCTION

Ribble Valley Borough Council (RVBC) has a statutory duty to provide the building control function and to enforce the minimum standards as required by The Building Regulations in the district under the Building Act 1984. In addition, as required by the Department of Communities and Local Government (DCLG), the Council are required to publish a business policy.

The local authority building control service is open to competition from the private sector, i.e. Approved Inspectors. Ribble Valley Borough Council is seeking to retain a substantial market share of the business that local authorities enjoy at present. The Council provides an excellent service to compete with the private sector, with the advantages of a reactive service, geographical location and substantial local knowledge.

The Council operates a responsive, proactive, helpful and customer focussed building control service, aiming to help developers, businesses and local people achieve successful building projects. This is achieved by recognising and meeting the needs of the customers of the building control service. It is essential therefore, that the various customer groups clearly understand what they can expect from the service if they are to continue to acknowledge its value to the local community. Ribble Valley Borough Council is working towards achieving the minimum standards as set out in the Building Control Performance Standards for England and Wales. The intention is to

1. monitor performance, and
2. review performance, and,
3. publish performance data.

The Council will review performance against objectives and publish performance data on an annual basis.

2. RESOURCES

The Council has one Principal Building Control Surveyor, one part-time Building Control Surveyor, one full-time Building Control Surveyor and one full time Administrative assistant. Building Control Surveyors are qualified and experienced in the application of Building Regulations and keep up to date with changes in legislation, construction methods and the building control profession, by undergoing CDP.

Contact details for the staff are included on the website. At times of staff shortages due to holidays, sickness and vacations, building control staff use their professional skill and judgement, taking due account of all relevant factors, to determine an appropriate inspection regime. If necessary, appropriate consultants will be appointed by the Principal Building Control Surveyor to assist in maintaining good customer service. The timescales below are targets and on most occasions it is intended that these will be met and exceeded.

The Council is required to recover the cost of providing the Building Control service through charges, with surplus amounts being re-invested into the service provision. The charges for submitting building regulation applications, building notices, applications for a regularisation certificate, etc are as detailed in its charges scheme currently in force.

The table of scale of charges is published on the Council's website.

3. PRE-APPLICATION SERVICES

To assist with the design process and the plan examination process, the building control service offers pre-application advice and assistance. The service extends to all aspects of the regulations but often provides proves the most useful with matters relating to means of escape, fire precautions (Requirements B) and facilities for disabled people, (Requirements M). Advice concerning the procedures for making an application will also be given. A charge of £25 will be made if a meeting or site inspection is requested and the amount will be refunded when a full plan application has been submitted.

Advice on methods of submitting an application is provided on the website.

Relevant application forms are provided on the website

Telephone advice on methods of submitting an application will be provided.

4. ASSESSMENT OF PLANS

A fast, effective and accurate plan assessment process will be provided to enable customers to proceed with works with the minimum delay. Customers will have the assurance where full plan service is used that the approved plans show compliance with the relevant regulations.

Following submission of a building regulation application, the Council reviews whether or not the charge received is sufficient or excessive, correct completion of the application form and that relevant suitable plans accompany the form and fee.

The Council will contact the Applicant (or Agent) or acknowledge receipt of the application within 10 working days.

The plans will be examined for compliance with the regulations currently in force and allied legislation.

Full plans applications will be assessed for compliance within 20 working days of submission.

The plan checking process may raise requests for further information or the plans may need To be amended due to non-compliance with the regulations. Where this applies, the Plan checking Surveyor will contact the Applicant or their Agent by phone, post or email.

The Council will inform the Applicant of their Agents of required amendments due to non-compliance or request further information and the time limits of providing such within 20 working days of submission of the application.

Where statutory consultations are required to be undertaken, the Council will carry out the consultation.

A copy of the response of the Consultee will be sent to the Applicant or their Agent, within 5 working days of receipt of the response.

Full plan approvals, conditional approvals or rejections are issued within the statutory time periods. Conditional approvals will identify the condition of the approval and how these can be met. Rejection notices will be avoided by discussion with the Applicant, or their Agent.

Decision notices will be issued within 5 weeks of submission of the application, or 8 weeks with the Applicants, or Agent's consent.

Where a dispute arises over the application or interpretation of the Regulations, remedies available in the event of dispute will be provided on the website.

Building Regulations approvals are remain valid for 3 years. Approved plans for works which have not commenced within 3 years of the date of deposit may be declared of no effect in accordance with section 32 of the Building Act 1984.

A notice confirming expiry of Building Regulation approval will be issued 3 years after the approval date if a notice of commencement has not been provided.

5. SITE INSPECTIONS

The Council has a duty to inspect work in progress at certain stages to ensure compliance with Building Regulations. Where plans are submitted, inspections ensure the proposals are carried out and variations and amendments can be checked for compliance on site. Where plans are not submitted, i.e Building Notice submissions, inspections are the only method of ensuring compliance.

The Applicant, or their Agent has a duty to notify the Council at certain stages of progress of the works. Inspections of building works will be made at each stage of which a statutory notice is received as required by regulation 16 of the Building Regulations. This can be by post, email or telephone. The Applicant or their Agent will be informed of the relevant stages when they should request an inspection.

In order to prevent delays to the progress of the works, the Council provides a reactive service.

Where site inspection requests are made before 4pm, the site inspection will be carried out on the following day, or as requested by the Customer.

Inspections will also be made at other stages where it is considered that additional inspections are desirable. The site inspection regime takes full account of relevant factors:

- the degree of detail on drawings and design information;
- nature of the work;
- experience of and/or previous contraventions by the builder;
- complexity of projects and rate of build;
- unusual or high risk features;
- reliability of notification arrangements

The above factors are assessed at the commencement of the project and regularly reviewed as the work proceeds.

Records of each inspection are made and retained, identifying the work inspected, compliance and any non-compliance. Where the application has taken the form of a building notice and no detailed plans are available, the work of the inspection regime and records will be of utmost importance.

A copy of the site inspection report will be issued to the Applicant's representative on site at the time of the inspection.

In the case of inspection of work which is non-compliant, agreement will be sought from the Applicant's representative on site to rectify the non-compliance.

When agreement cannot be reached to rectify non-compliance, a copy of the site inspection report will be sent to the Applicant within 5 working days.

When defective work has not been rectified with a reasonable period, a copy of the site inspection report will be sent to the Applicant within 5 working days of the failure to resolve.

Where contraventions (non-compliance with Building Regulations) continues and agreement has not been reached to rectify, the Council will issue a notice of contravention. Any notice to this effect will identify the nature and extent of contravening works and action required and considered necessary to remedy the situation. The notice will provide a time limit within which remedial works should be carried out and enforcement action available to the Council in cases of continued contravention.

In cases of dispute about application or interpretation of the Building Regulations, information is provided on the Council's website on the procedure for resolving disputes.

In cases of departure from the plans during the construction stage, where Statutory Consultees have commented during the plan checking process, the Council will notify the Consultee of any significant departure from the plans noted during the inspection stage.

6. CERTIFICATE OF COMPLETION

A final inspection will determine that the works have been completed and identify outstanding items to be rectified and certificates that are required. When the Council are satisfied that works with the substantive requirements of the building regulations, a completion certificate will be issued to the applicant. Where the Council is statute bound to do so, a copy of the certificate will also be sent to the fire authority.

A final inspection will be carried out within 5 working days of the request by the Applicant or their Agent.

The final certificate will be issued within 2 working days of the Council being satisfied that works comply with the substantive requirements of the building regulations.

7. ARCHIVING RECORDS

All records relevant to Building Regulation compliance are retained for a period of 15 years.

8. BUSINESS ETHICS

As the service is operating in competition with the private sector, the section will observe the higher stance of business ethics at all times. All documentation relating to building control matters will be written in a plain language. The Council applies an Equal Opportunities Policy and all customers will be treated positively, equally and helpfully.

9. COMPLAINTS

The council has a complaints policy and procedure in place which is published on the website, providing a named person to contact in the first instance.

If you are dissatisfied with application or interpretation of the Building Regulations, methods to proceed in case of dispute are published on the Council's website.

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No. 8

meeting date: 18 AUGUST 2016
title: 2015/2016 YEAR-END PERFORMANCE INFORMATION
submitted by: DIRECTOR OF RESOURCES
principal author: MICHELLE HAWORTH – PRINCIPAL POLICY AND PERFORMANCE OFFICER

1 PURPOSE

- 1.1 This is the year-end report of 2015/2016 that details performance against our local performance indicators.
- 1.2 Regular performance monitoring is essential to ensure that the Council is delivering effectively against its agreed priorities, both in terms of the national agenda and local needs.
- 1.3 Relevance to the Council's ambitions and priorities:
 - Community Objectives –
 - Corporate Priorities –
 - Other Considerations -Monitoring our performance ensures that we are both providing excellent services for our community as well as meeting corporate priorities.

2 BACKGROUND

- 2.1 Performance Indicators are an important driver of improvement and allow authorities, their auditors, inspectors, elected members and service users to judge how well services are performing.
- 2.2 A rationale has been sought for maintaining each indicator – with it either being used to monitor service performance or to monitor the delivery of a local priority.
- 2.3 The report comprises the following information:
 - The outturn figures for all local performance indicators relevant to this committee, reported by for each of the quarters of 2015/16. Some notes have been provided to explain significant variances either between the outturn and the target or between 2015/2016 data and 2014/2015 data. A significant variance is greater than 15% (or 10% for cost PIs).
 - Performance information is also provided for previous years for comparison purposes (where available) and the trend in performance is shown.
 - Targets for service performance for the year 2015/2016 are provided and a 'traffic light' system is used to show variances of actual performance against the target as follows: Red: service performance significantly below target (i.e. less than 75% of target performance), Amber: performance slightly below target (i.e. between 75% and 99% of target), Green: target met/exceeded.
 - Targets have been provided for members to scrutinise for the following three years. A target setting rationale was sought from each Head of Service.
- 2.4 These tables are provided to allow members to ascertain how well services are being delivered against our local priorities and objectives, as listed in the Corporate Strategy.
- 2.5 Analysis shows that of the 6 indicators that can be compared to target:
 - 66.6% (4) of PIs met target (green)

- 16.7% (1) of PIs close to target (amber)
 - 16.7% (1) of PIs missed target (red)
- 2.6 Analysis shows that of the 23 indicators where performance trend can be compared over the years:
- 52.17% (12) of PIs improved
 - 0.00% (0) of PIs stayed the same
 - 47.83% (11) of PIs worsened
- 2.7 Where possible audited and checked data has been included in the report. However, some data may be corrected following work of Internal Audit and before the final publication of the indicators on the Council's website. In addition, some of the outturn performance information has not been collected/not yet available before this report was produced.
- 2.8 Indicators can be categorised as 'data only' if they are not suitable for monitoring against targets – these are marked as so in the report.
- 3 GENERAL COMMENTS ON PERFORMANCE AND TARGETS
- 3.1 In respect of PIs for Development Control, John Macholc, Head of Planning Services, has provided the following information regarding performance and targets:
- **PI PL14b (N157b) - Processing of planning applications: Minor applications -** Significant staff turn around and vacancies and need to focus on other priorities such as major schemes has meant that the target was not met.
 - **PI PL14c (N157c) - Processing of planning applications: Other applications -** Significant staff turn around and vacancies and need to focus on other priorities such as major schemes has meant that the target was not met.
- 4 CONCLUSION
- 4.1 Consider the 2015/2016 performance information provided relating to this committee.

Michelle Haworth
PRINCIPAL POLICY AND
PERFORMANCE OFFICER

Jane Pearson
DIRECTOR OF RESOURCES

PD4-16/MH/AC
29 July 2016

For further information please ask for Michelle Haworth, extension 4421

APPENDIX 1

PI Status		Long Term Trends	
	Alert		Improving
	Warning		No Change
	OK		Getting Worse
	Unknown		
	Data Only		

PI Code	Short Name	2014/15		2015/16		2016/17	2017/18	2018/19	Current Performance	Trend year on year	Target setting rationale	Link to Corporate Objective
		Value	Target	Value	Target	Target	Target	Target				
PI PL2 (BV204)	Planning appeals allowed	22.2%	23.0%	21.1%	23.0%		23.0%	23.0%			The need for an up to date local plan is important in defending planning appeals and without such a policy it may prove difficult to defend	To conserve our countryside, the natural beauty of the area and enhance our built environment
PI PL2a	Planning appeals received - householder appeal	16		11								
PI PL2b	Planning appeals received - written representation	30		20								
PI PL2c	Planning appeals received - Inquiry	2		0								
PI PL2d	Planning appeals received - Hearings	2		4								
PI PL2e	Planning appeals determined - Householder appeal	15		9								
PI PL2f	Planning appeals determined - written representation	22		24								
PI PL2g	Planning appeals determined - Inquiry	1		2								

PI Code	Short Name	2014/15		2015/16		2016/17	2017/18	2018/19	Current Performance	Trend year on year	Target setting rationale	Link to Corporate Objective
		Value	Target	Value	Target	Target	Target	Target				
PI PL2h	Planning appeals determined - Hearings	2		1								
PI PL3	Applications refused by committee but recommended for approval	3		1								To conserve our countryside, the natural beauty of the area and enhance our built environment
PI PL4	Applications approved by committee but officers recommended for refusal	3		2								To conserve our countryside, the natural beauty of the area and enhance our built environment
PI PL5 (BV188)	% of planning decisions delegated to officers	92.16%		93.24%								To conserve our countryside, the natural beauty of the area and enhance our built environment
PI PL14a (N157a)	Processing of planning applications: Major applications	70.83%	35.00%	48.96%	35.00%		40.00%	40.00%			Due to need for section 106 on all major proposals and the increase in numbers it is unlikely to be possible to meet a higher target	To conserve our countryside, the natural beauty of the area and enhance our built environment
PI PL14b (N157b)	Processing of planning applications: Minor applications	61.14%	62.00%	36.90%	62.00%		60.00%	60.00%			Due to high level of applications and the contentious nature many applications are determined at committee which makes it difficult to determine within the 8 week period.	To conserve our countryside, the natural beauty of the area and enhance our built environment
PI PL14c (N157c)	Processing of planning applications: Other applications	73.12%	80.00%	63.22%	80.00%		70.00%	70.00%			Re-organisation of staff to focus on minor applications	To conserve our countryside, the natural beauty of the area and enhance our built environment
PI PL14d	Processing of planning applications: Number of applications received	708		649								
PI PL14e	Processing of planning applications: Number of applications determined	599		665								

PI Code	Short Name	2014/15		2015/16		2016/17	2017/18	2018/19	Current Performance	Trend year on year	Target setting rationale	Link to Corporate Objective
		Value	Target	Value	Target	Target	Target	Target				
PI PL14f	Processing of planning applications: Number of applications withdrawn	62		51								
PI PL14g	Processing of planning applications: Number of applications determined under delegated powers	540		621								
PI PL14h	Processing of planning applications: Number of applications approved	441		554								
PI PL14i	Processing of planning applications: Number of applications refused	146		111								
PI RH10 (BV106)	New homes built on previously developed land	33.00%	20.00%	39.00%	20.00%	30.00%	30.00%	30.00%			Due to the lack of available brownfield sites and pressure for new housing it leads to significant need to develop green field sites.	To conserve our countryside, the natural beauty of the area and enhance our built environment
PI RH11	Number of new homes granted planning permission	1,707		582								To conserve our countryside, the natural beauty of the area and enhance our built environment
PI RH12	Number of new homes constructed	345	280	300	280	280	280	280			Set at 280 to reflect the annulated figure of the Core Strategy	To conserve our countryside, the natural beauty of the area and enhance our built environment

**RIBBLE VALLEY BOROUGH COUNCIL
REPORT TO PLANNING & DEVELOPMENT COMMITTEE**

Agenda Item No.

meeting date: THURSDAY 18th AUGUST 2016
title: LOCAL DEVELOPMENT FRAMEWORK – ANNUAL MONITORING REPORT
2015/16
submitted by: CHIEF EXECUTIVE
principal author: DIANE NEVILLE, SENIOR PLANNING OFFICER

1 PURPOSE

1.1 To review information on the Annual Monitoring Report (AMR). Please refer to the full document in the appendix for details.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – As a monitoring tool for spatial policy, it will provide a basis with which to identify how a range of issues relating to the objectives of a sustainable economy, thriving market towns and housing will be addressed through the planning system. It will inform the delivery and measure the success of the Council's planning policies, in particular the adopted Core Strategy, and it will help in the protecting and enhancing the quality of the environment and delivery of affordable housing.
- Corporate Priorities – The AMR will provide a management tool to monitor progress and will aid performance and consistency.
- Other Considerations – None.

2 INFORMATION

2.1 Comprehensive monitoring is essential in order to establish whether the Council is succeeding in promoting and managing the future development of Ribble Valley. The Localism Act (2011) and Section 34 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 establishes the statutory need for monitoring reports.

2.2 The format of the AMR has altered over recent years. There is no longer a requirement to produce a set of Core Output Indicators as in previous AMR's, and since the adoption of the Core Strategy in December 2014, monitoring is now focused on measuring the performance of the policies contained in this document. The Inspector who undertook the Examination in Public of the Core Strategy proposed a tighter monitoring framework based around the individual policies in the plan. It is intended that the indicators contained in the Core Strategy and monitored within this AMR will remain constant year on year and allow for annual comparisons.

2.3 For clarity and ease of use, each indicator is presented in the following way:

Indicator No.	
Target	
Related Policy	
Result	

2.4 The report covers information on the environment, housing, the economy, delivery mechanisms and infrastructure, the strategic site and Development Management policies. The following table offers a snap shot of some of the key indicators which are contained within the report.

Population	58,100
Households	25,019
Housing Completions	300
Housing Permissions	585
Affordable Homes	90
Development on previously developed land	118
Amount of new employment land	0.8ha
Housing Trajectory	5.36 year supply

2.5 This AMR covers the period from 1st April 2015 - 31st March 2016. The document takes a slightly different format to last year’s AMR in so much that it is split into two main sections. Last year, information was gathered where possible however it became apparent that there were insufficient mechanisms in place to effectively monitor some of the indicators. As a result, this year a clearer distinction has been made to differentiate those indicators where information is readily available and those where additional work is required to set up monitoring mechanisms (see section 8). There is a significant workload involved in setting up monitoring mechanisms for the 19 indicators where information is not currently available. Once set up, gathering and collating this information will also require a significant resource input. Focus on this work will be necessary to ensure that the Core Strategy policies are being monitored to assess the effectiveness of their implementation. Non-monitoring or gaps in the monitoring framework will leave the Core Strategy policies vulnerable and open to challenge.

2.6 In addition, the AMR relies upon information being provided across departments and from some external organisations. It will be necessary to keep the access to information under review and any identified issues addressed as soon as possible.

3 CONCLUSION

3.1 The Council will continue to monitor on an annual basis with further work undertaken on those areas where information is currently unavailable.

DIANE NEVILLE
SENIOR PLANNING OFFICER

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

1. Annual Monitoring Report 2016.

For further information please ask for Diane Neville, extension 3200.

Annual Monitoring Report 2016

1st April 2015 - 31st March 2016



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

August 2016 Report



Ribble Valley
Borough Council



Core Strategy 2008 – 2028
A Local Plan for Ribble Valley
Adoption Version



RibbleValley
Local Development Framework

EXECUTIVE SUMMARY

This Annual Monitoring Report (AMR) takes a different form this year. It is the second one published since the adoption of the Core Strategy in December 2014. The Inspector who undertook the Examination in Public of the Core Strategy proposed a tighter monitoring framework based around individual policies in the plan. Where possible these indicators were monitored last year, however there were a number of indicators where there were insufficient mechanisms in place to effectively monitor. It was highlighted last year that it was anticipated that the new monitoring framework would take some time to embed as it relies upon information across departments and some external organisations. The first part of this AMR therefore includes those indicators where monitoring has been possible and is then proceeded by a section (section 8) setting out those indicators where additional mechanisms need to be devised to ensure the Core Strategy can be adequately monitored.

This Annual Monitoring Report covers the period from **1 April 2015 to 31 March 2016**.

To make the document simple and useable, each indicator will be presented in the following way:

Indicator	
Target	
Related Policy	
Result	

Snap shot of some of the key indicators:

Population	58,100
Households	25,019
Housing Completions	300
Housing Permissions	585
Affordable Homes	90
Development on previously developed land	118
Amount of new employment land	0.8ha
Housing Trajectory	5.36 year supply

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INTRODUCTION

Monitoring period

This Annual Monitoring Report covers the period from **1 April 2015 to 31 March 2016**. The adopted planning policies for the period covered by this AMR are those contained in the Core Strategy – adopted on the 16th December 2014.

Requirements for monitoring

The planning and Compulsory Purchase Act (as amended by the provision of the Localism Act 2011) requires that authorities publish Monitoring Reports, at least yearly, to progress on the implementation of the Local Development Scheme (LDS) and the extent to which the policies in the Core Strategy (and the other local development documents) are being delivered.

The Town and Country Planning (Local Planning) (England) Regulations 2012 have also introduced the requirements that the AMR includes:

- (i) details of any neighbourhood development orders or neighbourhood development plans made
- (ii) once the Council has an adopted Community Infrastructure Levy (CIL) Charging Schedule, information relating to the collection and spending of CIL monies.

At the time of this report there is no work programme for a CIL Schedule.

At the time of this report, there are have been no formal submissions of Neighbourhood Plans however there have been the following designations, within which the NP are progressing:

1. Longridge Town Council
2. Bolton by Bowland Parish Council
3. Whalley

National Planning Policy

In March 2012, the National Planning Policy Framework (NPPF) was issued, which sets out the Government's planning policies for England and how these are expected to be applied. The NPPF must be taken into account in the preparation of local neighbourhood plans, and is a material consideration in planning decisions. The NPPF came into full force in April 2013. In addition, the Government issued Planning Policy for Traveller Sites in August 2015 which must be read in conjunction with NPPF.

Planning Practice Guidance

On the 6th March 2014, the Department for Communities and Local Government (DCLG) launched the Planning PractiCe Guidance (PPG). This is a web based resource which is updated online as and when necessary. This guidance states that Local planning authorities must publish information at least annually that shows progress with Local Plan preparation, report any activity relating to the duty to cooperate and show how the implementation of policies in Local Plan is progressing.

LDF updates from the last AMR

Core Strategy 2008 – 2028

The Core Strategy forms the central document of the Local Development Framework (LDF), establishing the vision, underlying objectives and key principles that will guide the development of the area to 2028.

The Core Strategy was adopted by the Council on 16 December 2014 and now forms part of the statutory Development Plan for the Borough. It sets out the strategic planning policy framework to guide development in the borough up to 2028. It also includes development management policies to assist in the determination of individual planning applications. The Core Strategy is made up of 38 policies.

Statement of Community Involvement

The Statement sets out how the Borough Council will involve all elements of the community in the planning process, both in the preparation of planning policy and involvement in planning applications. It shows how we will consult on the development of the various documents that will make up the Local Development Framework.

The 2013 revisions include reference to new Neighbourhood Planning legislation and the introduction of a formalised pre-application process into the wider planning application system operated by the authority.

Local Development Scheme

The Local Development Scheme is intended to guide the production of development plans within the Ribble Valley. It is a very important document because our Development Plan Documents will help guide and shape the pattern of development within the borough. They will help form a spatial strategy for the area and will help to deliver community objectives and establish sustainable communities.

The Local Development Scheme has been updated and is intended to cover the period up to the end of April 2017. The documents will be produced under the provisions of the Planning and Compulsory Purchase Act. Progress against the LDS can be found in section 10 of this report.

Housing and Economic Development DPD

Work has begun on this document which will provide further detail to the spatial development strategy set out in the adopted Core Strategy. Evidence base work has been undertaken over the monitoring period on updating and producing a revised Proposals Map which includes a set of draft Settlement Boundaries.

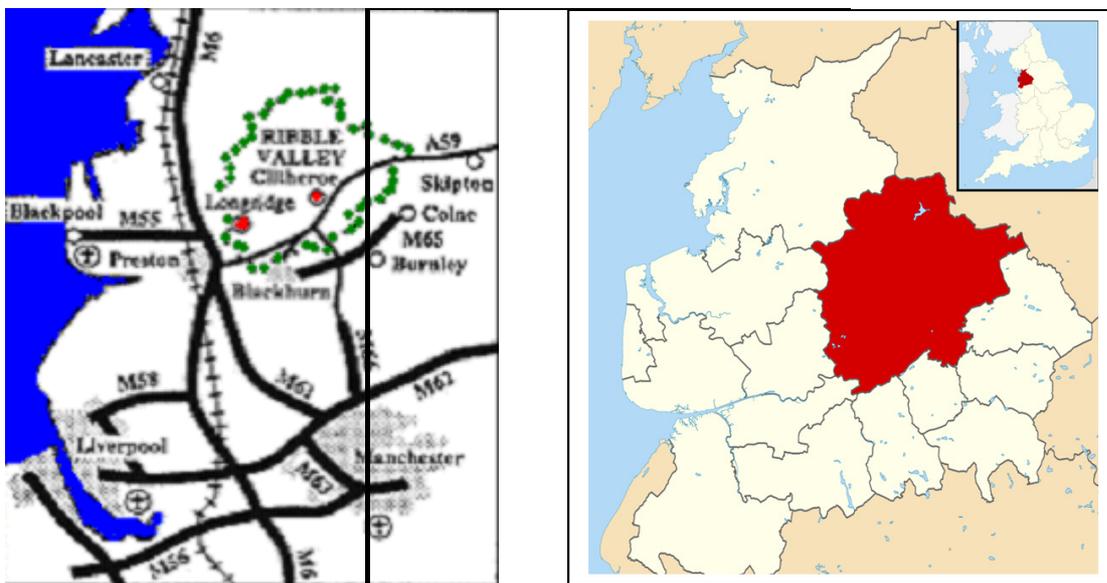
SECTION ONE: THE RIBBLE VALLEY

Borough Area

Ribble Valley Borough is situated in northeast Lancashire, and is the largest district in the County covering an area of 226 square miles but has the smallest population in the county. There are on average 94 people per square km, compared with 380 nationally.

Over seventy percent of the Borough is in the Forest of Bowland Area of Outstanding Natural Beauty, a clear reflection of the landscape quality of the area.

The diagrams below shows the Borough in its Regional context.



Population

The Borough has a population of around 58,100¹. Clitheroe remains the main administrative centre having 14,765² inhabitants and lies at the heart of the Borough, whilst Longridge, the other main town, lies in the west. Longridge has a population of approximately 7,724³. The remainder of the area is mainly rural with a number of villages ranging in size from large villages such as Sabden, and Chatburn through to small hamlets such as Great Mitton and Paythorne.

As part of the LDF baseline, Ribble Valley Borough Council has produced a number of documents covering a variety of topic areas. This includes information on housing, employment land, open space, infrastructure, flood risk, heritage and town centres to name just a few. Further information on the LDF evidence base can be found on the [Ribble Valley website](#).

¹ NOMIS (base date 2014)

² Census (2011)

³ Census (2011)

To give an indication of the current situation in the borough, the following snapshot has been created. There are 24,045⁴ households in the borough, with the majority being 2 person households (8,774 people) Of the working age population, over half commute out of the borough each day to work, with the majority of people travelling to work by car or van (49%). Car ownership is high, which is a sign of a wealthy population. However, for those who don't own a car, the borough has 4 railway stations bus services, although some of the more remote areas of the borough would benefit from improved public transport provision.

In terms of the natural and built environment, within the borough lies Bowland Forest, an Area of Outstanding Natural Beauty (AONB). There are also 39 Biological Heritage Sites, 22 Conservation Areas and over 1000 Listed Buildings in the borough. In terms of open space in the area, there is over 92ha of formal open space and a further 62.1ha of open space. There is also 5.54ha of children's play areas. Overall the amount of open space per head of the population equates to 0.003ha.

The following sections include monitoring indicators of specific policies in the Core Strategy. Where appropriate, additional indicators have been included which provide useful contextual monitoring information.

⁴ Census (2011)

SECTION TWO: ENVIRONMENT

This section sets out information on those Core Strategy environmental policies and Key Statements where monitoring information can be obtained. Section 8 contains those policies where monitoring information is not available.

As set out in the Core Strategy a number of designations exist that serve to protect the high quality environment enjoyed across the Ribble Valley. The Council is keen to ensure that appropriate measures are taken to enable this asset to be protected and this is achieved through the implementation of the policies set out in the Core Strategy. Monitoring of these policies ensures that they are operating effectively.

MONITORING OF THE ENVIRONMENTAL POLICIES

KEY STATEMENT – EN1 GREENBELT

The extent of the designated Green Belt in Ribble Valley is approximately 1730ha.

Indicator 1	Number of applications involving sites wholly or partly within the Greenbelt
Target	Monitor only
Related Policy	Key Statement EN1 – Green Belt
Result	19 (of which 16 approved, 3 refused)

Indicator 2	Area of land (ha or m2) in Green Belt
Target	Target is less than 1% of Greenbelt area by end of plan period
Related Policy	Key Statement EN1 – Green Belt
Result	The following floorspaces/areas of land were approved: Domestic extensions(3 in total): 145m ² Agricultural buildings/extensions (2 in total): 262m ² Mixed applications for change of use to commercial: (2 in total) Commercial extensions/buildings (3 in total): 187m ² New dwellings (1 in total): 6 bungalows for the elderly Alterations/replacement involving no new floorspace: 5 in total

Indicator 3	Number of inappropriate developments granted in the Green belt built within the Greenbelt
Target	Zero
Related Policy	Key Statement EN1 – Green Belt
Result	No inappropriate development has been granted permission in the Green Belt in the monitoring year.

KEY STATEMENT EN2: LANDSCAPE

Indicator 4	Number of applications involving sites wholly or partly within the AONB.
Target	Zero permissions that do not conform to policy requirements.
Related Policy	Key Statement EN2 – Landscape
Result	144 applications. All permissions granted (127) conformed to policy therefore target met.

Indicator 5	Area of land (ha or m2) within AONB granted permission.
Target	Zero permissions that do not conform to policy requirements. Also monitor the relative increase in number of permissions or applications within the monitoring period compared to the last AMR monitoring period.
Related Policy	Key Statement EN2 – Landscape
Result	It is considered that all permissions conformed to policy requirements and that therefore the target has been met. The total area affected by development was 6.4 ha including 8 new dwellings including barn conversions.

In relation to both Indicators 4 and 5 it is now considered that the zero non-conforming permissions target is an inappropriate measure of the effect of the relevant AONB related policies. It would be assumed that the authority would not grant permissions against its own policies and therefore the target as stated would not appear to be informative. AONB related policies do not seek to stop all development but to restrict it to various appropriate types and levels as specified within the overall strategy. As such it is still sensible to measure both the number and total amount of development, as mentioned above, and to monitor these as general indicators of the quantum of development coming forward in the AONB but not against any set target. In practice the Council will take this into account when undertaking monitoring.

In more detail the overall total of 6.4 ha comprises many different kinds of permissions the most frequent being agricultural buildings, house extensions, barn conversions and changes of use. Many of the permissions did not involve any significant additional physical change at all and one (3/2015/0977) accounted for almost half of the 6.4 ha total.

KEY STATEMENT EN3: SUSTAINABLE DEVELOPMENT AND CLIMATE CHANGE

Indicator 10	Number of applications granted against Environment Agency and United Utilities advice (relating to flooding and drainage) where no mitigating solution has been identified.
Target	Zero
Related Policy	Key Statement EN3 – Sustainable Development and Climate Change
Result	Zero. Target has been met. Based upon the most up to date information available from the Environment Agency (EA), two applications were approved following an objection from the EA in relation to an unsatisfactory FRA/FCA being submitted, however in both cases mitigation measures were identified.

Indicator 11	Number of applications referred to the Minerals Authority as being within Mineral Safeguarding Areas (MSAs). Target is 100% of all relevant applications.
Target	100% relevant applications
Related Policy	Key Statement EN3 – Sustainable Development and Climate Change
Result	One application was referred to the Minerals Authority within the monitoring period.

KEY STATEMENT EN4: BIODIVERSITY AND GEODIVERSITY

Indicator 12	Net gain to local biodiversity measured through biodiversity offsetting agreements.
Target	Net Gain
Related Policy	Key Statement EN4 – Biodiversity and Geodiversity
Result	Over the monitoring period there has been 1 biodiversity offsetting agreement. The target of a net gain has therefore been met.

Indicator 14	Number of sites granted permission against Natural England advice.
Target	zero
Related Policy	Key Statement EN4 – Biodiversity and Geodiversity
Result	Zero. Target has been met. Over the monitoring period, Natural England responded to 64 planning applications but did not raise an objection to any on the basis of geodiversity or biodiversity. Therefore no applications have been granted contrary to Natural England advice on this issue.

Indicator 15	(i) Change in areas and populations of biodiversity importance, including: (i) Change in priority habitats and species by type and; Change in areas designated for their intrinsic environmental value including sites of international, national, regional or local significance.
Target	Zero
Related Policy	Key Statement EN4 – Biodiversity and Geodiversity
Result	Zero. Target met. Information set out below

- i) The priority habitats and species within Ribble Valley are set out in the Lancashire Biodiversity Action Plan.

Priority species present in Ribble Valley

Mammals	
Water vole	Arvicola terrestris
Brown hare	Lepus europaeus
Otter	Lutra lutra
Bats	(Order Chiroptera)
Red squirrel	Sciurus vulgaris
Amphibians	
Great crested newt	Triturus cristatus
Birds	
Skylark	Alauda arvensis
Reed bunting	Emberiza schoeniculus

Song thrush	Turdus philomelos
Lapwing	Vanellus vanellus
Crustaceans	
Freshwater white-clawed crayfish	Austropotamobius pallipes
Plants	
Birds- eye Primrose	Primula farinosa
Greater Butterfly Orchid	Platanthera chlorantha

Priority habitats present in Ribble Valley-

Habitat
Broadleaved and mixed woodland
Species-rich neutral grassland
Calcareous grassland
Rivers and streams
Moorland/ Fell

- ii) Ribble Valley has 17 Sites of Special Scientific Interest (SSSI). The condition of each of these is set out in table 11.

Condition of the Ribble Valley SSSIs.

SSSI	Number of areas of the SSSI recorded as in a favourable condition	Number of areas of the SSSI recorded as in an unfavourable recovering condition
Barn Gill Meadow	1	0
Bell Sykes Meadow	5	1
Bowland Fells	8	2
Clitheroe Knoll Reefs	7	0
Cock Wood Gorge	1	0
Coplow Quarry	1	0
Far Holme Meadow	1	0
Field Head Meadow	1	0
Hodder River Section	1	0
Langcliff Cross Meadow	1	0
Light Clough	1	0
Little Mearley Clough	1	0
Myttons Meadows	3	1
New Ing Meadow	0	1
Salthill and Bellman Park Quarries	2	0
Standridge Farm Pasture	1	0
White Moss	1	0

It can be seen that no sites in Ribble Valley were recorded as unfavourable declining. Definitions of all these can be found below.

- **Unfavourable Recovering.** A site which is recorded as unfavourable means that there is a current lack of appropriate management, or that there are damaging impacts which needs to be addressed; and

- **Favourable.** A site that is recorded as in a favourable condition means that the SSSI land is being adequately conserved and is meeting its 'conservation objectives', however, there is scope for the enhancement of these sites.
- **Unfavourable declining.** A site recorded as unfavourable declining means that the special interest of the SSSI unit is not being conserved and will not reach favourable condition unless there are changes to site management or external pressures. It suggests that overall the site condition is becoming progressively worse⁵.

ADDITIONAL INDICATORS

Indicator 49	No net loss of biological heritage sites
Target	zero
Related Policy	Key Statement EN4 – Biodiversity and Geodiversity
Result	Over the monitoring period there has been no net loss of biological heritage sites which is in line with/below the Core Strategy target of no net loss.

Indicator 48	No net loss of hedgerows
Target	zero
Related Policy	Key Statement EN4 – Biodiversity and Geodiversity
Result	Over the monitoring period, there has been no net loss of hedgerows, which is in line with the Core Strategy target.

⁵ All definitions of SSSI conditions taken from Natural England website.

SECTION THREE: HOUSING

This section sets out information on those Core Strategy housing policies and Key Statements where monitoring information can be obtained. Section 8 contains those policies where monitoring information is not available.

The main aim of the housing policies contained within the Core Strategy is to ensure that over the plan period sufficient housing of the right type will be built in the most suitable locations endeavouring to make the best use of previously developed land where suitable and where possible aiming to address meeting identified local need. Monitoring of these policies ensures that they are operating effectively.

MONITORING OF THE HOUSING POLICIES

KEY STATEMENT H1: HOUSING PROVISION

Indicator 16	Amount of housing completed in the Borough.
Target	Target is 280 units per year
Related Policy	Key Statement H1 – Housing Provision
Result	300 dwellings were completed in 2015/16

300 dwellings were completed in 2015/16 in comparison with an annualised requirement of 280. This is slightly lower than the 345 completions of the previous year.

Housing requirement (submitted Core Strategy document)	2008-2028	5600	Av. 280 pa
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Monitoring year	Net dwellings completed	Cumulative total	Annual average
2008/9	75	75	75
2009/10	89	164	82
2010/11	69	233	78
2011/12	147	380	95
2012/13	172	552	110
2013/14	183	735	123
2014/15	345	1080	154
2015/16	300	1380	173
Total 2008 -2015	1080	-	173
No. of dwellings required 2016 – 2028 (5600-1380)	4220	-	352

Source: RVBC housing land monitoring.

ADDITIONAL INDICATOR: HOUSING SUPPLY AND TRAJECTORY:

Indicator 18	Housing Land availability position based on adopted Core Strategy requirement (2008-2028) including permissions, completions and commitments up until 31 st March 2016
Target	100%
Related Policy	Key Statement H1 – Housing Provision
Result	5.36 year supply

Assessment of the five year supply position at 31st March 2016 shows that there was supply of 2723 deliverable dwellings amounting to a 5.36 year supply⁶, based on an annualised requirement of 280 dwellings and including a 20% buffer. This compares with the position at March 2015 of 2864 dwellings amounting to a 5.59 year supply.

Appendix 2 of the Core Strategy includes a housing trajectory, based on information at 31st March 2014 which illustrates potential rates of delivery of market and affordable housing for the plan period. Actual delivery can be compared with the trajectory as follows:

	CS Trajectory (2014)	Actual delivery
Market housing	324	222
Affordable housing	98	78
Total	422	300

ADDITIONAL INDICATOR:

Indicator 22	New and converted dwellings on previously developed land
Target	100%
Related Policy	Key Statement H1 – Housing Provision
Result	118 new dwellings permitted completed on previously developed land out of a total of 300 completions (39%).

KEY STATEMENT H2: HOUSING BALANCE

Indicator 17	Housing mix and type (approved planning permissions)
Target	Target is positive net increase in older persons accommodation and family housing (2 and 3 bed).
Related Policy	Key Statement H1 – Housing Provision
Result	See table below

Planning permission was granted for a total of 585 dwellings in the monitoring year. 414 of these were on sites with outline planning permission or were the subject of prior notifications, where in both cases there are no details of dwelling types (these will be considered at Reserved Matters or full applications stage). Of the 171 units with permission where details are known, the housing mix is as follows and includes new build, changes of use and conversion:

1 bed	2 bed	3 bed	4+ bed	Totals
35	43	44	49	171
20%	25%	26%	29%	100%

In terms of older persons accommodation, over the monitoring period 47 units on 3 sites have been approved, which represents 8% of the total housing permissions.

⁶ Source: RVBC Housing Land Availability April 2015

KEY STATEMENT H3: AFFORDABLE HOUSING

Indicator 19	The number of new affordable units completed in the borough
Target	75
Related Policy	Key Statement H3– Housing Provision
Result	90

	2008/9	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	TOTAL
Open Market	38	46	42	86	143	138	232	222	1025
Affordable	37	43	27	61	29	45	113	78	433
Total	75	89	69	147	172	183	345	300	1080
Affordable as % of all new dwellings	49.3	48.3	39.1	41.5	16.9	24.6	32.8	26	32.9

(source: RVBC Housing Land Monitoring)

ADDITIONAL AFFORDABLE UNITS:

In addition there have been 12 units created through the remodelling of existing stock or acquisition of empty properties. A total of 90 affordable units have been delivered in the monitoring year. This is significantly above the target of 75.

- 1) Over the monitoring period, the Council has provided 6 Landlord Tenant Grants.
- 2) There have been 24 tenancy protection schemes over the monitoring period.
- 3) During the monitoring period 4 empty properties have been brought back into use.

KEY STATEMENT H4: GYPSY AND TRAVELLER ACCOMMODATION

Indicator 21	Number of permissions for Gypsy and traveller pitches.
Target	2 pitches over the plan period
Related Policy	Key Statement H1 – Housing Provision
Result	0 - no new pitches approved in the monitoring period.

SECTION FOUR: ECONOMY

This section sets out information on those Core Strategy economic policies and Key Statements where monitoring information can be obtained. Section 8 contains those policies where monitoring information is not available.

As set out in the Core Strategy, employment and a strong economy are important to the Ribble Valley and the Council will seek to facilitate employment and economic investment where it accords with the Core Strategy policies. Monitoring of these policies ensures that they are operating effectively.

ADDITIONAL INDICATORS: THE ECONOMY IN RIBBLE VALLEY:

Indicator 32	Unemployed persons in Ribble Valley
Target	Monitor only
Related Policy	Business and Employment Development
Result	Unemployed persons in Ribble Valley – 3.6% compared to 8% in the North West and 8% in England.

Indicator 33	Number of people claiming a key benefit in Ribble Valley
Target	Monitor only
Related Policy	Business and Employment Development
Result	9% in Ribble Valley compared to 19% in the North West and 15% in England.

Indicator 34	Employed persons in Ribble Valley
Target	Monitor only
Related Policy	Business and Employment Development
Result	Employed persons in Ribble Valley – 82% compared to 69% in the North West and 71% in England. Employment types - As at 2014 ⁷ there were 18,900 full time employees and 6,900 part-time employees in the borough. The percentage of employment in the private sector was 84.9%.

Indicator 35	Weekly earnings in Ribble Valley
Target	Monitor only
Related Policy	Business and Employment Development
Result	In 2015 Ribble Valley had residence based weekly median earnings of £452.40, which is above the UK figure of £425.80 and the highest in Lancashire.

⁷ Lancashire County Council monitoring information- Area Profiles.

MONITORING OF THE ECONOMIC POLICIES

KEY STATEMENT EC1: BUSINESS AND EMPLOYMENT DEVELOPMENT

Indicator 23	Amount of new employment land developed per annum
Target	Target is 1ha per annum
Related Policy	Key Statement EC1 – Business and Employment Development
Result	There has been a total of 0.8ha developed for economic/employment land purposes over the monitoring period which is just below the 1ha target.

Indicator 24	Employment land supply by type (hectares)
Target	No target – monitor only
Related Policy	Key Statement EC1 – Business and Employment Development
Result	See table below for breakdown

The table below shows the employment land supply for the monitoring period, broken down by use class.

Business and Industrial Use	Land Supply (ha)						
	2007-08	2008/09	2009/10	2012/13	2013/14	2014/15	2015/16
B1							
- B1a Offices other than defined in Class A2	4.72	5.414	3.489	4.071	3.976	3.719	3.153
- B1b Research and development including laboratories and studios		0	0	0.036	0.024	0.024	0.078
- B1c Light Industry		3.100	2.353	1.942	2.444	2.611	2.875
B2 General industry	1.27	2.211	1.969	1.416	1.824	1.419	1.997
B8 Storage or distribution centres including wholesale warehouses	0.32	0.332	0.632	0.243	0.269	0.375	0.418
Mixed	10.56	2.974	4.569	12.613	12.564	9.517	2.286
Total	16.88	14.031	13.012	20.321	21.101	17.665	10.807

Indicator 25	Number of farm diversification schemes permitted
Target	Monitor only
Related Policy	Key Statement EC1 – Business and Employment Development
Result	Over the monitoring period there has been 1 farm diversification scheme permitted.

Indicator 26	Loss of employment land
Target	No net loss over the plan period
Related Policy	Key Statement EC1 – Business and Employment Development
Result	There has been a loss of 2021m ² over this monitoring period.

Indicator 27	Percentage of land permitted for development on previously developed land (pdl).
Target	greater than 51%.
Related Policy	Key Statement EC1 – Business and Employment Development
Result	97%

The table below shows that 97% of development for economic purposes has been on previously developed land over the monitoring period. This is the same percentage as the previous monitoring period.

Business Use		B1a	B1b	B1c	B2	B8	Mixed	Total
Floorspace completed m ²	Gross	6818	60	541	615	91	0	8125
	Net	6818	60	541	615	91	0	8125
On PDL m ²	Gross	6758	0	410	615	91	0	7874
%PDL	Gross	83	0	5	8	1	0	97

The net completed employment floorspace is calculated in the same way as the gross figure but takes account of demolitions and conversion/change of use.

Indicator 28	Number of Empty commercial properties.
Target	Net reduction
Related Policy	Key Statement EC1 – Business and Employment Development
Result	59 empty commercial properties. This is a reduction of 3 since the previous monitoring period and therefore the target has been met.

KEY STATEMENT EC2: DEVELOPMENT OF RETAIL, SHOPS AND COMMUNITY FACILITIES

Indicator 29	Retail vacancy rates in the key centres of Clitheroe, Longridge and Whalley
Target	Net reduction
Related Policy	Key Statement EC2 – Development of retail, shops and community facilities
Result	See table below

Retail Centre	Vacancy rate	Reduction since last monitoring period? Y/N?
Clitheroe	8	Yes - reduction of 1
Longridge	3	No change
Whalley	1	No change

Indicator 30	Permissions involving the creation of new retail floorspace
Target	Net increase
Related Policy	Key Statement EC2 – Development of retail, shops and community facilities
Result	There has been 1 application involving the creation of new retail floorspace over the monitoring period. See table below

LOCATION	PLANNING APP NO	DESCRIPTION	HA	SQM	USE CLASS
Unit 3-5 Deanfield Drive, Clitheroe, BB7 1QJ	3/2015/0812	Change of use from B1(c) to a mixed use B1(a), B1(b) and A1.	0.0449	449.3	A1

Indicator 31	Permissions involving the loss of community facilities
Target	Net reduction
Related Policy	Key Statement EC2 – Development of retail, shops and community facilities
Result	See table below

Community facilities defined as being: facilities which provide for the health and wellbeing, social education, spiritual, recreational, leisure and cultural needs of the community target is, there should be no net loss over the plan period.

Over the monitoring period there have been 5 permissions involving the loss of community facilities. There is an overall Core Strategy target that there should be no net less over the plan period (2008-2028).

Application No.	Site	Development Description
3/2014/1019	Pendle Hotel Clitheroe Road Chatburn	Conversion and reconstruction of part of original public house/hotel to form domestic dwelling house
3/2015/0352	Former public conveniences Newton	Demolition of former public convenience and erection of single storey detached garage/store for residential use.
3/2015/0426	Pendle View Fisheries A59 Barrow	Change of use of fishery to leisure park with 19 lodges, 11 woodland lodges, 10 cabins, warden's lodge, conversion, extension and amenity building to form one bedroom holiday cottage, conversion of storage buildings to form one 2 bed holiday cottage, conversion and extension of existing manager's house and café to form restaurant, public house and manager's accommodation, 100 car parking space, ground work, re-contouring and creation of ecological wetland and ancillary landscaping.
3/2015/0791	Craven Heifer 105 Whalley Road Clitheroe	Change of use from public house (A4) to offices (B1).
3/2015/0928	White Horse Inn York Street Clitheroe	Change of use from public house with living accommodation to two shops and five apartments together with external alterations.

SECTION FIVE: DELIVERY MECHANISMS AND INFRASTRUCTURE

This section sets out information on those Core Strategy delivery and infrastructure policies and Key Statements where monitoring information can be obtained. Section 8 contains those policies where monitoring information is not available.

In terms of delivery, the Council will lead the implementation of the Core Strategy however, this cannot be done in isolation from other services and service providers. Monitoring of these delivery policies ensures that they are operating effectively.

MONITORING OF THE DELIVERY AND INFRASTRUCTURE POLICIES

KEY STATEMENT DM11: PLANNING OBLIGATIONS

Indicator 36	Number of developments with legal agreements for infrastructure contributions (covering facilities and services)
Target	Monitor only
Related Policy	Key Statement DM1: Planning Obligations
Result	11

Section 106's signed 1/4/15 - 31/3/16		
APP NO	LOCATION	DATE
3/2013/0981	Land at Chatburn Road, Clitheroe	30/06/15
3/2014/0618	Land off Chatburn Old Road, Chatburn	27/05/15
3/2014/0666	15 Parker Avenue, Clitheroe	30/03/15
3/2014/0742	Land off Pimlico Road, Clitheroe	30/09/15
3/2014/0764	Land East of Chipping Lane, Longridge	29/10/15
3/2014/0779	Land off Dale View, Billington	11/09/15
3/2014/1018	Barnacre Road, Longridge	15/12/15
3/2014/1056	Mill Cottage, Mill Lane, Waddington	14/09/15
3/2014/1066	Land adj. 1 Swinglehurst Cottage, Chipping	01/07/15
3/2015/0010	Land off Longsight Road, Langho	30/06/15
3/2015/0159	Former Golf Driving Range Upbrooks, Lincoln Way Clitheroe	08/01/16

SECTION SIX: STRATEGIC SITE

This section sets out information on the Core Strategy Strategic site at Standen where monitoring information can be obtained.

THE STRATEGIC SITE: STANDEN

Indicator 37	Monitoring on the progress on the implementation of planning permissions.
Target	100 dwellings per annum from 2017
Related Policy	Strategic Site
Result	No application received during monitoring period but a Reserved Matters application was submitted for 229 dwellings in April 2016.

The strategic site allocated in the Core Strategy is at Standen, to the south east of Clitheroe. As set out in the Core Strategy it is intended that the site will be developed in a comprehensive and sustainable manner. Outline planning permission for the site was approved on 17/4/2014 for a development to include 1040 dwellings (728 market and 312 affordable) reference 3/2012/0942.

Permission to vary the conditions of the outline permission was granted in April 2015 (application reference 3/2015/0895) and by way of an update, just outside of the monitoring period (April 2016) a Reserved Matters application was submitted in relation to phase one of the development for 229 dwellings (3/2016/0324). The application was undetermined at the time of writing this report.

It is estimated that the first phase will be completed by 2022. Other phases are expected to commence within this period. Development of the site has not yet commenced. The images below show the site in its local context.



SECTION SEVEN: DEVELOPMENT MANAGEMENT POLICIES

This section sets out information on those Core Strategy Development Management policies where monitoring information can be obtained. Section 8 contains those policies where monitoring information is not available.

The purpose of the Development Management policies is to provide a mechanism to help implement the Core Strategy to attain the vision and objectives that are identified and set out in the document. Against the context of an identified Development Strategy and themed spatial policies, the Development Management policies guide the principles of development and provide a clear approach for delivering the Core Strategy. They help to inform decisions on planning applications which is the principle means of ensuring the successful delivery of the strategy. Monitoring of these policies therefore ensures that they are operating effectively.

MONITORING OF THE DEVELOPMENT MANAGEMENT POLICIES

POLICY DMG2: STRATEGIC CONSIDERATIONS

Indicator 38	Percentage of new development in accordance with the Development Strategy, i.e. directing development to existing sustainable settlements.
Target	Various targets as set out in DS1
Related Policy	Key Statement DS1 – Development Strategy
Result	<p>The Core Strategy was adopted in December 2014 and since this date all applications have been determined against the policies set out in the plan.</p> <p>The Council reviews appeal decisions, especially in those applications where the spatial strategy is considered as an issue. There have been no decisions that would warrant concern regarding the strategy, which is being upheld by Inspector's.</p>

Table 4.12 of the adopted Core Strategy sets out the residual numbers of dwellings for Principal Settlements and Tier One settlements, based on the as determined at 31st March 2014. The position updated to 31st March 2016 is as follows:

PRINCIPAL SETTLEMENTS:

Principal Settlement	Total no. dwellings required 2008-2028	Commitments at March 2016	Residual no. dwellings at 31 st March 2016 ⁸	Amount in excess of residual requirement
Clitheroe (total)	2320	-	-	-
<i>of which:</i>				
Standen Strategic Site	1040	1040	0	0
rest of Clitheroe	1280	1338	0	58
Longridge	1160	932	28	0
Whalley	520	546	0	26

Unlike the Principal Settlements, specific overall requirements were not set for Tier One settlements at the outset of the Core Strategy plan making process. Instead residual requirements were only applied at a later stage during the examination period in connection with the refinement of the Development Strategy. The table below shows the residual requirement as set out in the adopted Core Strategy, based on the position at 31st March 2014 and an updated position at 31st March 2016 which takes into account commitments up to this latter date:

TIER ONE SETTLEMENTS:

Settlement	Residual requirement at 31 st March 2014	Residual requirement at 31 st March 2016
Barrow	0	0
Wilpshire	45	38
Read and Simonstone	18	20
Billington	18	0
Langho	18	0
Mellor	18	18
Chatburn	18	18
Mellor Brook	5	5
Gisburn	5	0

The above figures represent the situation at the date of monitoring and do not include applications which the Council has resolved to approve once a Section 106 Agreement has been completed. They may vary after that date as permissions are granted (including when Section 106 Agreements are completed), lapse or subsequent schemes involve a variation in number of dwellings from an original scheme. Most up to date information is used at the point of determining individual applications.

⁸ As at 31st March 2016. Any applications approved or lapsed since this date may alter the residual number.

POLICY DMG3: TRANSPORT AND MOBILITY

Indicator 42	Permissions which affect the opportunity to transport freight by rail or affect the potential rail station sites at Gisburn and Chatburn.
Target	0
Related Policy	Key Statement DMG3 – Transport and Mobility
Result	0 – target has been met.

TREES & WOODLANDS, OPEN SPACE, FOOTPATHS

POLICY DME1: PROTECTING TREES AND WOODLANDS

Indicator 43	Number of permissions involving the planting of new trees/ woodlands and total net area
Target	Net gain
Related Policy	DME1 – Protecting Trees and Woodlands
Result	Over the monitoring period there have been 9 permissions which involved the planting of trees/ woodlands increasing the total net area in the borough. This is in line with the Core Strategy policy.

Indicator 44	Number of permissions involving a net loss of woodland or hedgerows.
Target	0
Related Policy	DME1 – Protecting Trees and Woodlands
Result	There have been no permissions involving a net loss of woodland or hedgerows over the monitoring period which is in line with the Core Strategy target.

Indicator 45	Number of new TPOs made.
Target	Monitor only
Related Policy	DME1 – Protecting Trees and Woodlands
Result	There have been 4 new TPOs made over the monitoring period.

Indicator 46	Loss of any protected trees.
Target	0
Related Policy	DME1 – Protecting Trees and Woodlands
Result	There has been a loss of 33 protected trees over the monitoring period and therefore the Core Strategy target has not been met.

Indicator 47	Loss of ancient woodland and veteran and ancient trees.
Target	0
Related Policy	DME1 – Protecting Trees and Woodlands
Result	There has been no loss of ancient woodland and veteran and ancient trees over the monitoring period, which is in line with the Core Strategy target.

HERITAGE

KEY STATEMENT EN5: HERITAGE ASSETS

Indicator 58	Number of applications involving designated heritage assets.
Target	Monitor only
Related Policy	Key Statement EN5 – Heritage Assets
Result	There have been a significant number of applications involving designated heritage assets over the monitoring period, however it was not possible to determine the specific number of applications before this report was finalised.

(definition of a heritage asset - A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation)

Indicator 59	Number of permissions granted against Heritage England advice.
Target	Zero
Related Policy	Key Statement EN5 – Heritage Assets
Result	Zero over the monitoring period. Target met.

POLICY DME4: PROTECTING HERITAGE ASSETS

Indicator 53	Publication of a local list of heritage assets.
Target	Target is to review the local list once it's established.
Related Policy	DME4 – Protecting Heritage Assets
Result	Currently no local list produced

Indicator 54	Publication of buildings at risk register
Target	Target is to review the local list once it's established.
Related Policy	DME4 – Protecting Heritage Assets
Result	<p>Target met. There are 6 sites identified on the English Heritage 'Building at risk register':</p> <p>Parks – Woodfold Park, Mellor</p> <p>Scheduled Monument</p> <ol style="list-style-type: none"> 1. Bellmanpark lime kilns and part of an associated tramway 180 metres north west of Bellman Farm, Clitheroe 2. Whalley Cistercian Abbey 3. Ribchester Roman Fort 4. Ashnott lead mine 5. The old lower Hodder bridge, Great Mitton <p>Whalley Abbey</p> <p>This remains the same as the previous monitoring period.</p>

Indicator 55	Number of listed buildings and buildings in Conservation areas lost through development proposals.
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Target	No loss
Related Policy	DME4 – Protecting Heritage Assets
Result	There have been no listed buildings lost through development proposals over the monitoring period. There have been no buildings in conversation areas lost due to development proposals over the monitoring period.

Indicator 56	Number of permissions involving Parks and Gardens and Scheduled Ancient Monuments
Target	No change against EH advice
Related Policy	DME4 – Protecting Heritage Assets
Result	Over the monitoring period there have been a number of applications where Historic Parks & Gardens and/or Scheduled Monuments have been a material consideration. An example of this is the application for the tennis dome at Stonyhurst College.). Another of note is the Mellor Lodge appeal decision (dismissed December 2015 relating to the retention of a harmful extension to the listed lodge; Woodfold Park Historic Park & Garden is 'at risk' according to Heritage England) and the removal of unauthorised stables at Gisburne Park Historic Park & Garden this year. There has also been a refusal for a proposed extension to the stables at Woodfold Park. An application for signage at Paythorne was withdrawn on concern that it harmed the setting of a scheduled monument.
Indicator 57	Conservation Area appraisals
Target	Target is to maintain up to date conservation area appraisals.
Related Policy	DME4 – Protecting Heritage Assets
Result	There are a total number of 22 Conservation Areas in the Borough. The majority of the Conservation Area appraisals were carried out in 2005, and will require a review.

Indicator 63	Number of permissions for development granted contrary to Environment Agency advice.
Target	0
Related Policy	DME6 – Water Management
Result	Zero. Target has been met. Based upon the most up to date information available from the Environment Agency (EA), two applications were approved following an objection from the EA in relation to an unsatisfactory FRA/FCA being submitted, however in both cases mitigation measures were identified.

POLICY DME6: WATER MANAGEMENT

Indicator 62	Number of applications permitted against criteria set out in policy
Target	0
Related Policy	DME6 – Water Management The policy requires that development will not be permitted where the proposal would be at an unacceptable risk of flooding or exacerbate flooding elsewhere. To be acceptable applications for development should include appropriate measures for the conservation, protection and management of water such that development contributes to:

	<ul style="list-style-type: none"> • Preventing pollution of surface and/ or groundwater • Reducing water consumption • Reducing the risk of surface water flooding <p>The Authority will also seek the protection of the borough's water courses for their biodiversity value</p>
Result	Within the monitoring period no planning permission has been granted in contravention of DME6.

POLICY DMH4: CONVERSION OF BARNs AND OTHER BUILDINGS TO DWELLINGS

Indicator 67	Number of permissions granted in accord with the policy criteria.
Target	100%
Related Policy	DMH4 – Conversion of Barns and other buildings to dwellings
Result	14

POLICY DMH5: RESIDENTIAL AND CURTILAGE EXTENSIONS

Indicator 68	Number of permissions involving residential extension or curtilage extensions that comply with the policy criteria.
Target	100%
Related Policy	DMH5 – Residential and curtilage extensions
Result	Over the monitoring period there has been: <ul style="list-style-type: none"> • 10 permissions involving curtilage extensions • 196 applications involving residential extensions

EMPLOYMENT

POLICY DMB1: SUPPORTING BUSINESS GROWTH AND THE LOCAL ECONOMY

Indicator 69	Gain in new employment land by floor area and type.
Target	8ha
Related Policy	DMB1 – Supporting business growth and the local economy
Result	In the previous monitoring period As at 31 st March 2015, there has been 3.35ha of new employment land approved (B1 use). There has been an additional 2.24ha of new employment land for B1 and B2 use granted planning permission in this monitoring period (1 st April 2015- 31 st March 2016). Collectively therefore, since the adoption of the Core Strategy in December 2014 there has been a total of 5.59ha of new employment land granted planning permission. This leaves a residual amount of 2.41ha of employment land to provide over the remaining plan period (up to 2028).

Indicator 70	Loss of existing employment land by floor area and type.
Target	No net loss over plan period
Related Policy	DMB1 – Supporting business growth and the local economy
Result	Overall loss of 2021m ² over the monitoring period is broken down as follows: B1a - 1120 m ² B1c - 449 m ² B2 - 452 m ²

Indicator 71	Number of firms relocating outside the Borough due to planning constraints set out in policy.
Target	zero
Related Policy	DMB1 – Supporting business growth and the local economy
Result	0 – target has been met.

POLICY DMB2: THE CONVERSION OF BARNs AND OTHER RURAL BUILDINGS TO EMPLOYMENT USES

Indicator 72	Number of permissions involving conversion and net new floorspace created.
Target	Net gain
Related Policy	DMB2 – The conversion of barns and other rural buildings to employment uses
Result	There have been no permissions.

POLICY DMB3: RECREATION AND TOURISM DEVELOPMENT

Indicator 73	Number of planning permissions involving new or improved facilities
Target	Net gain
Related Policy	DMB3 – Recreation and Tourism Development
Result	6 permissions granted. Target has been met.

Indicator 74	Number of planning permissions involving loss and change of use of tourism and recreation facilities.
Target	Net gain
Related Policy	DMB3 – Recreation and Tourism Development
Result	No permissions have been granted.

Indicator 75	Number of permissions involving loss of public open space (POS) and any alternative provision made.
Target	Net gain over plan period
Related Policy	DMB4 – Open Space Provision
Result	<p>For the purposes of this AMR Open Space is taken to mean those sites defined in the previous District wide Local Plan (DWLP) as “Essential Open Space” under DWLP policy G6. In the development of the forthcoming Housing and Economic Development DPD the definition of Open Space has been changed and therefore going forward direct comparisons with AMRs based on the older definition will initially be difficult.</p> <p>During this AMR period and using the G6 site definition no Open Space has been lost therefore target met.</p>

POLICY DMB4: OPEN SPACE PROVISION

Indicator 76	Number of permissions and area of gain in Public Open Space.
Target	Net gain over plan period
Related Policy	DMB4 – Open Space Provision
Result	Over the monitoring period there have been section 106 contributions towards off-site improvements at Mardale Playing Fields, Longridge. There are also Open Space provision arrangements awaiting a reserved matters application in one further application.

RETAIL

POLICY DMR1: RETAIL DEVELOPMENT IN CLITHEROE

Indicator 79	Permissions involving gains in retail area and type.
Target	Targets are set out in Policy EC2 relating to new retail provision by 2028.
Related Policy	Policy DMR1 – Retail development in Clitheroe
Result	Over the monitoring period there has been 1 permission which involved a gain in retail area.

Indicator 80	Loss of any retail outlets and in the main shopping frontages by area and type.
Target	
Related Policy	Policy DMR1 – Retail development in Clitheroe
Result	There has been a loss of 1 retail outlet in the main shopping frontages over the monitoring period.

POLICY DMR2: SHOPPING IN LONGRIDGE AND WHALLEY

Indicator 81	Permissions involving gains in retail area and type.
Target	Targets are set out in Policy EC2 relating to new retail provision by 2028
Related Policy	Policy DMR2 – Shopping in Longridge and Whalley
Result	There have been no permissions over the monitoring period.

INDICATOR: MONITOR POLICY DMR2

Indicator 82	Loss of any retail outlets by area and type
Target	zero
Related Policy	Policy DMR2 – Shopping in Longridge and Whalley
Result	0

POLICY DMR3: RETAIL OUTSIDE THE MAIN SETTLEMENTS

Indicator 83	Loss of any retail outlets in the villages
Target	zero
Related Policy	Policy DMR3 – Retail outside the main settlements
Result	0

Indicator 84	Gain in shopping area in villages and wider rurality
Target	Net gain
Related Policy	Policy DMR3 – Retail outside the main settlements
Result	0

SECTION EIGHT: INDICATORS WITH INSUFFICIENT MECHANISMS IN PLACE TO MONITOR

There are currently insufficient monitoring mechanisms in place to effectively monitor the following indicators:

Indicator 6	Number of applications for development within the “Open Countryside” i.e. on sites outside established allocations or settlement boundaries.
Target	Zero
Related Policy	Key Statement EN2 – Landscape
Result	Insufficient mechanisms in place to monitor

Indicator 7	Area of land (ha or m2) within Open Countryside granted permission
Target	Zero
Related Policy	Key Statement EN2 – Landscape
Result	Insufficient mechanisms in place to monitor

Indicator 8	Proportion of the population that has full access to the requirements of the Accessible Natural Green Space Standard
Target	Amount of statutory LNR per 1000 population. Target is 100%. 1ha of statutory local nature reserve per 1000 population
Related Policy	Key Statement EN2 – Landscape
Result	Insufficient mechanisms in place to monitor.

Indicator 9	Number of all relevant applications granted that do not conform to the specified codes and standards in the policy (Code for sustainable homes, Lifetime homes, Building for Life and BREEAM standards).
Target	Target is less than 5% of all relevant permissions.
Related Policy	Key Statement EN4 – Sustainable Development and Climate Change
Result	Insufficient mechanisms in place to monitor

Indicator 13	Number of applications involving a potential effect on recognised sites of environmental or ecological importance (i.e. those categories of site listed in para 2 of the policy).
Target	Net Gain
Related Policy	Key Statement EN4 – Biodiversity and Geodiversity
Result	Insufficient mechanisms in place to monitor.

HOUSING

KEY STATEMENT H3: AFFORDABLE HOUSING

Indicator 20	Number of new dwellings approved/ constructed which meet the Lifetime Homes standard.
Target	100%
Related Policy	Key Statement H1 – Housing Provision
Result	Insufficient mechanisms in place to monitor

DEVELOPMENT MANAGEMENT POLICIES

Indicator 39	Number of permissions for development outside those settlements defined in the development strategy that do not meet at least one of the criteria mentioned in the policy.
Target	Zero dwellings per annum from 2017
Related Policy	Key Statement DS1 – Development Strategy
Result	Insufficient mechanisms in place to monitor.

Indicator 40	Number of permissions granted within 400m of a public transport route
Target	90%
Related Policy	Key Statement DMG3 – Transport and Mobility
Result	Insufficient mechanisms in place to monitor.

Indicator 41	Number of permissions granted that do not involve a travel plan.
Target	0
Related Policy	Key Statement DMG3 – Transport and Mobility
Result	Insufficient mechanisms in place to monitor.

Indicator 77	Loss of any Public Right of Way (PROW) or alternative provision.
Target	No loss of PROW as measured against policy criteria
Related Policy	DMB5 – Footpaths and Bridleways
Result	Insufficient mechanisms in place to monitor.

Indicator 78	Diversion of any PROW by number of incidents and total length of diversions.
Target	Monitor only
Related Policy	DMB5 – Footpaths and Bridleways
Result	Insufficient mechanisms in place to monitor.

LANDSCAPE

POLICY DME2: LANDSCAPE AND TOWNSCAPE PROTECTION

Indicator 50	Permissions involving potential change to landscape elements within policy.
Target	Zero permissions involving significant harm
Related Policy	DME2 - Landscape and Townscape Protection
Result	Insufficient mechanisms in place to monitor.

POLICY DME3: SITE AND SPECIES PROTECTION AND CONSERVATION

Indicator 51	Number of permissions which adversely affect the various sites and species mentioned in the policy.
Target	see a net enhancement of biodiversity
Related Policy	DME3 - Site and Species Protection and Conservation
Result	Insufficient mechanisms in place to monitor.

Indicator 52	Measurement of enhancement in ENV4: conserve and enhance the area's biodiversity and geodiversity and to avoid the fragmentation and isolation of natural habitats and help develop green corridors.
Target	see a net enhancement of biodiversity
Related Policy	DME3 - Site and Species Protection and Conservation
Result	Insufficient mechanisms in place to monitor

RENEWABLE ENERGY

POLICY DME5: RENEWABLE ENERGY

Indicator 60	Number of permissions granted fulfilling renewable energy requirements within policy and by type of renewable energy.
Target	At least 90%
Related Policy	DME5 – Renewable Energy
Result	Insufficient mechanisms in place to monitor.

Indicator 61	Number of permissions involving on-site renewable energy generation and type of renewable energy.
Target	Target is 20MW per year.
Related Policy	DME5 – Renewable Energy
Result	There were 2 planning permissions granted within the AMR period in relation to renewable power generation over 50kw. They amounted to 5 MW of generating capacity. Therefore the target has not been met.

HOUSING

POLICY DMH1: AFFORDABLE HOUSING CRITERIA

Indicator 64	<p>Percentage of affordable housing that meets the criteria set out in the policy.</p> <p>Policy DMH1 sets out criteria against which proposals for the provision of affordable housing will be determined. To be acceptable proposals must be expressly for the following groups of people:</p> <p>First time buyers currently resident in the Parish or an adjoining parish Older people currently resident in the parish or an adjoin parish</p> <ul style="list-style-type: none"> • Those employed in the parish or an immediately adjoining parish but currently living more than 5 miles from their place of employment • Those who have lived in the parish for any 5 of the last 10 years having left to find suitable accommodation and also with close family remaining in the village • Those about to take up employment in the parish • People needing to move to the area to help support and care for a sick, older person or infirm relative <p>In addition to the groups mentioned above, others may have special circumstances that can be applied which will be assessed on their individual merits.</p>
Target	100%
Related Policy	DMH1 – Affordable Housing Criteria
Result	Delivery of affordable housing is monitored through section 106 mechanisms and the nominations process, however this is not currently collated to inform this indicator.

POLICY DMH2: GYPSY AND TRAVELLER ACCOMMODATION

Indicator 65	Number of new pitches created.
Target	As per latest GTAA – currently 2
Related Policy	DMH2 – Gypsy and Traveller Accommodation
Result	Zero in monitoring period

POLICY DMH3: DWELLINGS IN THE OPEN COUNTRYSIDE AND AONB

Indicator 66	Number of permissions granted in accord with the policy criteria.
Target	100% of applications to be granted in line with the policy
Related Policy	DMH3 – Dwellings in the open countryside and AONB
Result	Insufficient mechanisms in place to monitor.

SECTION NINE: LIST OF ALL CORE STRATEGY INDICATORS

No	Indicator	Related CS Policy	Methodology
	ENVIRONMENT		
	Greenbelt		
1	Number of applications involving sites wholly or partly within the Greenbelt	EN1	Insufficient recording to allow monitoring
2	Area of land (Ha or m2) in greenbelt granted permission	EN1	Insufficient recording to allow monitoring
3	Number of inappropriate developments granted in the Green Belt.	EN1	Insufficient recording to allow monitoring
	Landscape		
4	No of applications involving sites wholly or partly within the AONB	EN2	Insufficient recording to allow monitoring
5	Area of land (Ha or m2) within AONB granted permission	EN2	Insufficient recording to allow monitoring
6	No of applications for development within the "Open Countryside" ie on sites outside established allocations or settlement boundaries.	EN2	Insufficient recording to allow monitoring
7	Area of land (Ha or m2) within Open Countryside granted permission.	EN2	Insufficient recording to allow monitoring
8	Proportion of the population that has full access to the requirements of the Accessible Natural Greenspace Standard.	EN2	Insufficient recording to allow monitoring
	Sustainable Development & Development Change		
9	No of all relevant applications granted that do not conform to the specified Codes and standards in the policy.	EN3 & DME5	Insufficient recording to allow monitoring
10	No of new permissions for development granted contrary to Env Agency advice.	EN3	EA
11	No of applications referred to the Minerals Authority as being within Mineral Safeguarding Areas (MSAs).	EN3	
	BIODIVERSITY AND GEODIVERSITY		
12	Net gain to local biodiversity measured through biodiversity offsetting agreements	EN4	Trees and Countryside officer
13	No of applications involving a potential effect on recognised sites of environmental or ecological importance (i.e. those categories of site listed in para 2 of the policy).	EN4	Insufficient recording to allow monitoring
14	No of sites granted permission against Natural England Advice.	EN4	NE
15	Change in areas and populations of biodiversity importance, including: change in priority habitats and species by type and; change in areas of international, national, regional or local significance.	EN4	Trees and Countryside officer
	HOUSING		
16	The amount of housing completed in the borough	H1 – Housing	Planning technician

No	Indicator	Related CS Policy	Methodology
		Provision	
17	Housing Mix including tenure and type	H2 – Housing Balance	Insufficient recording to allow monitoring
18	Additional indicator – Housing supply and trajectory		
19	The number of new build affordable units completed in the borough as well as number of Landlord and Tenant grants provided, number of purchase and repair scheme, Tenancy Protection schemes and no. of empty properties brought back into use	H3 – Affordable Housing	Housing needs team
20	Number of new dwellings approved/constructed which meet the Lifetime Homes standard	H3	Insufficient recording to allow monitoring
21	Number of permissions for GT pitches	H4 – Gypsy and Traveller Accommodation	Planning policy
22	New and converted dwellings on previously developed land	H1 – Housing Provision	Planning Technician
ECONOMY			
23	Amount of new employment land developed per annum	EC1 – Business and Employment Development	Planning technician
24	Employment land supply by types (hectares)	EC1 – Business and Employment Development	
25	Number of farm diversification schemes permitted	EC1 – Business and Employment Development	Regeneration
26	Loss of employment land	EC1 – Business and Employment Development	Planning technician
27	% of land permitted for development on previously developed land	EC1 – Business and Employment Development	
28	Empty commercial properties	EC1 – Business and Employment Development	Regeneration
29	Retail vacancy rates in the key service centres of Clitheroe, Longridge and Whalley	EC2 – Development of Retail, Shops and Community facilities and services	Planning technician
30	Permissions involving the creation of new retail floorspace	EC2 – Development of Retail, Shops and Community facilities and services	Planning technician
31	Permissions involving the loss of community facilities	EC2 –	Development

No	Indicator	Related CS Policy	Methodology
		Development of Retail, Shops and Community facilities and services	Management
32	Unemployed persons in Ribble Valley	EC1 – Business and Employment Development	NOMIS
33	Number of people claiming a key benefit Ribble Valley	EC1 – Business and Employment Development	NOMIS
34	Employed persons in Ribble Valley	EC1 – Business and Employment Development	NOMIS
35	Weekly earnings in Ribble Valley	EC1 – Business and Employment Development	NOMIS
Delivery Mechanisms and Infrastructure			
36	Number of developments with legal agreements for infrastructure contributions	DM1 – Planning Obligations DM2 – Transport Considerations	Planning technician
Strategic Site			
37	Monitoring on the progress on the implementation of planning permissions	DMG2	Planning Policy
DEVELOPMENT MANAGEMENT POLICIES			
38	% of new development in accord with development strategy ie directing development to existing sustainable settlements.	DMG2 -	Planning technician
39	No of permissions for development outside those settlements defined in the development strategy that do not meet at least one of the criteria mentioned in the policy	DS1 – Development Strategy	Planning technician
Transport and Mobility			
40	No of permissions granted within 400m of a public transport route.	DMI2,DMG3	Insufficient recording to allow monitoring
41	No of major permissions granted that require a travel plan	DMG3	
42	Permissions which affect the opportunity to transport freight by rail or affect the potential rail Station sites at Gisburn and Chatburn.	DMG3	Planning Policy
Protecting Trees and Woodlands			
43	Number of permissions involving the planting of new trees/woodlands and total net area	DME1 – Protecting Trees and Woodlands	Trees and Countryside
44	Number of permissions involving a net loss of woodland or hedgerows	DME1 – Protecting Trees	

No	Indicator	Related CS Policy	Methodology
		and Woodlands	
45	Number of TPOs made	DME1 – Protecting Trees and Woodlands	Trees and Countryside Officer
46	Loss of any protected trees		Not recorded
47	Loss of ancient woodland and veteran and ancient trees		Not recorded
48	No net loss of hedgerows	EN4	Trees and Countryside Officer
49	No net loss of biological heritage sites	EN4	Trees and Countryside Officer
	Landscape and Townscape Protection		
xx	Permissions involving potential change to landscape elements within policy (DME2)	DME2	
	Sites and species protection and conservation		
50	No of permissions which adversely affect the various sites and species mentioned in the policy (DME3)	DME 3 –Sites and Species protection and conservation	Insufficient recording to allow monitoring
51	Measurement of enhancement in ENV4.	ENV4 – Biodiversity and Geodiversity	Insufficient recording to allow monitoring
	Protecting Heritage Assets		
52	Publication of a local list of heritage assets	DME4	Conservation Officer
53	Publication of a buildings at risk register	DME4	Consult with Conservation Officer and search on MVM
54	Number of listed buildings and buildings in CA lost through development proposals	DME4	Search on MVM records and consult with Conservation Officer
55	No of permissions involving Parks and Gardens and Scheduled Ancient Monuments	EN5 – Heritage Assets DME4 – Protecting Heritage Assets	Search on MVM records and consult with Conservation Officer
56	Conservation Area Appraisals	EN5- Heritage Assets	consult with Conservation Officer
57	Number of applications involving designated heritage assets	EN5- Heritage Assets	consult with Conservation Officer
58	Number of permissions granted against Heritage England advice.	EN5- Heritage Assets	consult with Conservation Officer
	RENEWABLE ENERGY		
59	No of permissions granted fulfilling Renewable Energy requirements within policy and by type of	DME5 – Renewable Energy	
60	No of permissions involving onsite RE generation and type of RE	DME5 – Renewable Energy	
	Water Management		
61	No of applications permitted against criteria set out in policy DME6	DME6 – Water Management	Insufficient recording to allow

No	Indicator	Related CS Policy	Methodology
			monitoring
62	Number of permissions for development granted contrary to EA advice		EA
	Affordable Housing Criteria		
63	Percentage of affordable housing that meets the criteria set out in the policy.	DMH1 – Affordable Housing Criteria	Housing Needs
	Gypsy and Traveller Accommodation		
64	No of new GT pitches created (DMH2)	DMH2 – Gypsy and Traveller Accommodation	Planning Policy
	Dwellings in the open countryside		
65	No of permissions granted in accord with the policy criteria.(DMH3)	DMH3 – Dwellings in the open countryside and Area of Outstanding Natural Beauty	
	Conversion of Barns and other buildings to dwellings		
66	No of permissions accord with the policy criteria. (DMH4)	DMH4 – The conversion of barns and other buildings to dwellings	MVM
	Residential and curtilage extensions		
67	No of permissions involving residential extensions or curtilage extensions that comply with the policy criteria (DMH5)	DMH5 – Residential and curtilage extensions	MVM
	Supporting business growth and the local economy		
68	Gain in new employment land by floor area and type		
69	Loss of existing employment land by floor and area and type		Planning technician
70	Number of firms relocating outside the Borough due to planning constraints set out in policy		Regeneration
	Conversion of barns and other rural buildings to employment uses		
71	Number of permissions involving conversion and net new floorspace created		Regeneration
	Recreation and Tourism Development		
72	Number of planning permissions involving new or improved facilities	DMB3	
73	Number of planning permissions involving loss and change of use of tourism and recreation facilities	DMB3	
	Open Space Provision		
74	No of permissions involving loss of Public Open Space (POS) and any alternative provision made (DMB4)	DMB4 – Open space provision	
75	No of permissions and area of gain in POS (DMB4)	DMB4 – Open space provision	
	Footpaths and Bridleways		
76	Loss of any PROW (Public Rights of Way) or	DMB5 –	

No	Indicator	Related CS Policy	Methodology
	alternative provision	Footpaths and Bridleways	
77	Diversion of any PROW by No of incidents and total length of diversions	DMB5 – Footpaths and Bridleways	Tree & Countryside officer
	Retail development in Clitheroe		
78	No. of permissions involving gains in retail area and type	DMR1 – Retail Development in Clitheroe	
79	Loss of any retail outlets and in the main shopping frontages by area and type	DMR1 – Retail Development in Clitheroe	
	Shopping in Longridge and Whalley		
80	No. of permissions involving gains in retail area and type	DMR2 – Shopping in Longridge and Whalley	Regeneration
81	Loss of any retail outlets by area and type	DMR2 – Shopping in Longridge and Whalley	Regeneration
	Retail outside the main settlements		
82	Loss of any retail outlets in villages	DMR3 – Retail outside the main settlements	Regeneration
83	Gain in shopping area in villages and wider rurality	DMR3 – Retail outside the main settlements	Regeneration

SECTION TEN: PROGRESS ON THE LOCAL DEVELOPMENT SCHEME

The following table displays the most recent Local Development Scheme (LDS) timetable which was published in May 2016.

Since this date the timetable has been revised to reflect the current situation. Work on the Draft Proposals Map and the Housing and Economic Development DPD is underway, however the Issues and Options stage on both of these documents is now anticipated to begin in August 2016. This would still see adoption of these documents taking place by the end of 2017.

Local Development Framework Timescales – LDS 2016 with AMR monitoring

Development Documents	2015												2016												2017											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Housing and Economic Development Proposals Map																																				
AMR Monitoring against timetable set out above showing revised expected dates																																				

Key

- a** Target for Pre-Publication consultations (regulation 18)
- b** Publication Period (Consultation - regulation 19)
- c** Target for submission to Secretary of State (Regulation 22)
- d** Pre-Examination meeting
- e** Target Period for Formal Examination
- f** Anticipated receipt of Inspectors Report
- g** Date for proposed adoption

Appeal Decision

Site visit made on 15 June 2016

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 July 2016

Appeal Ref: APP/T2350/W/16/3146390

The Paddocks, Stoneygate Lane, Ribchester, Lancashire PR3 2ZS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Reilly against the decision of Ribble Valley Borough Council.
 - The application Ref: 3/2015/0873, dated 16 November 2015, was refused by notice dated 22 January 2016.
 - The development proposed is a replacement access road to dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for a replacement access road to dwelling at The Paddocks, Stoneygate Lane, Ribchester, Lancashire PR3 2ZS in accordance with the terms of the application, Ref: 3/2015/0873, dated 16 November 2015, subject to the attached schedule of conditions.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is a field, currently rough grass, located amongst agricultural fields adjacent to Stoneygate Lane. It is located to the south of a modern house, which is accessed by a tarmac surfaced track from Stoneygate Lane, and contains a fenced riding area close to the dwelling. The surrounding landscape rises to the north and consists of irregularly shaped small to medium sized fields, bounded by hedgerows and set among irregularly shaped areas of woodland. Scattered groups of farm buildings and residential properties are present within the landscape.
 4. For much of its length Stoneygate Lane is bounded by high hedges to both sides, which are a strong visual feature, with accesses to individual properties and fields generally being through short gaps in the hedgerow. At the time of my site visit the hedgerow was of sufficient height that from Stoneygate Lane it prevented views of the countryside beyond to both drivers and pedestrians.
 5. Although the proposed new access road would be longer than the existing access track to the property and would not follow any established field boundaries, it would be a ground level feature and would be screened by the hedgerow that runs alongside Stoneygate Lane. To the south of the site it is screened by a copse of trees and to the north by a group of buildings including
-

- The Paddocks. Whilst the land rises to the north, there is no significant change of level to the west with the land rising uniformly and thus the proposed access road would remain at a constant elevation relative to the viewer. Even if the hedgerow were to be reduced below its current height, the access road would not be highly visible.
6. The Council suggests that whilst the hedge alongside Stoneygate Lane provides some screening, the access road would be visible to walkers on public right of way footpaths near the site. I saw that there are two public rights of way to the north of The Paddocks, however, due to intervening features in the form of buildings, hedgerows and trees, the appeal site is largely screened from these routes and due to the ground level nature of the proposed development it would not be readily visible.
 7. The Council also suggest that the access would be visible through the new access point where the hedgerow would be removed. It would be necessary to create a gap in the hedge to accommodate the proposed access and timber field gate. However, the access point is located on a part of Stoneygate Lane where the verge widens and it would not be necessary to remove significant lengths of the hedge to accommodate the required visibility splays. Due to this, any views of the proposed access road through the narrow gap and gate would be fleeting. I saw on my site visit that there are numerous other similar access points on Stoneygate Lane and such field accesses are part of the established character and appearance of the lane. The proposed timber gate in a gap in the hedgerow would thus be consistent with other accesses in the area.
 8. I note the Council's point regarding the potential for the land between the new access road and Stoneygate Lane becoming more domesticated or absorbed into the domestic curtilage as a result of the development. The appeal proposal is limited to the construction of the proposed access road and any additional development would be subject to planning controls in some form. A generalised concern of this nature is not, of itself, a reason to refuse planning permission.
 9. Although the proposed access road would be longer than the existing access track, within the context of the wider landscape it would be a relatively minor feature that would be largely screened from wider views. The development does not propose lighting on the access road and consequently it would not appear as an unduly urbanising feature. I note that the appeal site is in proximity to the boundary of the Forest of Bowland Area of Outstanding Natural Beauty (AONB), however, due to its limited scale and visibility, it would not affect either the AONB or the adjoining countryside that forms its setting.
 10. I therefore find that the proposed development would not cause harm to the character and appearance of the area and surrounding countryside and meets the requirements of Key Statement EN2 and Policies DMG1 and DME2 of the Ribble Valley Core Strategy 2014 which seek to protect the character of the landscape, ensure that new development is sympathetic to existing land uses, and protect important features of the landscape.

Other Matters

11. The Council's second reason for refusal related to insufficient information being provided in respect of the hedgerow adjacent to the appeal site to allow assessment of its ecological importance. No ecology statement was submitted with the planning application. An ecology assessment has been submitted with the appeal which concludes that the proposal would have a small scale negative ecological impact that would be mitigated by replacement planting across the existing access to The Paddocks, which would be abandoned following implementation of the appeal proposal.
12. The Council states that it accepts this conclusion and, consequently, the matter is consequently no longer in dispute between the parties. From my site visit, I have no reason to question the findings of the ecological assessment.
13. The Council have suggested that the appellant has not justified the need for the access road and that the proposed new access would not be any safer than the existing access. The policies in the development plan do not require that special or exceptional circumstances are demonstrated to justify new development in the countryside, and as a general principle it is not necessary to demonstrate that there is a need for development. Highway safety was not a reason for refusal and I note that the Highway Authority have no objection to the proposal.

Conditions

14. I have had regard to the conditions suggested by the Council. To provide certainty as to what has been approved, I have imposed a condition specifying the approved plans. In order to ensure that the proposed development is in keeping with the countryside setting it is also necessary to attach a condition requiring that a method statement for its construction and the surface materials for the proposed road to be approved.
15. Due to the high potential for Roman remains to be present beneath the appeal site it is also necessary to impose a condition requiring archaeological investigation and recording. Archaeological investigations must necessarily be undertaken before other works start on the site to avoid the potential disturbance of any archaeological evidence and due to the countryside location it is necessary for the construction method statement to be approved before development commences to ensure that appropriate construction techniques and materials are used.
16. In the interests of highway safety it is necessary to ensure that the existing access is closed off in order to minimise the number of accesses to this minor road and that appropriate visibility splays are provided at the new access point.
17. In order to mitigate the effect of removing part of the hedgerow to create the new access it is also necessary to require replacement planting and that the development is carried out in accordance with the specified mitigation. The appellant has, rightly, pointed out that it is impractical for the abandonment of the existing access and the replanting of the hedgerow to happen simultaneously with the construction of the new vehicular access. I have consequently reworded the suggested conditions to ensure that access to the site is retained and reinstatement occurs following completion of the new access.

18. The Council have suggested that a condition is required that prevents clearance of vegetation during the bird nesting season. Nesting birds are protected by the Wildlife and Countryside Act 1981 and it is not necessary to have a condition that replicates the provisions of other, separate, legislation. Similarly the Council have suggested a condition requiring the developer to enter into an agreement under S184 of the Highways Act 1980. This Act regulates works within the highway and the suggested condition is not necessary as it duplicates the requirements of the Highways Act.
19. The Council have also suggested that a condition should be imposed removing permitted development rights to erect gates, walls or fences on the appeal site. The National Planning Practice Guidance advises that permitted development rights should only be removed in exceptional circumstances. I have no substantive evidence before me which indicates that there are exceptional circumstances that would make it reasonable to remove permitted development rights.

Conclusion

20. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1198-PL-01A (Location Plan) and 1198-PL-03B (Proposed Site Layout)
- 3) No development shall commence until full details of the method of construction of the new vehicular access including the colour, form and texture of all hard landscaping (ground surfacing materials) have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in full accordance with the approved details.
- 4) No development shall take place until a Written Scheme of Investigation shall have been submitted to, and approved in writing by, the local planning authority. The scheme shall include an assessment of significance and research questions and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 5) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 4.
- 6) The access to Stoneygate Lane hereby approved shall incorporate visibility splays measuring 2.0 metres by 114 metres in both directions, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Stoneygate Lane. Thereafter, the land within these splays shall be maintained free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.
- 7) The existing access shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire Council Specification for Construction of Estate Roads within one month of the completion of the new access to Stoneygate Lane.
- 8) Within three months of the new access being brought into use, a hedgerow comprising of native species shall be planted across the existing access point in accordance with the details contained in the Ecological Appraisal dated March 2016. Any plants which are found to be dead, damaged or dying during the first five years following planting shall be replaced and the hedgerow thereafter retained.

- 9) The development shall be carried out in accordance with the recommendations in Section 5 (Mitigation and Enhancement) of the Ecological Appraisal dated March 2016.

Appeal Decision

Site visit made on 21 June 2016

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 July 2016

Appeal Ref: APP/T2350/W/16/3146494

Mayfield, Ribchester Road, Clayton le Dale, Lancashire BB1 9EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Hindle against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0095, dated 20 January 2016, was refused by notice dated 1 March 2016.
 - The development proposed is described as proposed alterations to the existing dwelling to convert the property into three separate retirement homes.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Whilst the appeal property is named as 'Maveril' on the application form, it is called 'Mayfield' in subsequent documents and I have drafted the site address accordingly.

Main Issue

3. The main issue for the appeal is whether the appeal proposal would harm the development strategy for the borough and give rise to sustainable development.

Reasons

4. Key Statement DS1 of the Ribble Valley Borough Council Core Strategy 2008-2028 A Local Plan for Ribble Valley adopted 2014 (Core Strategy), sets the development strategy for the area. It states that the majority of new housing development will be concentrated within an identified strategic site and three principal settlements, with other development, other than that for proven local needs, being focused within Tier 1 settlements, including Wilpshire. The parties agree that the appeal site is situated outside the settlement boundary of Wilpshire/Salesbury and I note that the appellant states that the appeal site is situated about 400 metres from the settlement boundary as defined in the replaced Ribble Valley District Wide Local Plan.
 5. Core Strategy Policy DMG2 includes that development in Tier 1 villages should consolidate, expand, or round off development so that it is closely related to the main built up areas. I saw at my site visit that the appeal proposal concerns a large dwelling which is situated within linear development along
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Ribchester Road. I consider that the appeal site is not closely related to the main built up area of Wilpshire/Salesbury, given the distance between it and Salesbury along a ribbon of development. Consequently, in terms of the Council's development strategy, the appeal site should be considered as being in the 'countryside' as it does not fall within a defined settlement. Given that there is no dispute that the Council can demonstrate a five year supply of deliverable housing sites, which is not a maximum figure, the relevant policies for the supply of housing should be considered up to date in accordance with the provisions of the National Planning Policy Framework (the Framework). Although the appeal site is clearly some distance away from the main body of the settlement, it is not however in an isolated countryside location.

6. The appellant has referred to the Core Strategy which sets a housing requirement for Wilpshire of 66 dwellings, and states that there is a further 45 dwellings to provide and that there are not up to date settlement boundaries. However, the Core Strategy was only adopted in 2014 and the strategy should be given time to be implemented. In any event, the provision of two additional dwellings would take place outside of the main built up area of Wilpshire/Salesbury.
7. The appeal proposal is concerned with the alteration of the existing dwelling to form three dwellings. Whilst the scheme is not a new build development, it would nevertheless give rise to a net increase of two dwelling units outside of a defined settlement. This is an intensification of use of the building in terms of the number of dwelling units and whilst I note the comment that the overall numbers of occupants may not alter, the proposal is nevertheless likely to give rise to a requirement for additional travel with the building occupied by three separate households.
8. In respect of the sustainability of the appeal site, there are some local facilities within reasonable walking distance of the appeal site in Salesbury, including a public house, community hall, parish church, hairdressers, primary school and recreational facilities. The access to these would be via a lit footway. I also note that there is a bus stop near the appeal site, with services of limited frequency during the day, which offer some access to a number of locations and other public transport connections including by rail. However, whilst I note the reference by the appellant to shops in Wilpshire, it has not been demonstrated that the appeal site is in reasonable proximity to food shops or other facilities such as medical services, necessary to meet day to day needs of the future occupiers or to employment opportunities. I note the reference to the former PPG13 but as it is no longer in place I do not give it weight.
9. Consequently, whilst there are some public transport services available and some services and facilities in Salesbury, I consider that the future occupiers of the proposed dwellings would nevertheless, be reliant upon the private car for many essential day to day activities which it has not been demonstrated are available locally. The appeal proposal would perpetuate therefore an unsustainable pattern of development, placing further reliance upon the private car.
10. Core Strategy Policy DMH3 sets out that residential development within the open countryside will be limited to development essential for the purposes of agriculture or residential development which meets an identified local need, or the appropriate conversion of buildings provided they are suitably located. No

such need has been demonstrated in this case and I have found that the proposed dwellings would not be suitably located in respect of access to services.

11. I have considered the Council's argument that the current proposal would set a precedent for similar developments in the countryside. Whilst each application and appeal must be treated on its individual merits, I can appreciate the Council's concern that approval of this proposal could be used in support of such similar schemes. I consider that this is not a generalised fear of precedent, but a realistic and specific concern given the number of properties in the area where such development could be proposed. Allowing this appeal would make it more difficult to resist further planning applications for similar developments which could undermine the Council's development strategy and I consider that their cumulative effect would exacerbate the harm which I have described above.
12. I consider therefore that the appeal proposal would harm the development strategy for the borough and not give rise to sustainable development. Consequently, it would conflict with the development strategy as set out in Key Statement DS1 of the Core Strategy. It also conflicts with Core Strategy Policy DMG2, which states that development should be in accordance with the development strategy and sets out the circumstances when development would be acceptable outside defined settlement areas and the countryside. The appeal proposal also does not accord with Core Strategy Policy DMH3. It has been put to me that Core Strategy Policy DMG3 states that in addition to assessing proposals within the context of the development strategy considerable weight will be given to the adequacy of public transport and associated infrastructure. However, this assessment requirement is additional to the assessment against the development strategy and does not outweigh. Similarly, given that the policies related to the supply of housing are up to date, I have determined the appeal against those in accordance with Core Strategy Key Statement DS2.

Other matters

13. Whilst I note the comment that the appeal property is a large dwelling and it has not proved possible to sell it in present form, no information is before me in respect of the marketing of the dwelling and therefore I give this little weight. It has been submitted that windfall plots should be determined according to their unique circumstances, however in this case, I have found that the appeal proposal conflicts with the development plan.
14. The appellant has referred to a number of policies of the Framework and the Core Strategy which I have considered. However, whilst I note that the scheme involves little new construction work, I do not consider however that the appeal proposal is sustainable development for which there is a presumption in favour.
15. Whilst I note the comment by the appellant that the Council has been inconsistent in decision making, that is a matter for outside of the appeal process. The appellant has referred to a planning appeal at Whalley (APP/T2350/W/15/3003003) and an application for a bungalow at Rose Garth 197 Ribchester Road. From the limited details provided, I am unable to form a view as to whether these developments are sufficiently similar to the appeal scheme and if so whether they should provide an indication of what should be

followed in this case given the harm found. I note that the planning permission for the dwelling formed from the former annex to Mayfield was granted when the settlement boundary was in place but prior to the Core Strategy being adopted and the Framework being published.

16. I concur that the limited external changes proposed to the building would not harm the character and appearance of the countryside or conflict with the development plan in this regard. I also note that the appellant considers that the matter raised by the Council in respect of the proposed dormers could be dealt with by way of a planning condition if I were so minded to allow the appeal. However these matters do not change my overall conclusion.
17. The description of development refers to the provision of retirement homes which is clarified in evidence as being for people being over 55 years old for which there is said to be demand. However, there is no substantive evidence before me that such occupancy would be any less harmful than with unrestricted housing.

Conclusion

18. For the given above and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR

Appeal Decision

Site visit made on 22 June 2016

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 July 2016

Appeal Ref: APP/T2350/D/16/3149059

22 Simonstone Lane, Simonstone, Lancashire BB12 7NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sam Brown against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0086, dated 26 January 2016, was refused by notice dated 30 March 2016.
 - The development proposed is the erection of a two storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although not referred to in the Council's reason for refusal, the Planning Officer's report and the appeal questionnaire identify that the appeal property is situated within the Green Belt. The views of the parties concerning the relevance of the property being sited within the Green belt have been sought.
3. A front porch was originally part of the scheme but was deleted prior to the determination of the appeal application.

Main Issues

4. It is considered that the main issues are:
 - (a) Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - (b) The effect of the development on the openness of the Green Belt and the purposes for including land within it;
 - (c) The effect of the development on the visual amenity of the Green Belt and character and appearance of the surrounding area, including the streetscene, and the host property; and
 - (d) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other
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considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development for the purposes of the Framework and development plan policy

5. The Framework refers to the alteration or extension of a building as not being inappropriate development in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. What is a disproportionate addition to an original building is not defined in the Framework.
6. Based upon the site visit, the appeal property as it currently exists appears to be unaltered and can reasonably be considered to be the original building. The level of accommodation indicated on the existing layout drawing is modest and this is a matter addressed later in this decision letter. An inspection of the existing and proposed drawings indicates that the proposed 2-storey extension to the rear and partially to the side of the property would almost double both the floorspace and volume of the original dwelling.
7. By reason of scale, the proposed development would be a disproportionate addition to the original property and it is, therefore, concluded that it would be inappropriate development in the Green Belt and, as such, it would conflict with the Framework. Paragraphs 87 and 88 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight should be attached to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The question of any other harm and the other matters in this case are now considered.

The effect of the development on the openness of the Green Belt and the purposes for including land within it

8. Paragraph 79 of the Framework states that one of the essential characteristics of Green Belts is their openness. The proposed development would increase the size and visual bulk of the property. Although the rear part of the appeal scheme would be related to the depth of Simonstone House, there would be a narrowing of the gap between the property and the adjacent bungalow which would be detrimental to the openness of the Green Belt.
9. For this reason, the proposed development would adversely affect the openness of the Green Belt and, as such, it would conflict with the Framework and Key Statement EN1 of the Ribble Valley Borough Council Core Strategy 2008-2028 (CS) concerning development preserving the openness of the Green Belt. The degree of harm to the Green Belt's openness would only be limited.
10. The proposed development would be wholly contained within the residential curtilage of the property. For this reason, it is concluded that the proposed development would not conflict with the purposes of the Green Belt as identified at paragraph 80 of the Framework, in particular safeguarding the

countryside from encroachment. There would not be a conflict with CS Key Statement EN1 concerning development not conflicting with the purposes of the designated Green Belt.

The effect of the development on the visual amenity of the Green Belt and character and appearance of the surrounding area, including the streetscene, and the host property

11. The property is located within a linear form of residential development, including Bank Terrace, fronting Simonstone Lane. To the north there is residential development in depth with dwellings fronting Tunstead Avenue. The external materials are predominantly stone walls with pitched roofs of tile or slate. Some of the dwellings have been extended but the planning circumstances of these alterations are unavailable to me. Some elevations have also been rendered or painted, particularly to the rear of properties. Open countryside generally surrounds these dwellings with an industrial area to the south beyond a disused railway formation.
12. As noted, the width of the proposed extension would encroach into the gap between the property and the adjacent bungalow. Although there would be an adverse effect on the openness of the Green Belt, the setting back of the proposed extension would not result in an unacceptable effect on the appearance of the streetscene. There would be no obvious terracing effect caused by the loss of the gap between the properties.
13. The depth of the rear part of the proposed extension would accord with the rear elevation of Simonstone House which was a public house and is now in residential use. This part of the appeal scheme would not be noticeable from the road or other public vantages. The choice of external materials would assist with the assimilation of the proposed rear extension as part of the property and the adjacent Simonstone House. For these reasons, concluded that the visual amenity of the Green Belt and character and appearance of the surrounding area, including the streetscene, would not be materially harmed by the appeal scheme. No specific conflict has therefore been identified with CS Policy DME2 concerning protection of the landscape.
14. However, I share the Council's concerns that the scale of the proposed development would not amount to a subservient extension to the property. Further, the form of the proposed extension, specifically the encroachment into the gap, would represent an incongruous and unsympathetic addition which would fail to harmonise or integrate with the simple form of the host property. The use of matching external materials would not address this harm.
15. Accordingly, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of host the property and the surrounding area and, as such, there would be a conflict with CS Key Statement EN2 and Policies DMG1 and DME5. Amongst other matters, these policies require development to be in keeping with the vernacular style, scale and features and residential extensions to integrate with the main dwelling. These policies are consistent with Framework's core principle of securing high quality design.

If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

16. The appeal scheme has been judged to not cause harm to the purposes and visual amenity of the Green Belt. However, these matters merely result in there being no additional harm to that arising from the inappropriate development and the weight attached to them needs to be tempered accordingly. Therefore, moderate weight has been attached to these matters. Similar weight is attached to the absence of unacceptable harm being caused to the character and appearance of the surrounding area, including the streetscene.
17. The property's level of accommodation is modest and it may be appropriate for an increase in the floorspace to improve the accommodation. However, this potential benefit needs to be balanced against the harm caused by the design and form of the proposed extension, particularly by reason of the side addition. For this reason, only limited weight given to this matter in the determination of this appeal.
18. The effect of the proposed development on the living conditions of the occupiers of neighbouring properties and off-street car parking provision are not the subject of objection from the Council and there are no reasons to disagree with the assessments which have been made. However, these matters do not materially alter the main issues in this case and are, therefore, only given limited weight in the determination of this appeal.

Conclusion

19. These other considerations, even when taken together, do not clearly outweigh the harm by reason of inappropriateness, the limited harm to the openness of the Green Belt, the unacceptable harm to the character and appearance of the host property and the conflict with national and local policy. Accordingly, it is concluded that the very special circumstances required to justify the development do not exist and, taking into account all other matters, this appeal should fail.

D J Barnes

INSPECTOR



Appeal Decision

Site visit made on 11 July 2016

by **Daniel Hartley MTP MBA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 July 2016

Appeal Ref: APP/T2350/W/16/3146979

Former Golf Driving Range, Upbrooks, Lincoln Way, Clitheroe

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by James Alpe Developments Ltd against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2015/0159, dated 9 February 2015, was approved on 14 January 2016 and planning permission was granted subject to conditions.
 - The development permitted is the erection of 21 industrial units (B1 and B2 use) and layout of estate road and parking areas.
 - The condition in dispute is No 7 which states that: *"No development shall take place until a scheme for the offsetting of biodiversity impacts at the site has been submitted to and approved in writing by the local planning authority and until the developer has purchased the requisite conservation credits as evidenced through the submission of the issued Conservation Credit certificates for the identified receptor site [Primrose Lodge, Clitheroe]. The details of offsetting shall include: 1. the identification of receptor site[s]; 2. a management and monitoring plan [to include for the provision and maintenance of such offsetting measures for not less than 25 years from the date of this consent]; 3. the provision of contractual terms to secure the delivery of the offsetting measures; 4. a Conservation Credit Certificate as proof of purchase of the offset credit. The development shall not be commenced until the local planning authority has received payments as calculated by the Environment Bank"*.
 - The reason given for the condition is: *"In order to minimise impacts on biodiversity and compensate for residual harm of development and to comply with Policy DME3 of the Ribble Valley Core Strategy Adopted Version"*.
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Decision

1. The appeal is allowed and the planning permission Ref 3/2015/0159 for the erection of 21 industrial units (B1 and B2 use) and layout of estate road and parking areas at Former Golf Driving Range, Upbrooks, Lincoln Way, Clitheroe granted on 14 January 2016 by Ribble Valley Borough Council, is varied by deleting condition Nos 7 and 2 and substituting condition No 2 with the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the details shown on drawing Nos: Location Plan ALPE 14b/DWG 00 Issue C, Existing Site Plan ALPE 14b/DWG 01 Issue A, Proposed Site Plan ALPE 14b/DWG 02 Issue F, Proposed Roof Plan ALPE 14b/DWG 03 Issue B, Proposed Elevations Building 1 ALPE 14b/DWG 04 Issue B, Proposed Sections Building 1 ALPE 14b/DWG 05 Issue D, Proposed Elevations Building 2 ALPE 14b/DWG 06 Issue B, Proposed Sections Building 2 ALPE 14b/DWG

07 Issue B, Proposed Drainage Plan ALPE 14b/DWG 08 Issue C, Landscaping Plan ALPE 14b/DWG 09 Issue C and Biodiversity Plan ALPE 14b/DWG 10 Issue C.

Background and Procedural Matter

2. It would appear that part way through the determination of planning application 3/2015/0159 the planning application site was reduced in size and a strip of land which was proposed for additional tree planting (along the eastern boundary of the site) was removed due to some land ownership issues.
3. The Council considered that it was necessary to impose planning condition No 7 which effectively requires conservation credits to be purchased (coupled with the submission of a management and monitoring plan) for a site referred to as Primrose Lodge, Clitheroe which is approximately 1.6 km to the south east of Lincoln Way. It is understood that Defra are piloting the use of the Primrose Lodge site as one which can be used for "biodiversity off setting" purposes.
4. The appellant has provided an extract from the Environment Bank which states that there would be a requirement to pay £39,222.94 (plus VAT) to the Local Planning Authority, the money of which would be used for the Primrose Lodge site for "amenity enhancement" and "woodland restoration").
5. The Council has confirmed that condition No 2, which relates to approved drawing numbers, should in fact have referred to Proposed Landscaping Plan APLPE/14b DWG 09 Issue C and not ALPE/14b/DWG 09 Issue B, and Proposed Drainage Plan ALPE 14b/DWG 08 Issue C and not Proposed Drainage Plan ALPE 14b/DWG 08 Issue E. These plans related to the original planning application submission and the appellant reverted back to them due to some land ownership issues. I have determined this appeal based on these plans.

Main Issues

6. The main issues are (i) whether or not condition No 7 of 3/2015/0159 meets the six tests for planning conditions; and (ii) if not, whether or not it would be necessary for a bio diversity off setting contribution to be secured by means of a planning obligation.

Reasons

Planning Condition Tests

7. Paragraph 206 of the National Planning Policy Framework (the Framework) states that planning conditions should only be imposed where they are "*necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects*".
8. Further advice is provided in the National Planning Practice Guidance (NPPG) which states at paragraph 10 that "*planning permission should not be granted subject to a positively worded condition that requires the applicant to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990 or an agreement under other powers. Such a condition is unlikely to pass the test of enforceability*".
9. Planning condition No 7 requires that prior to the commencement of development the appellant should include an offsetting scheme which would include the provision of contractual terms to secure the delivery of offsetting

measures. It is not clear what the contract would be, but I consider that this would either be a Section 106 agreement or an "agreement under other powers".

10. Either way, the planning condition conflicts with paragraph 10 of the NPPG and would not be enforceable, and hence would not meet all six of the planning condition tests. I acknowledge that the NPPG does state that "*in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk*". However, I do not consider that the proposal is complex or strategically important and I have not seen any evidence that the delivery of the development is/was at risk: hence there are no exceptional circumstances. Furthermore, even if such an approach was justified, the NPPG states that "*the heads of terms or principal terms need to be agreed prior to planning permission being granted to ensure that the test of necessity is met and in the interests of transparency*". This did not happen prior to the imposition of the planning condition.
11. I conclude that the condition does not meet all of the six tests as outlined in Paragraph 206 of the Framework. In this regard, it should not have been imposed. I note the appellant's reference to paragraph 5 of the NPPG which states that "*no payment of money or other consideration can be positively required when granting planning permission*". There is some dispute as whether or not the condition is positively or negatively worded. However, it has not been necessary for me to consider this matter further, as I have found that condition No 7 should not have been imposed for other reasons.

Planning Obligation

12. For the reasons outlined above, I have concluded that condition No 7 should not have been imposed. However, and notwithstanding the comments made by the appellant, in determining this appeal Section 79(1) of the Town and Country Planning Act allows me to "*(a) allow or dismiss the appeal, or (b) reverse or vary any part of the decision of the Local Planning Authority (whether the appeal relates to that part or not) and may deal with the application as if it had been made to him in the first instance*". Consequently, it is necessary for me to consider whether or not there would be a requirement for a financial payment for biodiversity off setting (or in respect of any other matters), and, if so, whether or not the absence of a planning obligation would mean that I am required to reverse the original decision and refuse planning permission.
13. I have considered the Extended Phase 1 Habitat Survey and Protected Species Survey Assessment (Phase 1 Survey) submitted by the appellant. I have no reason to doubt the conclusions reached by the appellant's ecologist who states at paragraph 3.1.3 of the Phase 1 Survey that "*the habitats lost to development do not meet any guidelines for Lancashire BAP habitat status. The habitat (primarily improved grassland) and plant species recorded on the site are common and widespread and are considered to be of local (parish) value*". I do not consider that there is any reasonable evidence to suggest that this site (neither a statutory or non-statutory designated site) has any significant biodiversity value: there were no protected species found on the site.

14. I acknowledge that there is a SSSI, a Biological Heritage Site and a Local Nature Reserve close to the site (as indicated in appendix 2 of the Phase 1 Habitat Survey), but I have not been provided with any objective evidence to demonstrate that the proposal would have an “adverse effect” on these designated areas. In respect of bats, the Phase 1 survey does recommend the maximisation/enhancement of boundary buffer zones, particularly along the stream corridor off the southern and eastern site boundaries to ensure that potential foraging routes are maintained. Whilst the amount of new tree planting was reduced part way through the determination of the planning application, there is nonetheless some additional buffer planting on these boundaries (as per the biodiversity plan submitted by the appellant). I have not been provided with any compelling objective evidence to indicate why the planting would not constitute acceptable enhancement.
15. For the reasons outlined above, I conclude that it is not necessary to make a financial contribution towards biodiversity off setting (or in respect of any other alleged harm), and I find no conflict with the biodiversity or landscape character aims of Policies DMG1, EN2 and DME 3 of the Ribble Valley Core Strategy Adopted Version 2008-2028, or paragraph 118 of the Framework. Consequently, there would be no requirement for the appellant to complete a planning obligation.

Other Matters

16. The appellant has drawn my attention to planning condition No 2 which relates to the approved drawing numbers. The Council have confirmed that this planning condition does not accurately reflect the list of planning drawings which were considered as part of the determination of planning application reference No 3/2015/0159. In particular, drawing No ALPE/14b/DWG 09 Issue B should have been drawing No APLPE/14b DWG 09 Issue C, and Proposed Drainage Plan ALPE 14b/DWG 08 Issue E, should have been Proposed Drainage Plan ALPE 14b/DWG 08 Issue C. I shall vary the planning permission to rectify these errors.

Conclusion

17. In conclusion, the planning condition should not have been imposed as it does not meet all of the six tests outlined in the Framework. In addition, and based on the evidence before me, the development would not have an adverse affect upon biodiversity or any other matters. Consequently, I do not consider that there is any need for a planning obligation. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed. I will vary the planning permission by deleting the disputed condition and will amend planning condition No 2 as agreed by the Council.

Daniel Hartley

INSPECTOR

Appeal Decision

Site visit made on 11 July 2016

by Daniel Hartley MTP MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 July 2016

Appeal Ref: APP/T2350/W/16/3148586

Stydd Garden Centre, Stydd Gardens, Stoneygate Lane, Ribchester, Lancashire PR3 3YN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs R Pyle against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0174, dated 16 February 2016, was refused by notice dated 12 April 2016.
 - The development proposed is the erection of a new shed (1) for the sale of delicatessen products with light refreshments.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The shed has already been built.
3. I have used the site address from the Council's decision notice as this correctly refers to the site as being part of Stydd Garden Centre.
4. I have also dealt with another appeal (Ref APP/T2350/W/16/3148589) on this site which is the subject of a separate decision.

Main Issue

5. The main issue is whether or not there would be adequate car parking within the site and, if not, whether or not the proposal would result in on street car parking to the detriment of highway safety.

Reasons

Site and proposal

6. The site forms part of an established garden centre which includes an existing restaurant. The proposal is for the erection of a shed (single storey) constructed out of softwood ship lap boarding with stained softwood windows and doors and a bitumous felt pitched roof with softwood vertical weather battens. It is sited along the southern boundary of the car park close to the entrance of the site with Stoneygate Lane. It is understood that there was previously a larger shed on the site, which was erected pursuant to planning permission 3/2014/0265 (approved 2 June 2014) and used as a beauty salon

including a decked entrance area and a decked side area. I have viewed the approved plans for this building and it included a reception area, 2 treatment rooms, a store/kitchen and a toilet room (approximately 62 square metres).

7. The appeal building measures approximately 7.3 metres x 4.8 metres (about 35 square metres) and includes a timber decked area (with ramp and steps) to the front which is about 3.0 metres in depth. It is proposed to use the shed for the sale of delicatessen products including light refreshments (tea, coffee and snacks) to be eaten in or taken away. The appellant has confirmed to the Council that there would be maximum seating for 16 people.

Car parking and highway safety

8. The Council has confirmed that it does not have its own adopted car parking standards (email dated 24 May 2016). However, Policy DMG 3 of the adopted Core Strategy 2008-2028 "A Local Plan for Ribble Valley" (Core Strategy) states that "*all development proposals will be required to provide adequate car parking and servicing space in line with currently approved standards*". The Council have confirmed that the standards that they use, and which formed part of the evidence base in terms of the examination into the Core Strategy, are as contained within the Joint Lancashire Structure Plan 2005 (JLSP). In effect, the Council is saying, and notwithstanding the status of the JLSP, that these standards are the "approved standards" for the purposes of considering car parking provision. I have not been provided with any evidence to contradict what the Council says about the approved parking standards. Furthermore, and in any event, in the absence of any other car parking standards, they do at least provide a useful starting point in terms of the determination of this appeal.
9. I note that the Council approved development on this part of the site in the recent past. However, decisions were made in advance of the consideration of other development on the site including the more recently approved restaurant. I have considered the information provided by the Council, which has been obtained as a result of the completion of a Planning Contravention Notice. It is evident that development on the site is now very different to what existed just a few years ago. It is not entirely clear what buildings/uses are lawful and not lawful on the appeal site. This is an important consideration when determining whether or not car parking provision is acceptable for the proposed development.
10. Based on all of the buildings/uses on the site, and applying the car parking standards, the Highway Authority considers that there is a need for between 73 and 92 car parking spaces depending on whether the marquee is included as this is used between April and September only. The site has planning permission for 42 car parking spaces (Ref 3/2014/0633), although not all of these spaces have been provided. At that time, the Council considered that the uses on the site required only 42 car parking spaces, but they have now indicated that they were not fully aware of a number of the buildings/uses on the site. The proposal would require additional car parking spaces, and hence this creates a shortfall.
11. In the absence of any certain information from the main parties that some of the uses/buildings on the site are unlawful (and hence may cease to be used and/or be removed), it is not possible to be entirely sure about the significance of the shortfall in on-site car parking numbers. This is an important

consideration as the evidence before me (including a Council photograph of a significant number of parked vehicles on Stoneygate Lane dated November 2014) indicates that a number of vehicles have previously had to park on Stoneygate Lane.

12. Whilst in itself the proposal would require only two additional car parking spaces (based on the JLSP standards), it is necessary to be certain about car parking provision for all uses/buildings on the site. Taking into account the width and traffic speeds on Stoneygate Lane, I consider that even a small amount of parking on this highway would unacceptably interrupt the free flow of traffic to the detriment of highway safety. Furthermore, and in the absence of adequate car parking provision on the appeal site, I would have concerns about vehicles queuing and manoeuvring at the site entrance: there is potential for this to result in accidents.
13. For the reasons outlined above, I conclude that the appellant has not provided a robust assessment of car parking need. On the basis of the evidence before me, the proposed development is not justified in car parking terms. Hence, I find conflict with the car parking and highway safety aims of Policies DM12, DMG1 and DMG3 of the Core Strategy.

Other Matters

14. I acknowledge that the proposed delicatessen may be used by customers of the wider site. In that regard, the proposal may not always require additional car parking spaces. However, it is likely that some customers would visit the delicatessen in its own right, or it would at least make the wider site more popular, thereby attracting more visitors. Consequently, I consider that an additional car parking provision of two spaces is reasonable.
15. I note that the appellant considers that alternative modes of transport could be utilised (for example public transport, cycling or walking), but the site is in a relatively remote location and Stoneygate Lane is mainly unlit and is narrow: it is not therefore conducive to cycling and walking.
16. The appellant has made reference to a planning permission for a beauty salon and reception area sited in a similar location to the current proposal. This development has now been removed from the site, and planning permission was granted prior to the restaurant (and extended 42 space car park) being approved. Furthermore, the Council have indicated that they now believe that there are a number of other uses/buildings on the site that they did not take into account when the restaurant/extended car park were approved. Consequently, whilst I afford some weight to the fact that the appeal site has previously included approved development, the overall position relating to development on the wider site remains very uncertain. This is an overriding concern that is required to be addressed in full.
17. None of the other matters raised outweigh my conclusions on the main issues.

Conclusion

18. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR

Appeal Decision

Site visit made on 11 July 2016

by Daniel Hartley MTP MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 July 2016

Appeal Ref: APP/T2350/W/16/3148589
Stydd Garden Centre, Stydd Gardens, Stoneygate Lane, Ribchester,
Lancashire PR3 3YN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Fullalove (Stydd Garden Centre) against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0172, dated 16 February 2016, was refused by notice dated 12 April 2016.
 - The development proposed is the erection of a new shed (2) for education use.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The shed has already been built.
3. I have used the site address from the Council's decision notice as this correctly refers to the site as being part of Stydd Garden Centre.
4. I have also dealt with another appeal (Ref APP/T2350/W/16/3148586) on this site. That appeal is the subject of a separate decision.

Main Issue

5. The main issue is whether or not there would be adequate car parking within the site and, if not, whether or not the proposal would result in on street car parking to the detriment of highway safety.

Reasons

Site and proposal

6. The site forms part of an established garden centre which includes an existing restaurant. The proposal is for the erection of a shed (single storey) constructed out of softwood ship lap boarding with stained softwood windows and doors and a bitumous felt pitched roof with softwood vertical weather battens. It is sited along the southern boundary of the car park close to the entrance of the site with Stoneygate Lane. It is understood that there was previously a larger shed on the site, which was erected pursuant to planning permission 3/2014/0265 (approved 2 June 2014) and used as a beauty salon
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including a decked entrance area and a decked side area. I have viewed the approved plans, and they included a reception area, 2 treatment rooms, a store/kitchen and a toilet room (approximately 62 square metres).

7. The building measures approximately 6.7 metres x 4.8 metres (approximately 32 square metres) and includes a timber decked area (with a ramp and steps) to the front which is about 3.0 metres in depth. It is proposed to use the shed for craft/garden centre instruction for groups of 8-10 people with the building hired on an hourly, half day or full day basis. The centre would be used on a pre-appointment/booking basis and it is intended to provide instruction and advice for gardening and handicraft enthusiasts.

Car parking and highway safety

8. The Council has confirmed that it does not have its own adopted car parking standards (email dated 24 May 2016). However, Policy DMG 3 of the adopted Core Strategy 2008-2028 "A Local Plan for Ribbles Valley" (Core Strategy) states that "*all development proposals will be required to provide adequate car parking and servicing space in line with currently approved standards*". The Council have confirmed that the standards that they use, and which formed part of the evidence base in terms of the examination into the Core Strategy, are as contained within the Joint Lancashire Structure Plan 2005 (JLSP). In effect, the Council is saying, and notwithstanding the status of the JLSP, that these standards are the "approved standards" for the purposes of considering car parking provision. I have not been provided with any evidence to contradict what the Council says about the approved car parking standards. Furthermore, and in any event, in the absence of any other car parking standards, they do at least provide a useful starting point in terms of the determination of this appeal.
9. I note that the Council approved development on this part of the site in the recent past. However, decisions were made in advance of the consideration of other development on the site, including the more recently approved restaurant. I have considered the information provided by the Council which has been obtained as a result of the completion of a Planning Contravention Notice. It is evident that development on the site is now very different to what existed just a few years ago. It is not entirely clear what buildings/uses are lawful and not lawful on the appeal site. This is an important consideration when determining whether or not car parking provision is acceptable for the proposed development.
10. Based on all of the buildings/uses on the site, and applying the car parking standards, the Highway Authority considers that there is a need for between 73 and 92 car parking spaces, depending on whether the marquee is included as this is used between April and September only. The site has planning permission for 42 car parking spaces (Ref 3/2014/0633), although not all of these spaces have been provided. At that time, the Council considered that the uses on the site required only 42 car parking spaces, but they have now indicated that they were not fully aware of a number of the buildings/uses on the site. The proposal would require additional car parking spaces, and hence this creates a shortfall.
11. In the absence of any certain information from the main parties that some of the uses/buildings on the site are unlawful (and hence may cease to be used and/or be removed), it is not possible to be entirely sure about the significance

of the shortfall in on-site car parking numbers. This is an important consideration as the evidence before me, including a Council photograph of a significant number of parked vehicles on Stoneygate Lane dated November 2014, indicates that a number of vehicles have previously had to park on Stoneygate Lane.

12. Based on the JLSP standards, the proposal would require four additional car parking spaces. Taking into account the width and traffic speeds on Stoneygate Lane, I consider that even a small amount of parking on this highway would unacceptably interrupt the free flow of traffic to the detriment of highway safety. Furthermore, and in the absence of adequate car parking provision on the appeal site, I would have concerns about vehicles queuing and manoeuvring at the site entrance: there is potential for this to result in accidents.
13. For the reasons outlined above, I conclude that the appellant has not provided a robust assessment of car parking need. On the basis of the evidence before me, the proposed development is not justified in car parking terms. Hence, I find conflict with the car parking and highway safety aims of Policies DM12, DMG1 and DMG3 of the Core Strategy.

Other Matters

14. The appellant has made reference to a planning permission for a beauty salon and reception area sited in a similar location to the current proposal. This development has now been removed from the site, and planning permission was granted prior to the restaurant (and extended 42 space car park) being approved. Furthermore, the Council have indicated that they now believe that there are a number of other uses/buildings on the site that they did not take into account when the restaurant/extended car park were approved. Consequently, whilst I afford some weight to the fact that the appeal site has previously included approved development, the overall position relating to development on the wider site remains very uncertain. This is an overriding concern that is required to be addressed in full.
15. None of the other matters raised outweigh my conclusion on the main issue.

Conclusion

16. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR

Appeal Decision

Site visit made on 4 May 2016

by Isobel McCretton BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th July 2016

Appeal Ref: APP/T2350/W/16/3144394

Pinfold Farm Barn, Preston Road, Ribchester PR3 3YD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Bennett against the decision of Ribble Valley Borough Council.
 - The application Ref. 3/2015/0647, dated 31 July 2015, was refused by notice dated 13 November 2015.
 - The development proposed is the conversion of former garage and stables to form a 3-bed dwelling and associated site works – new access track.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether or not the proposed development accords with the provisions of local and national planning policies for the conversion of rural buildings and sustainable development, and the implications of this for the implementation of the development strategy for the Borough.

Reasons

3. The appeal property comprises a detached double garage and stables situated on the south-eastern side of a cluster of dwellings and farm buildings. The site is located within the countryside, around 1.2km to the north of Ribchester and about 2.6km to the south-east of Longridge. It is proposed to convert the building to a 3-bedroom dwelling. A new access would be provided, continuing on from the existing access to nos.1 & 2 Pinfold Farm Barn, and 2 parking spaces would be provided.
4. Key Statement DS1 of the Council's Core Strategy¹ states that the majority of new housing development will be concentrated within the principal settlements of Clitheroe, Longridge and Whalley and Tier 1 settlements which are considered to be the more sustainable of the defined settlements. Elsewhere, in the Tier 2 Villages, development will need to meet proven local needs or deliver regeneration benefits. Key Statement DS2 embodies the presumption

¹ Core Strategy 2008-2028 – A Local Plan for Ribble Valley (adopted 2014)

in favour of sustainable development embodied in the National Planning Policy Framework (the Framework).

5. Policy DMG2 reflects the spatial strategy set out in Key Statement DS1. Within the open countryside, development will be required to be in keeping with the character of the local landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting. Where possible new development should be accommodated through the re-use of existing buildings.
6. Policy DMG3 attaches considerable weight to the availability and adequacy of public transport and associated infrastructure to serve the development.
7. Policy DMH3 sets out that, within areas defined as open countryside, residential development will be limited to a number of circumstances, including the appropriate conversion of buildings to dwellings, providing they are suitably located and their form and general design are in keeping with their surroundings. The building must be structurally sound and capable of conversion without the need for complete or substantial reconstruction. Policy DMH4 gives further guidance on the circumstances where planning permission will be granted for the conversion of buildings to dwellings, and the building to be converted must meet a number of criteria. In particular, the character of the building and its materials should be appropriate to its surroundings. The building and its materials should be worthy of retention because of its intrinsic interest or potential or its contribution to the setting, and the building should have a genuine history of use for agriculture or another rural enterprise.
8. The proposed dwelling, being part of a cluster of dwellings and outbuildings, would not be isolated in the landscape. It is structurally sound and is capable of conversion without the need for complete or substantial reconstruction. The Council contends that the building is not suitably located in that it is in a remote location i.e. it does not benefit from adequate access to local services or facilities so that occupiers would be reliant on the private car, contrary to the presumption in favour of sustainable development in the Framework. However, the appellant points to the fact that there is a bus stop close to the appeal site offering frequent services to Longridge and Ribchester, and that these towns are within cycling distance with Preston Road being part of the National Cycle route. I agree that future occupiers need not be wholly dependent on the private car to access day to day services and there is no material conflict with policy DMH3 in this regard.
9. Moreover, although the main spatial strategy set out in Key Statement 1 and policy DMG2 is to direct new residential development to the main/Tier 1 settlements, and policy DMG3 gives considerable weight to the availability and adequacy of public transport, clearly both policies DMH3 and DMH4 along with paragraph 55 of the Framework provide for the conversion of buildings in the rural area which, by their nature would be more remote. Indeed, when the Core Strategy was examined, the policy was amended to make it clear that rural conversions should not be isolated in the landscape as the original wording had suggested that barn conversions would only be allowed where the building is in a defined settlement. I therefore do not find that the objectives

of sustainable development would be prejudiced and that the proposed development should fail in this regard.

10. Nonetheless, policy DMH4(4) requires that there should be a genuine history of use for agriculture or another rural enterprise. The appeal building was erected as garaging and stables in connection with a residential property and there is no history of agricultural use or use in connection with a rural enterprise. As such the proposed development would not accord with policy DMH4.
11. The appellant argues that policy DMH4 has been carried forward from the earlier Ribble Valley Local Plan (1998) and that the justification for the policy at the time was to avoid the abuse of agricultural permitted development rights. However, no such justification is given in the supporting text in the adopted Core Strategy. Although there is no suggestion that it is applicable in this case, the criterion in the policy would also prevent possible abuse of domestic permitted development rights whereby an outbuilding could be erected in a large garden and then residential conversion sought. While I recognise that the Framework does not put such restriction on the conversion of rural buildings, the examination and adoption of the Core Strategy post-dates the publication of the Framework and it was found to be sound.
12. Policy DMH4(3) also requires that the building and its materials are worthy of retention because of its intrinsic interest or potential or its contribution to its setting. The supporting text to the policy sets out that the re-use of existing rural buildings provides an important opportunity to preserve buildings that contribute to the area's character and setting, can usefully provide a housing resource and promote sustainability. The Framework encourages the conversion of redundant or disused rural buildings where it would lead to an enhancement of the immediate setting. There is no particular merit in the appeal building which, in my opinion, has a neutral effect on the area's character and setting and it has no intrinsic interest which should be preserved. It is evidently an outbuilding associated with the existing dwelling and it sits on the periphery of the group of buildings.
13. A substantial garden is proposed, but no provision is made for storage or garaging. It seems to me that there is likely to be future pressure for further ancillary buildings which would further suburbanise this rural site but which it may be unreasonable for the Council to resist. The fact that the appellant considers the imposition of a condition withdrawing permitted development rights for curtilage buildings to be unreasonable and unnecessary rather underlines this concern. At the very least the proposed development would not provide an enhancement of the setting as required by the Framework.
14. I conclude that there is insufficient justification for the creation of a new dwelling in this location and that the proposed development would not accord with policy DMH4 of the Core Strategy or paragraph 55 of the Framework.
15. The Council has also expressed concern that the proposal would create a harmful precedent for the acceptance of other similar proposals without sufficient justification which would have an adverse impact on the implementation of the development strategy in the adopted Core Strategy. While each proposal must be considered on its own merits, if such developments were to be approved contrary to adopted policy, and without

sufficient justification, this could make such development harder to resist, and as a consequence there would be a cumulative adverse effect on the character of the countryside.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

Isobel McCretton

INSPECTOR

Appeal Decision

Site visit made on 11 July 2016

by Daniel Hartley MTP MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 July 2016

Appeal Ref: APP/T2350/W/16/3148370

Land adjacent to the Petre Arms, Langho, Clitheroe BB6 8AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jack Lowther against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2015/0074, dated 13 January 2015, was refused by notice dated 16 October 2015.
 - The development proposed is the erection of a storage building with a lean-to facilities block and change of use of land to create a caravan park development for 21 touring caravans/recreational vehicles.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a storage building with a lean-to facilities block and change of use of land to create a caravan park development for 21 touring caravans/recreational vehicles at land adjacent to the Petre Arms, Langho, Clitheroe BB6 8AB in accordance with the terms of the application Ref 06/2015/0648, dated 31 July 2015, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal upon (i) the living conditions of the occupiers of nearby properties in respect of noise, disturbance and vehicular movements; (ii) the character and appearance of the area; and (iii) highway safety.

Reasons

Site and proposal

3. The appeal site comprises open and mainly hard surfaced land which has been used in recent years for the purposes of holding caravan rallies. It is positioned to the rear of the Petre Arms and at this point there is an existing coniferous tree border along the boundary. To the west there are dwellings and to the east there is St Leonards Church (this is not listed), St Leonards Primary School and a community centre. There is an existing access into the site (also shared with the community centre) which leads from Whalley Road.
4. It is proposed to use the site as a touring caravan / recreational vehicle site containing 21 pitches each measuring about 7.0 metres x 8.5 metres and with an associated hard stand area each measuring approximately 9.0 metres x 2.0

metres. Additional hedgerow planting is proposed within the centre of the site and along the northern boundary. A 1.8 metre high close boarded fence is proposed along the southern and western boundaries. Existing vegetation would be retained to the southern and eastern boundaries and a play area is proposed in the far north eastern corner of the site. In the south western corner of the site it is proposed to erect a building which would be used to store maintenance equipment (including part use for the appellant's wider agricultural activities) and would include male and female wash rooms and showers. The building would measure approximately 14.0 metres x 10.6 metres and with a ridge height of about 4.4 metres. It would be clad in timber (concrete block at lower section) to the south and west facing elevations, and would include mainly natural stone to the east and north facing elevations. The roof would be constructed using grey fibre cement roof sheets.

Living Conditions

5. The appellant has commented that in the last nine years, the site has been used approximately a dozen times per annum for caravan and camping club rallies. I have no reason to doubt what the appellant says about there sometimes being 50 caravans on the site during these rallies. The Council's Environmental Health service has confirmed that there have not been any complaints about the use of the site in this way.
6. I acknowledge that the use of the site for holiday purposes will generate an increase in comings and goings when compared to the current use of the site: for large parts of the year the site is not used. However, I have taken into account a combination of issues including (i) that the site would not be used all year round; (ii) that an essentially residential type of use is proposed; (iii) that the site would be well screened by existing/proposed landscaping and fencing; (iv) the separation distances from surrounding buildings; (v) the historic use of the site; and (vi) the fact that this area is characterised by a mixture of commercial, community and residential uses.
7. In addition to the above, it would be possible to impose a planning condition which would ensure that more detailed controls are in place relating to the management and operation of the site. I acknowledge the representations made by some interested parties who raise concerns that there may not be a site manager on site. However, and for the avoidance of doubt, the appellant has confirmed (letter dated 23 June 2016) that "*during the open season there will be a warden resident at the site in a caravan*".
8. For the above reasons, I conclude that the proposal would not cause unacceptable harm to the living conditions of the occupiers of nearby properties in respect of noise, disturbance or vehicular movements. In this regard, the proposal would not conflict with the amenity aims of Policy DMG1 of the Ribble Valley Borough Council Core Strategy 2014 (CS).

Character and appearance

9. The siting of caravans and the erection of a building would undoubtedly have some impact upon the character and appearance of the area. However, that is the case for most developments of this kind in the countryside. In this case, the development would be closely related to existing buildings. Furthermore, the caravans would not be positioned on the site on a permanent basis as the appellant has agreed to a planning condition which requires that there are no

caravans between 6 January and 7 March in any year. The proposed building would have an agricultural appearance and hence would reflect the rural character and appearance of land to the rear of the Petre Arms.

10. Public views of the site from Whalley Road would be masked by the Petre Arms as well as by the existing vegetation along the southern boundary. I consider that the existing and proposed planting would ensure that the development does not cause material harm to the character and appearance of the area. I accept that the caravans would be visible from some public areas, including a nearby footpath, but the retention of existing vegetation, coupled with significant additional planting to be secured by planning condition, would ensure that the development did not appear intrusive in the landscape.
11. For the above reasons, I conclude that the proposal would not cause unacceptable harm to the character and appearance of the area. In this regard, I do not find any conflict with the design aims of Policy DMG 1 of the CS.

Highway safety

12. The County Highways Authority has raised no objection to this proposal based on the amended plan which straightens the access into the site. I acknowledge that the access from Whalley Road would be shared with visitors to other neighbouring sites. However, I have not been provided with any compelling evidence which would persuade me that the findings of the County Highways Authority are unsound. Whilst this is a relatively narrow access, I do not consider that this would lead to significant highway conflicts: visitors would likely arrive intermittently throughout the day. Access would be immediately onto Whalley Road which is a classified road and where there is easy and convenient access to the wider highway network. In this regard, I have no reason to disagree with the appellant that the site has better road infrastructure for those towing a caravan than many of the more remote caravan sites which are reached from narrow country lanes.
13. I do not doubt that at school drop off and pick up times the immediate highways are more congested and include a number of parked vehicles. In this sense, it seems eminently sensible, given the more difficult manoeuvring needed when towing a caravan, to restrict the times when visitors can first visit and finally depart from the site. With such controls in place, I do not consider that there would be significant conflict between vehicles at school drop off and pick up times, or at any other times of the day. Subject to the imposition of such a planning condition, I conclude that the proposal would not result in severe highway safety impacts. Consequently, I do not find any conflict with the highway safety aims of Policy DMG 1 of the CS.

Other Matters

14. I note that a significant number of representations have been received from other interested parties including 167 letters of objection at planning application stage. I have also taken into account representations made by other interested parties as part of the appeal including Councillors Stephen Atkinson and Paula Dobson, Samuel Smith Old Brewery (Tadcaster) and the Whalley Road Residents Group.

15. Whilst some have concerns about the site becoming a traveller's site or a permanent residential site, these are not proposals that are before me. In any event, I have imposed a planning condition which would preclude permanent residential use of the site, and would ensure that it was used only for holiday/recreational purposes. The Local Planning Authority would have enforcement powers in the event that such a planning condition was breached.
16. I accept that some caravans do have washing / toilet facilities. However, not all do, and it is not uncommon to have on-site facilities, such as a separate utility building, on caravan sites. I do not consider that the building would look out of place, or that it would cause harm to the character and appearance of the area. Whilst an agricultural building has previously been refused on the site (3/2007/0989/P), the Council has confirmed that this was due to a lack of agricultural justification: the appeal proposal is not directly comparable to the previous agricultural proposal.
17. Whilst Langho is a relatively small settlement, planning policies do not prohibit the proposed development in this location. The development does amount to a "small scale tourism or recreational" development in respect of applying Policy DMG2 of the CS. Consequently, and notwithstanding the representations made by Samuel Smith Old Brewery (Tadcaster), there is no policy requirement to justify need. Whilst I acknowledge the concerns raised by interested parties about extensions in the future (as the appellant owns adjoining land), this would need separate planning permission and the Council would need to judge whether such development went beyond "small scale".
18. St Leonards Church is not a listed building. Nonetheless, I have considered the separation distances involved, and there would not be any harm caused to the setting of this historic building. The proposal would provide a place in which to site a caravan, and hence I envisage that tourists would visit shops and facilities in the local area which would have some economic benefits. I have no reason to disagree with the Council who state in their appeal statement that *"the appeal site is considered to be sustainable in terms of its proximity to the A59 and the local hotels, public houses, restaurants and shops in Langho"*. Whilst I note that there are some other caravan sites in the Borough, there are no planning policies that I have been made aware of that would preclude, in land use principle, further caravan sites from being formed.
19. Representations have been made about the effect of the development on views and house values. The Courts have held that these matters are not material planning considerations. In any event, I have not received any objective evidence to substantiate claims about the effect of the development on house values. As part of the site visit, I was able to view the relationship of the proposed development with all neighbouring properties (this included a specific request to view from No 9 Petre Wood Drive). Taking into account the boundary vegetation and separation distances from surrounding properties, I do not consider that the proposal would cause harm to the living conditions of the occupiers of such properties including outlook.
20. None of the other matters raised outweigh my conclusions on the main issue.

Conditions

21. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of

the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.

22. The appellant has agreed to all of the Council's suggested planning conditions apart from condition No 9 which would require the submission of a noise assessment relating to the proposed development. I have considered the advice provided by the Council's Environmental Health service that raised no objection to the proposal. Furthermore, and subject to good management of the site (to be controlled by means of planning condition No 4 in the schedule of conditions attached to this decision), I do not consider that such a condition would be necessary.
23. Planning permission is granted subject to the standard three year time limit condition. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I have therefore imposed a condition to this effect.
24. In the interests of the living conditions of the occupiers of nearby properties, and to accord with CS policies, it is necessary to impose planning conditions relating to the use of the site, times when caravans shall not be on the site, external lighting and the management/operation of the site. The latter condition is also necessary, in the interests of highway safety, in order to ensure that the site is managed in such a way that person's with bookings avoid arriving at the site during school pick up and drop off times.
25. In the interests of the character and appearance of the area, it is necessary to impose conditions relating to landscaping, the play area and refuse storage provision. This would also include a requirement to submit details relating to the play area.
26. In the interests of nature conservation, a planning condition is necessary in respect of the implementation of the recommendations and mitigation measures in Section 6 of the Ecological Appraisal prepared by Envirotech. Finally, a planning condition is necessary in order to ensure that the site can properly deal with surface water and foul drainage.

Conclusion

27. The proposal would not have a significantly harmful effect upon the living conditions of the occupiers of nearby properties or the character or appearance of the area, and would not lead to any severe highway safety impacts. For these reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Daniel Hartley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Low/688/1794/01 REVB and Low/668/1794/02 REV.B.

- 3) This permission authorises the use of the site as a touring caravan site for holiday/recreational purposes only. No caravans shall remain on the site between 6 January and 7 March of any year; and no caravan at the site shall be occupied as any person's sole or main residence.

- 4) Prior to the commencement of development, precise details of the proposed means of management and operation of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall be operated in strict accordance with the approved details. This shall include details of the following:
 - i) The means by which entry to the site would be restricted only to persons who had previously booked to be at the site.
 - ii) The times of day when persons with bookings can first enter and finally depart the site. This should avoid initial entry onto the site, and final departure from the site between the hours 0800 and 0930 and between the hours 1445 hours to 1545 hours on Mondays to Fridays during school term time.
 - iii) Details of the person or persons who would be responsible for assisting legitimate occupiers of the site with any queries/problems; and would also be responsible for ensuring that the behaviour of persons at the site is reasonable and not detrimental to the amenities of nearby residents.
 - iv) Details of the times of the day (if at all) that there would be a representative of the site operators present at the site.
 - v) The addresses of the person or persons responsible for the operation of the site.
 - vi) The site shall be operated at all times in complete accordance with the approved details.

- 5) Prior to the first use of the site for the purpose hereby permitted details of additional landscaping of the site, and including the retention of existing trees and hedgerows, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate as appropriate the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped including details of any changes of level or landform and the types and details of any fencing or screening. Details of the means of protection during development works of all hedgerows and trees identified for retention shall also be submitted for approval by the Local Planning Authority. The approved means of protection shall be in place at all times during the period of development works.

The approved landscaping scheme shall be implemented in the first planting Season following the first occupation or use of the development and shall be

maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

6) The development hereby permitted shall be carried out in complete compliance with the recommendations and mitigation measures in Section 6 of the Ecological Appraisal by envirotech (report reference 2534 dated 6 January 2015) that was submitted with the application.

7) No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

8) No play equipment shall be installed at the play area as shown on drawing no. Low/688/1794/01 REVB, or elsewhere on the site, unless precise details of its type, height, design, colour and precise location have first been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details and maintained as such thereafter.

9) Prior to the commencement of any development, a scheme for the disposal of foul and surface waters, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to first use of the site for the purpose hereby permitted.

10) The indicative details of the proposed refuse storage area is considered to be acceptable. However, the proposed storage area shall be constructed prior to the first use of the site and thereafter used and maintained solely for the purpose hereby permitted, in accordance with more precise details relating to its location, dimensions, materials of construction and external appearance, that have first been submitted to and approved in writing by the Local Planning Authority.

Appeal Decision

Site visit made on 22 June 2016

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 July 2016

Appeal Ref: APP/T2350/W/16/3144598

**Land Adjacent to the Village Hall, Main Street, Newton in Bowland,
Clitheroe BB7 3DZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Phillip Rhodes against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0050, dated 6 January 2016, was refused by notice dated 11 February 2016.
 - The development proposed is the erection of one dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal scheme is in outline form with all matters reserved for subsequent approval and is a resubmission of a similar proposal refused by the Council (Ref 3/2015/0208).

Main Issues

3. It is considered that the main issues are (a) whether the proposed development would preserve or enhance the character or appearance of the Newton Conservation Area; (b) the effect of the proposed development on the character and appearance of the Bowland Area of Outstanding Natural Beauty and (c) whether the proposed development would be in a sustainable location.

Reasons

Newton Conservation Area

4. The appeal site forms part of a residential garden within Newton in Bowland. Residential gardens are not included within the definition of previously developed land included in the National Planning Policy Framework (the Framework). However, the development of gardens for housing purposes is not precluded by the Framework subject to other policy considerations.
 5. In this case, the site is situated within the Newton Conservation Area where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This
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statutory duty is echoed in Policies DME4 and DMG1 of the Core Strategy 2008-2028: A Local Plan for Ribble Valley (CS). It is the appellant's claim that the proposed development would at least preserve the character and appearance of the Conservation Area and reference has been made to case law to support this claim, including *Bath Society v Secretary of State for the Environment and Another*.

6. The built development within the Conservation Area primarily comprises 2-storey residential dwellings of modest scale and simple form which possess stone walls and share similar fenestration. The predominant roofing material is slate and there are examples of stone walls fronting the roads. The homogeneity of locally sourced stone is referred to in the *Newton Conservation Area Management Guidance*. The properties are generally sited close to the carriageway of the roads rather than being set back into their plots to the rear of frontage trees.
7. Included within the Conservation Area is, and as identified in the *Management Guidance*, an extensive area of pasture and hay meadow which provides a setting for the area. Although this open space abuts the site, the topography of the adjacent land and the existing vegetation limit views of the site from the adjacent open and verdant countryside. The *Townscape Appraisals Map* for the Conservation Area identifies that the site includes an Important Tree Group and is within an Important View along Main Street. Opposite the site the *Appraisal Map* identifies a short terrace of 2-storey dwellings as being Buildings of Townscape Merit. This terrace forms part of the Important View and are a positive feature of the Conservation Area.
8. My impression of this view to the east of the Village Hall is that there is a sense of enclosure along the streetscene associated with both the site's boundary wall and trees fronting the road and the siting, simple form and modest scale of the terrace of residential properties. This sense of enclosure does not create the impression of the site being an important open space within the Conservation Area, particularly when compared to other spaces observed during the site visit.
9. The appeal scheme is in outline from with all matters reserved for subsequent approval. Access to the site is indicated to be shared with the host property and a drawing exists which identifies a potential siting of the proposed dwelling. Little other information about the design and layout of the proposed development is provided, including in the Design and Access Statement.
10. Some of the indicative material does provide me with sufficient comfort that, in principle, the boundary trees could be retained, particularly those fronting the road which make a positive contribution to the streetscene. This judgment reflects the assessment of the Council's Tree Officer. However, to retain the boundary trees would require the proposed dwelling to potentially be set well back from the carriageway rather than reflect the siting of other near-by properties. How the proposed dwelling could respect the existing urban grain of the village and the streetscene has not been explained.
11. The appellant claims that because it is a reserved matter it cannot be presumed that a careful and effective design for the proposed dwelling would fail to preserve or enhance the character or appearance of the Conservation

Area. However, by reason of the appeal scheme being in outline form, I share the view of a third party that there is insufficient information available and I am unable to make a full assessment to discharge the statutory duty, specifically whether the appeal scheme would at least preserve the character and appearance of the Conservation Area. Important matters of detail which have not been provided include the scale, height, massing, appearance, detailing and form of the proposed dwelling. All these matters affect how the appeal scheme would respect and the character and appearance of the Conservation Area. Some of these matters are specifically identified in the *Management Guidance*.

12. Although there is a lack of information, the erection of the proposed dwelling would lead to less than substantial harm to the significance of the Conservation Area. However, this matter is not outweighed by the public benefits of the appeal scheme, including the appellant's claim about the erection of a dwelling on an under-utilised site within the confines of a built-up area. Accordingly, and in the absence of adequate information, it is concluded that the proposed development would fail to preserve the character and appearance of the Newton Conservation Area and, as such, it would conflict with CS Policies DME4 and DMG1.

Bowland Area of Outstanding Natural Beauty

13. The site, the village and the surrounding area are within the Bowland Area of Outstanding Natural Beauty (AONB). The Framework identifies that great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty. This status of protection is echoed in CS Key Statement EN2.
14. However, by reason of being contained on 3 sides by built forms of development and the site's limited contribution to the open and verdant character of the surrounding countryside, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the Bowland Area of Outstanding Natural Beauty. It is further concluded that the appeal scheme would not conflict with the requirements of the Framework and CS Key Statement EN2 concerning the conservation of the landscape and scenic beauty of the AONB.

Sustainable Location

15. Newton in Bowland is identified in CS Key Statement DS1 as a Tier 2 Village where development will need to meet proven local needs or deliver regeneration benefits. CS Policy DMG2 expands upon the types of local need that might be acceptable. The appellant claims that the appeal scheme would be situated in a sustainable location; capable of capitalising upon existing infrastructure capacity; a positive reuse of land within a built-up area; an addition to the housing stock and a rounding-off or infilling of the settlement pattern. However, none of the appellant's claims demonstrate either a proven need for the proposed dwelling or that the appeal scheme delivers regeneration benefits of the type identified in the Core Strategy. I also note that the Council's claim of a housing supply in excess of 5-years has not been challenged in any detail by the appellant.

16. During the site visit it was noted that the facilities available within the settlement are limited and that a notice had been erected advising the bus services had been withdrawn. The sustainability credentials of the village as a location for residential development are not strong and this adds to my concerns about a need for housing in this location. On this matter it is concluded that the proposed development would not be in a sustainable location and, as such, it would conflict with CS Key Statement DS1 and Policy DMG2.

Other Matters

17. Some local residents have raised concerns about the impact of the proposed development on the safety of other highway users and the appeal site being located adjacent to a watercourse. However, the Council has not objected to the proposed development for these reasons. Based upon the site visit, there are no reasons for me to adopt a contrary assessment to the Council and, in any event, these matters do not alter the main issues which have been identified as the basis for the determination of this appeal.

Conclusion

18. Although the proposed development would not cause unacceptable harm to the character and appearance of the Bowland Area of Outstanding Natural Beauty, this matter is significantly and demonstrably outweighed by the appeal scheme's failure to preserve the character and appearance of the Newton Conservation Area and the proposed dwelling not being in a sustainable location. Accordingly, and taking into account all other matters including the Framework's presumption in favour of sustainable development, it is concluded that this appeal should fail.

D J Barnes

INSPECTOR