

RIBBLE VALLEY BOROUGH COUNCIL

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Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** is at **6.30pm** on **THURSDAY, 12 APRIL 2018** 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 8 March 2018 – 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. Request from Lancashire Wildlife Trust for Annual Contribution – report of Director of Community Services – copy enclosed.
- ✓ 7. Consultation Draft National Planning Policy Framework (NPPF) and Associated Documents – report of Chief Executive – copy enclosed.

INFORMATION ITEMS

- ✓ 8. Community Infrastructure Levy – report of Chief Executive – copy enclosed.
- ✓ 9. Appeals:
 - i) 3/2017/0192 – Change of use of former agricultural building to 1 number dwellinghouse at Countess Hey, Elmridge Lane, Chipping – appeal dismissed.
- 10. 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: 12 APRIL 2018**

<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:				
3/2017/0966/P	1	SK	AC	Union Mill, Watt Street Sabden
3/2017/1004/P	9	RM	AC	Monks Contractors Mellor Brook
3/2017/1216/P	21	RM	AC	Monks Contractors Mellor Brook
C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL:				
3/2018/0024/P	32	RM	R	Land at Hammond Drive Read
D APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED				
			NONE	
E APPLICATIONS IN 'OTHER' CATEGORIES:				
			NONE	

LEGEND

AC Approved Conditionally
R Refused
M/A Minded to Approve

AB Adam Birkett
AD Adrian Dowd
HM Harriet McCartney

JM John Macholc
RM Robert Major
SK Stephen Kilmartin

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 12 APRIL 2018
title: PLANNING APPLICATIONS
submitted by: DIRECTOR OF COMMUNITY SERVICES

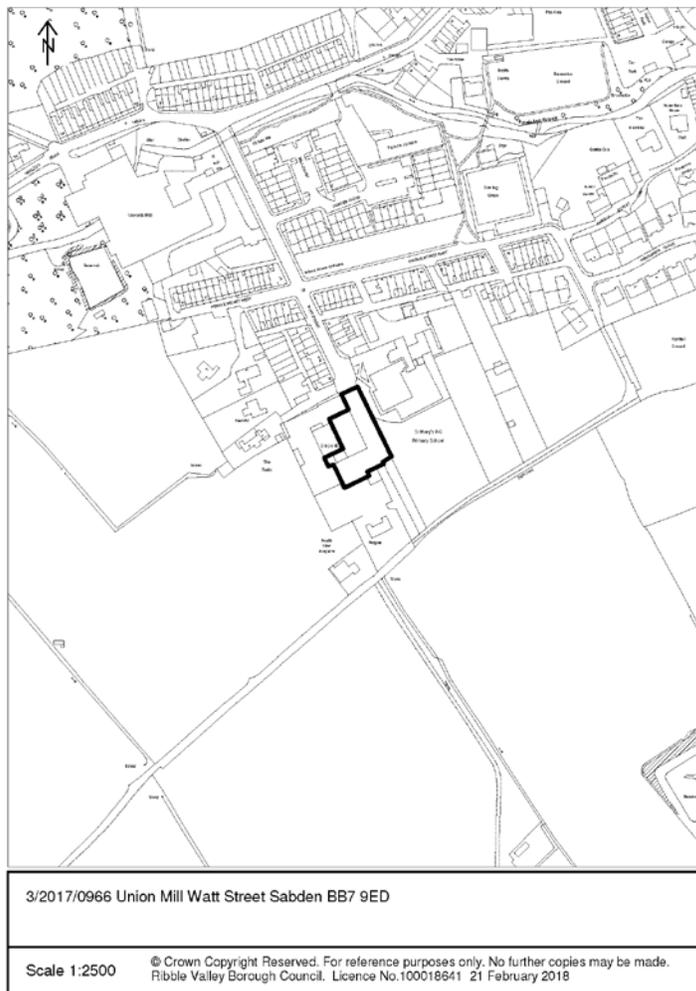
PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION REF: 3/2017/0966

GRID REF: SD 377707 437117

DEVELOPMENT DESCRIPTION:

CHANGE OF USE OF PART OF FORMER MILL FROM A1 ANTIQUES DISTRIBUTION CENTRE TO B1 OFFICE BUSINESS CENTRE, ERECTION OF EXTERNAL FIRE ESCAPE AND CREATION OF PARKING PROVISION. UNION MILL, WATT STREET, SABDEN BB7 9ED



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Sabden Parish Council has no objections to the change of use from business to Office use but ask that Ribble Valley Borough Council if minded to approve the application consider a condition for traffic calming measures to be implemented via a s106 agreement, due to an increase of vehicles using Watt Street to access the proposed business premises.

Whilst Watt Street is termed as a Cu-de-Sac with 15 properties it is a very busy road as it leads to Cobden Mill, Pendle St East, Pendle St West and Pendleside Close (98 properties) and is the only road in and out for the residents living in these areas. It is predominantly a residential area with Industrial /commercial usage at Union Mill and part Victoria Mill and to the rear of Pendle St East. St Mary's RC primary school is situated opposite Union mill and at peak times (school opening times-8.30-9am and 3.15-3.45pm) there are approximately 35 vehicles attending to drop off and pick up. Added to this the development at Cobden Mill and Industrial premises on Watt Street further increase the traffic flow.

The speed limit on this road is 30mph and the road is wide but due to parked vehicles on both sides the entrance and egress from the junction of Watt street to Whalley Road has become quite difficult and vehicles can quite often be seen reversing on to Whalley Road to allow egress of vehicles emerging from Watt Street.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

LCC Highways Development Control Section have raised a number of concerns in respect of a shortfall of parking provision and the reliance upon un-allotted parking provision outside of the ownership of the applicant. Concerns have also been raised in respect of the potential impacts resultant from the shortfall in parking and the likelihood of parking conflicts with the local school and residents.

However the highways officer recognises that at present the A1 use, when applying LCC parking standards, has a higher parking requirement than that of the proposed B1 use. The officer also recognises that the operations and activities of the current A1 use, whilst not having generated a level of parking demand normally associated with A1 retail, could escalate should there be a change of operator and that such a change could occur without the need for planning consent.

In light of the above considerations the Highways Development Section recognise that no valid objection can be raised in respect of the proposal and has requested that conditions be imposed in respect of the provision of charging points for electric/hybrid vehicles and bicycle storage provision for staff/visitors.

Lancashire Archaeological Advisory Service

LAAS have raised no objection to the proposal subject to the imposition of a condition relating to a programme of building recording.

ADDITIONAL REPRESENTATIONS:

10 letters of representation have been received objecting to the application, members will note that a number of these letters have multiple signatories. The objections raised relate to the following grounds:

- Insufficient parking provision
- Applicant does not own all indicated parking provision
- Increase in vehicular movements and increased risk of highways incidents
- Increased flood risk
- Increased parking within the area

Members will also additionally note that a number of residents have indicated that they will remove their objection to the proposals should a number of traffic calming and control measures be implemented as follows:

- 20mph signs to be erected in the vicinity
- Give way and road markings to be implemented
- Restriction on opening hours (08:00 to 18:00)

1. **Site Description and Surrounding Area**

- 1.1 The application relates to Union Mill located off Watt Street Sabden. The building is located within the defined Sabden Conservation Area being located at its southern extents. The Sabden Conservation Area Appraisal identifies the building as both a building of townscape merit and a focal building.
- 1.2 The site is located within the defined settlement boundary for Sabden also being located within the Forest of Bowland AONB. The area to the north of the Mill is predominantly residential in character with St Marys RC Primary School being located directly to the east.

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

- 2.1 Consent is sought for a change of use from A1 (retail) to that of B1(a) (Office). The submitted details propose that the building will accommodate three B1 units at ground floor with five being accommodate at first floor. No details have been provided in respect of proposed staff numbers or hours of operation.
- 2.2 The submitted details also propose the erection of an external fire escape to the south eastern elevation of the building. It is proposed that a new opening will also be formed at first floor on the aforementioned elevation to provide means of escape in the event of fire. It is further proposed that a number of existing windows will be reopened on the ground floor internal facing south-west elevation with the addition of a new window at first floor and the widening of a single door opening to that of a double door.
- 2.3 Parking provision for the proposed units will be accommodated within the compound of the Mill with provision being shown for 16 spaces, members will note a number of these are accommodated externally with some being under an existing canopy roof area.

3. **Relevant Planning History**

3/2016/0913:

Change of use of Unit 1 from A1 (retail) to B1 (light industry). (Approved)

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 DMI2 – Transport Considerations
Key Statement EC1 – Business and Employment Development

Policy DMB1 – Supporting Business Growth
Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport and Mobility
Policy DME4 – Protecting Heritage Assets
Policy DME5 – Renewable Energy
Policy DME6 – Water Management

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 The proposal is located inside the settlement boundary for Sabden which is defined as a Tier 2 Settlement within the Adopted Core Strategy. Key Statement DS1 states that development within Tier 2 Village Settlements will have to deliver regeneration benefits with one of the main aims of DS1 being the creation of development opportunities for economic, social and environmental well-being. Key Statement EC1 states that priority will be given to the use of appropriate Brownfield sites to deliver employment-generating uses including a preference for the re-use of existing employment sites before alternatives are considered.

5.1.2 Policy DMB1 (Supporting Business Growth) states that proposals that are intended to support business growth and the local economy will be supported in principle and that development proposals will be determined in accordance with the core strategy.

5.1.2 Given the proposal seeks consent from a change of use from that of A1 retail to that of B1(a) Office use, it is considered that the proposal maintains compliance with the main aims of DS1, DMB1 and EC1 in that the proposed change of use will maintain employment within in the area and may also result in the generation of further employment opportunities over and above that of the existing use or operations.

5.2 **Impact upon Residential Amenity:**

5.2.1 Taking into account the limited nature of the alterations to the external elevations taking account of the siting of the proposed external fire escape it is not considered that the proposed works associated with the change of use will have any undue impact upon neighbouring or nearby residential amenity.

5.3 Highway Safety and Accessibility:

5.3.1 A number of representations have been received in respect of the proposals impact upon highways safety, in particular the lack of parking provision being provided in respect of the proposed change of use and potential conflicts with the nearby school at peak pick up/drop-off times.

5.3.2 In respect of parking provision the Lancashire Parking Standards when applied to the current uses/operations undertaken on site the parking requirements are as follows:

A1 Retail (non-food) 1842 sqm (1 space per 20 sqm) = 92 Spaces

B1 260 sqm (1 space per 30 sqm) = 9 Spaces

A3 Café 102 sqm (1 space per 8 sqm) = 13 spaces

3 bed C3 Dwelling = 2 spaces

Total = 116 parking spaces required

5.3.3 In respect of the proposed uses to be undertaken on site the parking requirements are as follows:

A1 Retail (non-food) 739 sqm (1 space per 20 sqm) = 37 Spaces

B1 260 sqm (1 space per 30 sqm) = 9 Spaces

A3 Café 102 sqm (1 space per 8 sqm) = 13 spaces

B1(a) Offices 741 sqm (1 space per 30sqm) = 25

3 bed C3 Dwelling = 2 spaces

Total = 86 parking spaces required

5.3.4 Members will therefore note that the proposed change of use results in a reduced on-site parking requirement. This matter has also been clarified by the Highways development Control Officer who recognises that whilst the current operations fail to provide adequate parking provision the proposal represents betterment, therefore no objection has been raised in respect of parking provision or vehicular movements.

5.3.5 Members will note that the Parish Council and a number of objectors have requested that a number of traffic calming measures be implemented in the area including speed restrictions. The Highways Development Control Section have confirmed that as the change of use results in 'betterment' through a reduction in parking provision requirements and a reduction in the potential for vehicular movements that's it would be considered onerous and unreasonable to request such measures where no additional impact can be quantified.

5.5 Landscape/Ecology:

5.5.1 No implications resultant from the proposal.

5.6 Visual Amenity/Impact:

5.6.1 Given the limited nature of the external alterations to the proposed building it is not considered that the proposals will be of detriment to the character of the building or character and appearance of the identified conservation area.

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

- 6.1 Taking account of the above matters and all material considerations it is considered that the proposal would result in the creation of additional B1(a) Office floorspace within the borough through the re-use of an existing building. The change of use is likely to result in the creation of additional employment opportunities in the area and support the overall economic regeneration agenda for the borough.
- 6.2 Furthermore it is considered that the change of use from A1 retail to that of B1(a) would, when taking account of Lancashire Parking Standards, result in a reduction on general parking provision requirements and vehicular trips particularly when taking account of the current unrestricted nature of the A1 use in place.

RECOMMENDATION: That the application be APPROVED subject to the following conditions:

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

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

DAC/02 Dwg 03 Rev: C: Site Plan
DAC/02 Dwg 04 Rev: C : Proposed Plans and Elevations

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

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (as amended or re-enacted) the development hereby approved shall only be used for the purposes of office use B1(a) for no other purpose, including any other purpose within Use Classes B1.

REASON: For the avoidance of doubt and to ensure that the development remains compatible with the character of the area in accordance with Key Statement EN5 and Policies DMB1, DME4 and DMG1 of the Ribble Valley Core Strategy.

4. The B1(a) use hereby approved shall only be operated from the premises between the following hours:

08:00am to 18.00pm Monday to Friday

There shall be no business operated from the premises or site outside the stated operating hours.

REASON: In the interests of the amenities of nearby residents, the safe operation of the immediate highway network and the character of the locality as required by Key Statement EN5 and Policies DME4, DMG1 and DMG3 of the Ribble Valley Core Strategy.

5. Notwithstanding the submitted details, prior to its installation, elevational and sectional details at a scale of not less than 1:20 or 1:50 of the proposed external fire stairs, shall have been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality in accordance with Key Statement EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy.

6. Elevational and sectional details of all new/replacement windows/doors at a scale of not less than 1:50 including details of framing materials and colour/finish shall have been submitted and agreed in writing by the Local Planning Authority prior to their use in the development. development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality in accordance with Key Statement EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy.

7. Notwithstanding the submitted details, precise specifications and samples of walling and roofing materials including details of all proposed window and door surrounds, jambs, mullions, sills and heads to be implemented within the development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed development. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality in accordance with Key Statement EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy.

8. The parking areas hereby approved shall be surfaced and marked out in accordance with a scheme that shall first have been submitted to and agreed in writing by the Local Planning Authority. The agreed parking scheme shall be implemented and made available for use prior to first occupation of any of the dwellings hereby approved.

REASON: In order that the Local Planning Authority may ensure that adequate dedicated parking provision is provided on site to serve the use hereby approved in accordance with Key Statement DMI2 and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

9. Notwithstanding the submitted details, full details of cycle and motorcycle parking provision for staff and visitors shall be submitted to and approved in writing by the local planning authority prior to the use hereby approved first becoming active. For the avoidance of doubt all cycle provision should be lockable and enclosed. The approved details shall be implemented prior to development being occupied or brought into operational use and retained thereafter at all times unless otherwise agreed in writing by the local planning authority.

REASON: To ensure adequate provision is made for the parking of cycles and motor cycles in accordance with Policies DMG3 and DMI2 of the Ribble Valley Core Strategy.

10. No development, site clearance/preparation, or demolition shall commence until the applicant or their agent or successors in title has secured the implementation of a programme of building in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the local planning authority. The programme of recording shall include a building record to level 2/3 as set out in 'Understanding Historic Buildings' (Historic England 2016). It should include a full description of the building, inside and out, a drawn plan, elevations and at least one section (which may be derived from checked and corrected architect's drawings), and a full photographic coverage, inside and out.

The record should also include a rapid desk-based assessment, putting the building and its features into context. This work should be undertaken by an appropriately qualified and experienced professional industrial archaeology contractor to the standards and guidance of the Chartered Institute for Archaeologists (CIfA).

REASON: To ensure and safeguard the investigation and recording of matters of archaeological/historical importance associated with the development.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2017%2F0966

APPLICATION REF: 3/2017/1004

GRID REF: SD 363754 431323

DEVELOPMENT DESCRIPTION:

PROPOSED UNIT FOR THE STORAGE AND REPAIR OF PLANT AND MACHINERY AT MONKS CONTRACTORS, MYERSCOUGH SMITHY ROAD, MELLOR BROOK



3/2017/1004 Monks Contractors Ltd Myerscough Smithy Road Mellor Brook

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Recommend that the application is approved subject to the County Council looking at linking Myerscough Smithy Road with the new Spine Road (serving BAE).

SOUTH RIBBLE BC:

No objection

LCC HIGHWAYS:

The additional building would not cause any additional impact on the highway network and thus no objection is raised, subject to conditions.

CADENT GAS:

An Intermediate Pressure Pipeline (IP) is located within the vicinity of the site and the Building Proximity Distance for this pipeline is 3m.

From the information provided it does not appear that the proposed works will directly affect the pipeline however it is the responsibility of the applicant to contact Cadent Gas prior to works commencing on site.

ADDITIONAL REPRESENTATIONS:

Letters of representation have been received from two residential properties objecting to the application on the following grounds:

- The capacity and usage of the site, including vehicular movements has increased considerably in recent years and various businesses use this access;
- Myerscough Smithy Road should be opened up onto the new Spine Road, taking vehicle movements away from Mellor Brook;
- Concern over noise disturbance from the site and an acoustic fence should therefore be installed along the eastern boundary;
- Concern that if the two buildings close to the eastern boundary are not constructed then residents will have virtually no protection from noise associated with diesel engines, repair works etc...
- Hours of use must be fully reviewed and restricted;

1. Site Description and Surrounding Area

- 1.1 The application relates an industrial site occupied by Monks Contractors Ltd on Myerscough Smithy Road. The site lies to the west of the village of Mellor Brook and measures approx. 0.857ha in area. Along the western boundary is an industrial building measuring 553sqm and this building is used for storage, repair and maintenance of vehicles and plant/machinery, as well as providing ancillary office space.
- 1.2 The submitted design and access statement comments that Monks Contractors Ltd provide a number of services, including, haulage, drain services civil contracting, mobile welding, mobile commercial tyre fitting and plant hire & repair. The submission also

states that 20 full time staff are employed at this site, consisting of office based staff and mobile fitters, with 3 of the fitters based full time in the workshop and the rest mobile fitters that carry out repair works away from the site.

- 1.3 Externally the site is hardsurfaced with the external area used for the parking of haulage/service vehicles, mechanical plant and machinery, staff/visitors and for the storage of civil contracting materials. It is also apparent that repair works also take place outside of the building within the external areas of the site.
- 1.4 In 2008 planning consent was granted (3/2008/0700) for the erection of a proposed workshop building in the north east corner of the site to be used for repair works and for the storage of vehicles, plant and machinery. Whilst this building has not yet been constructed, the conditions were discharged and work has commenced and thus this permission has been partially implemented and therefore remains extant. The applicant has commented that it is hoped that this extant permission will be completed in the future.
- 1.5 In 2016 planning permission was granted (3/2016/0813) for a two-bay extension to the existing repair garage/building along the western boundary. However upon further consideration the applicant has decided that a three-bay extension to this building is required. A new application has been submitted for the three-bay extension (3/2017/1216) to the existing building and this is to also be considered by Members of Planning and Development Committee.
- 1.6 The application site is accessed off Myerscough Smithy Road, which is itself a “dead-end” accessed via a roundabout from the A59. Directly to the west of the application site is an industrial unit known as New Tree Garage and further beyond this is the BAE site. To the east is an industrial site known as Thurston Farm which includes a residential dwelling. Beyond Thurston Farm is a vacant plot of land fronting onto the roundabout and on the other side of the roundabout are the residential dwellings on Fieldens Farm Lane. At the nearest point the eastern boundary of the application site is located 100m (approx.) from the residential dwellings on Fieldens Farm Lane. To the north of the site runs the A59. The boundaries of the application site are currently defined by hedges and trees.

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

- 2.1 The application seeks consent to construct a detached industrial unit in the south east corner of the site, 2.5m from the boundary shared with the neighbouring industrial site at Thurston Farm. The proposed building would measure 30.6m long x 17.8m wide and have a pitched roof design measuring 6m tall to the eaves and 7.8m to the ridge.
- 2.2 The building would be used to provide additional storage space and will afford extra indoor space for the repair of vehicles, plant and machinery. The submission states that the building will improve facilities for the existing business by allowing activities that currently take place outside to be undertaken inside, and therefore would not result in an intensification of the existing business. A detailed site plan has been provided to show the siting of the proposed building, as well as other potential buildings on the site, and how the external areas will be used for the parking of vehicles (both staff and commercial).
- 2.3 The submission comments that the site has suffered from a number of break ins which have resulting in both theft and vandalism and the development forms part of the overall

masterplan of the site to rationalise the use of the space and tidy the site up as a whole. At the request of the LPA the applicant has commissioned a Noise Survey which concludes that the noisiest activity at the site is the repair works and the proposed development will reduce existing noise levels at the site by allowing these repair works that currently take place outside to be undertaken inside the proposed building. The submitted application seeks to operate the site/building between the following hours: 06:00 – 18:00 Monday to Saturday inclusive and 08:00-14:00 on Sunday and Bank Holidays.

- 2.4 With regard to design the proposed building would have a traditional industrial appearance, being constructed using an artificial stone plinth up to 2m in height with vertical metal cladding (green colour) above. The roof would be “bamboo” colour and include 10% roof lights to provide some natural light within the building. The west facing elevation, facing into the yard, would contain six large roller shutter doors to provide access for larger vehicles and machinery.
- 2.5 The application is accompanied by an Arboricultural Survey in respect of the existing trees and hedges along the boundaries of the site. The report states that a small group of Category U trees would be removed from the site, but the main hedging along the southern and eastern boundaries would be retained protected during the construction process.

3. **Relevant Planning History**

3/2008/0700 - Proposed workshop for repair and storage of vehicles, plant and materials – granted subject to conditions. This building has not yet been constructed, however the development has been commenced and thus the permission is extant.

3/2016/0813 - Motor vehicle repair garage - proposed two bay extension – granted subject to conditions

3/2017/1216 - Proposed three-bay extension to existing vehicle and plant/machinery repair/maintenance building – application to be determined at Committee

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement DMI2 – Transport Considerations
Key Statement EC1 – Business and Employment Development

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DME1 – Protecting Trees and Woodlands
Policy DMG3 – Transport & Mobility
Policy DME2 – Landscape & Townscape Protection
Policy DMB1 – Supporting Business Growth and Local Economy

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

5. Assessment of Proposed Development

5.1 Principle of development

5.1.1 Whilst Core Strategy Key Statement EC1 seeks to direct employment development towards the main settlements of Clitheroe, Whalley and Longridge, it does also state that *“priority will be given to the use of appropriate Brownfield sites to deliver employment-generating uses including a preference for the re-use of existing employment sites before alternatives are considered.”* Policy DMB1 of the Core Strategy specifically states *“Proposals that are intended to support business growth and the local economy will be supported in principle”* and allows for the expansion of established firms on land outside settlements provided that the development is essential to maintain the existing source of employment and can be assimilated within the local landscape.

5.1.2 The application relates to an existing industrial site which is designated within the Ribble Valley Core Strategy as an existing employment area (Policy DMB1) and has a long established industrial use. With specific regard to Policy DMB1, the proposal would not extend an industrial use into surrounding land and seeks to erect a new industrial building within an area specifically designated for employment use. The proposal seeks to erect this new building within the existing storage/yard area, and the building would be used in conjunction with the existing business that currently operates from this site, improving the existing facilities at the site. A condition has been attached to ensure that the building is only used for storage purposes and for the repair of vehicles, plant and machinery associated with the business operating from this site.

5.1.3 In addition to local policies, the proposed development would continue the industrial/commercial use of the site and is therefore supported by paragraph 21 of the NPPF which states that Local Planning Authorities should:

“support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.”

5.1.4 The principle of a new building within an established industrial site is therefore considered to be acceptable, subject to compliance with other policies of the Core Strategy.

5.2 Impact Upon Residential Amenity

Visual impact

5.2.1 The proposed building would be relatively large in size, measuring 544sqm and 7.8m tall to the highest point. The nearest residential dwelling is the property on the adjoining industrial site known as Thurston Farm. The dwelling at Thurston Farm fronts onto Myerscough Smithy Road with its principle elevations facing north and south. The side gable elevation of the dwelling faces towards the application site and this elevation has a first floor window looking towards the proposed building. A separation distance of more than 30m would be achieved

between this side elevation/window and the proposed building and such a distance is considered to be acceptable.

- 5.2.2 Beyond Thurston Farm the nearest residential dwellings are on Fieldens Farm Lane some 100m from the proposed building, with intervening buildings and land in-between, and at such a distance it is not considered that the proposed building would have any visual impact on residential amenity in terms of loss of daylight, outlook or overshadowing.

Noise and disturbance

- 5.2.3 The objectors have raised concerns in respect of the increase in activities that have taken place at this site and the potential further increase as a result of the proposed building.
- 5.2.4 In response to this the application has a long established industrial use and is specifically designated as an employment area on the Council's Proposals Map. As such it is expected that industrial activities will take place at such a site and as detailed above Council Policies seek to encourage and promote the expansion of industrial businesses and sites such as this.
- 5.2.5 Nevertheless, the potential impact of the proposed development, and its relationship with neighbouring properties must be carefully considered and as a result the Council's Environmental Health Officer requested the applicant provide a noise assessment to enable the full consideration of the proposal. This noise assessment has been carried out and concludes that the proposed development will reduce noise from the site as the proposal will result in activities that are currently being undertaken outside, being undertaken inside the new building, thus reducing noise being omitted from this site.
- 5.2.6 The Council's Environmental Health Officer has reviewed the submitted noise report and raises no objection to the proposal, subject to the imposition of a condition which states that all repair works must be undertaken inside the existing and proposed building, and that the external doors to the buildings must be closed whilst repair works are being undertaken.
- 5.2.7 In terms of opening hours, the application site has a long established commercial use and the LPA can find no conditions on any previous approvals that restrict hours of operation from the site. An objector has commented that the hours of operation have increased recently but with no restrictive condition the Council currently have no control over the hours of operation, other than via statutory noise/nuisance legislation. The submitted application states that the business currently operates 06:00 – 18:00 Monday to Saturday inclusive, and 08:00-14:00 on Sunday and Bank Holidays, and the Council's Environmental Health has raised no objection to these hours of operation. The LPA considered that the erection of a new building on site, and the separate application for an extension of the existing building, is sufficient justification for the imposition of a condition restricting the hours of operation to those specified within the application and the Council's Environmental Health Officer is supportive of this approach.
- 5.2.8 With regard to the neighbouring property at Thurston Farm, this dwelling is itself located on an industrial site with a similar use to the application site and therefore it is considered that the impact upon the occupiers of this property would be

similar to the existing situation. Furthermore, as detailed above the submitted noise report concludes that noise from the site should be reduced by works now being undertaken inside the proposed building, rather than outside as per the existing situation.

- 5.2.9 The objectors have requested that an acoustic fence be erected along the eastern boundary of the site, and that Myerscough Smithy Road be connected to the New Spine Road serving BAE in order to allow traffic to access the A59 via this route rather than via the roundabout close to the residential properties at Fieldens Farm Lane.
- 5.2.10 With regard to the acoustic fence, this is not recommended within the submitted noise report and the Council's Environmental Health Officer does not see any benefit of an acoustic fence as noise from the site would simply project over this fence. Notwithstanding this the Council's Environmental Health has reaffirmed his opinion that the proposed development would reduce noise from the application site and any noise that is omitted from the site would not significantly exceed the background noise levels from the nearby A59.
- 5.2.11 In respect of connecting Myerscough Road to the Spine Road for BAE, LCC have confirmed that there is no intention for this to happen in the immediate future and as detailed later in this report no highway objection is raised to the proposal.
- 5.2.12 In addition to the conditions attached in relation to the hours of operation and repair works being undertaken inside the building, a condition has also been attached requiring details of any new external lighting to be installed on the building, or elsewhere within the site, to be first submitted to and agreed by the LPA.
- 5.2.13 Considering all of the above, the application site has a long established industrial use and is specifically identified as an employment area on the Council's Proposals Map. The site is adjoined by industrial uses and the A59, and as such it is expected that industrial/commercial activities will take place in this area. The Council's Environmental Health Officer has raised no objection to the proposal, subject to the imposition of conditions, and these should ensure that the proposal shares an acceptable relationship with neighbouring uses in accordance with the amenity requirements of Policy DMG1. Additionally, should the objectors feel that noise disturbance from this site, or any other industrial businesses in the locality, exceed acceptable levels then they are advised to contact the Council's Environmental Health Department who have statutory powers to investigate and take action against excessive levels of noise.

5.3 **Visual Impact and Design**

- 5.3.1 The proposed building has a traditional industrial design that would be in keeping with the existing building on this site, and adjacent sites. The new building would be well screened from the A59 by vegetation and would be lower in height than the existing building on site. It is therefore considered that the new building would have no harmful impact upon the visual character of the area.

5.4 **Landscape and Ecology**

5.4.1 The application is accompanied by an Arboricultural Survey which details that a small group of self-seeded trees would be removed from the south east corner of the site. This report categorises these trees as Category U trees which means they are not worthy of protection and consequently there is no objection to their removal from this site. The Category C trees along the eastern boundary, and the hedge along the front (southern) boundary, would be retained and protected during the development/construction process.

5.5 **Highways**

5.5.1 The proposed building would be accessed via the existing point off Myerscough Smithy Road and the submitted application is accompanied by a detailed masterplan showing all the potential buildings on this site and the available external areas for the parking of vehicles, both staff and commercial vehicles. The application is also accompanied by a written statement which confirms that the purpose of this new building is not to expand the business but to improve the existing facilities on site, mainly in order to provide internal areas for storage and repair works which are currently being undertaken externally in the yard area.

5.5.2 The County Surveyor has reviewed the submitted information and raises no objection to the application, commenting that the additional building would not result in any additional impact on the highway network. The Highway Officer has however recommended conditions be attached requiring the applicant to provide a construction method statement for the proposed works and to ensure that a wheel washing facility is provided within the site during the construction process to prevent mud/dirt from being transported onto the highway.

5.5.3 The objectors and Parish Council have requested that Myerscough Smithy Road be extended so as to connect to the relatively recently constructed entrance into the BAE site, in order to allow vehicles to access the site from the west, as opposed to accessing via the roundabout to the east (towards Mellor Brook). LCC did not request this as part of their original response and therefore the LPA have contacted the Highway Officer directly in relation to this issue. The Highway Officer has verbally confirmed that LCC have no immediate plans to extend Myerscough Smithy Road and connect it to the new access for BAE.

5.6 **Economic Benefits**

5.6.1 The submitted application has not specifically detailed any economic benefits that the proposal would bring, however the company does currently employ 20 full time members of staff and therefore the proposed new building would undoubtedly offer some benefits to the existing business and staff, specifically improved Health and Safety and the aforementioned reduction of noise pollution by operations being undertaken indoors.

5.7 **Other Issues**

5.7.1 An objector has commented that if the proposed building is not erected along the eastern boundary of the site, but the extension to the existing building is approved (3/2017/1216) then there would be no protection from noise escaping the site. In response to this the LPA cannot make the applicant carry out and

construct granted consents, however as previously mentioned a condition has been attached to ensure that all repair works take place inside the buildings and with the doors closed to reduce noise levels.

6. **Conclusion**

- 6.1 The application site has an established industrial use and is specifically identified as an employment site on the Council's Proposals Map. As such it is within established industrial locations such as this that the LPA should be seeking to encourage economic development. The proposed building would not have any visual impact upon the surrounding area and the Council's Environmental Health Officer has raised no objection to the application in relation to neighbouring land uses subject to the imposition of planning conditions. Furthermore LCC Highways have raised no objection to the application as submitted.

RECOMMENDATION: That the application be APPROVED subject to the following conditions:

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

REASON: To comply with the requirements of 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 drawings:

Location Plan (amended plan received 22/12/17)

5511 – 02 A (amended plan received 19/01/18)

5511 – 03 B (amended plan received 06/02/18)

5511 – 05 (amended plan received 06/02/18)

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

3. The building hereby approved shall only be used for storage and for the repair of vehicles, plant and machinery associated with the existing business at this site.

REASON: For the avoidance of doubt as the use of the building for other purposes and/or in association with another business could have a detrimental effect upon the amenity of the locality or highway safety, contrary to Policy DMG1 of the Ribble Valley Core Strategy.

Materials

4. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be carried out in complete accordance with the materials detailed within section 9 of the submitted application form and as shown on approved drawing 5511 – 05 (amended plan received 06/02/18).

REASON: In order to ensure that the materials to be used are appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

Landscaping/Ecology

5. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird breeding season (March - August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird breeding season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds and to protect the bird population from damaging activities and reduce or remove the impact of development in accordance with Key Statement EN4 and Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

6. Unless otherwise agreed in writing with the Local Planning Authority, all trees and hedges shall be retained on site as shown on approved drawing 5511 – 02 A (amended plan received 19/01/18) and as detailed within the submitted Arboricultural Impact Assessment (Bowland Tree Consultancy Ltd - Dec 2017). No development shall take place until all the existing trees and hedges within, or directly adjacent, to the site (other than those shown to be removed on the approved documents) have been enclosed with temporary protective fencing in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations. The fencing shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place within such protective fencing during the construction period.

REASON: To protect the existing vegetation in the interest of visual amenity in accordance with Policies DMG1 and DME2 of the Ribble Valley Core Strategy

Amenity

7. Details of any external air conditioning vents, extraction systems or any other external plant equipment shall have been submitted to and approved in writing by the Local Planning Authority prior to installation on the building/site. The submitted information shall include details of the design, positioning, specification, noise levels, fixing and finish of all external plant equipment and the development shall be carried out in complete accordance with the approved details.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance in accordance with Policies DMG1 and DMB1 of the Ribble Valley Core Strategy.

8. The use of the premises in accordance with this permission shall be restricted to the hours 06:00 to 18:00 hours Monday to Saturday inclusive and between 08:00 to 14:00 hours on Sunday and Bank Holidays.

REASON: The use of the premises outside these hours could prove injurious to the character of the area and in order to safeguard residential amenity in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

9. No repair works shall be undertaken outside of any buildings on this site and all external doors shall remain closed whilst repair works are being undertaken within these buildings.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance in accordance with Policies DMG1 and DMB1 of the Ribble Valley Core Strategy.

10. No external lighting shall be installed on the new unit, or elsewhere on the site, without the prior written approval of the Local Planning Authority. Details of any such lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The approved details shall thereafter be fully implemented.

REASON: In order to ensure a satisfactory appearance in the interests of visual amenity and to prevent nuisance arising in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

Highways

11. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

REASON: To prevent stones and mud being carried onto the public highway to the detriment of road safety in accordance with Ribble Valley Core Strategy Policies DMG1 and DMG3.

12. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall include the following details:-

The parking of vehicles of site operatives and visitors;
Loading and unloading of plant and materials used in the construction of the development;
Storage of such plant and materials used in constructing the development;
The erection and maintenance of security hoardings;
Details of construction working hours;
HGV delivery times and routeing to/from the site;
Contact details for the site manager.

Plans for the layout with regard to parking loading and storage of construction vehicles and equipment should be included within this document.

REASON: To protect existing road users in the interest of highway safety in accordance with Ribble Valley Core Strategy Policies DMG1 and DMG3.

13. The car parking and manoeuvring areas shall be marked out and made available for use in accordance with the approved plan (5511 – 03 B amended plan received 06/02/18) prior to the unit hereby approved being first brought into use and shall be permanently maintained thereafter clear of any obstruction to its designated purpose.

REASON: To allow for the safe and effective use of the parking areas in the interest of highway safety in accordance with Policy DMG3 of the Ribble Valley Core Strategy.

INFORMATIVE:

An Intermediate Pressure Pipeline (IP) is located within the vicinity of the site and the Building Proximity Distance for this pipeline is 3m. The applicant is therefore advised to contact Cadent Gas prior to works commencing on site.

BACKGROUND PAPERS

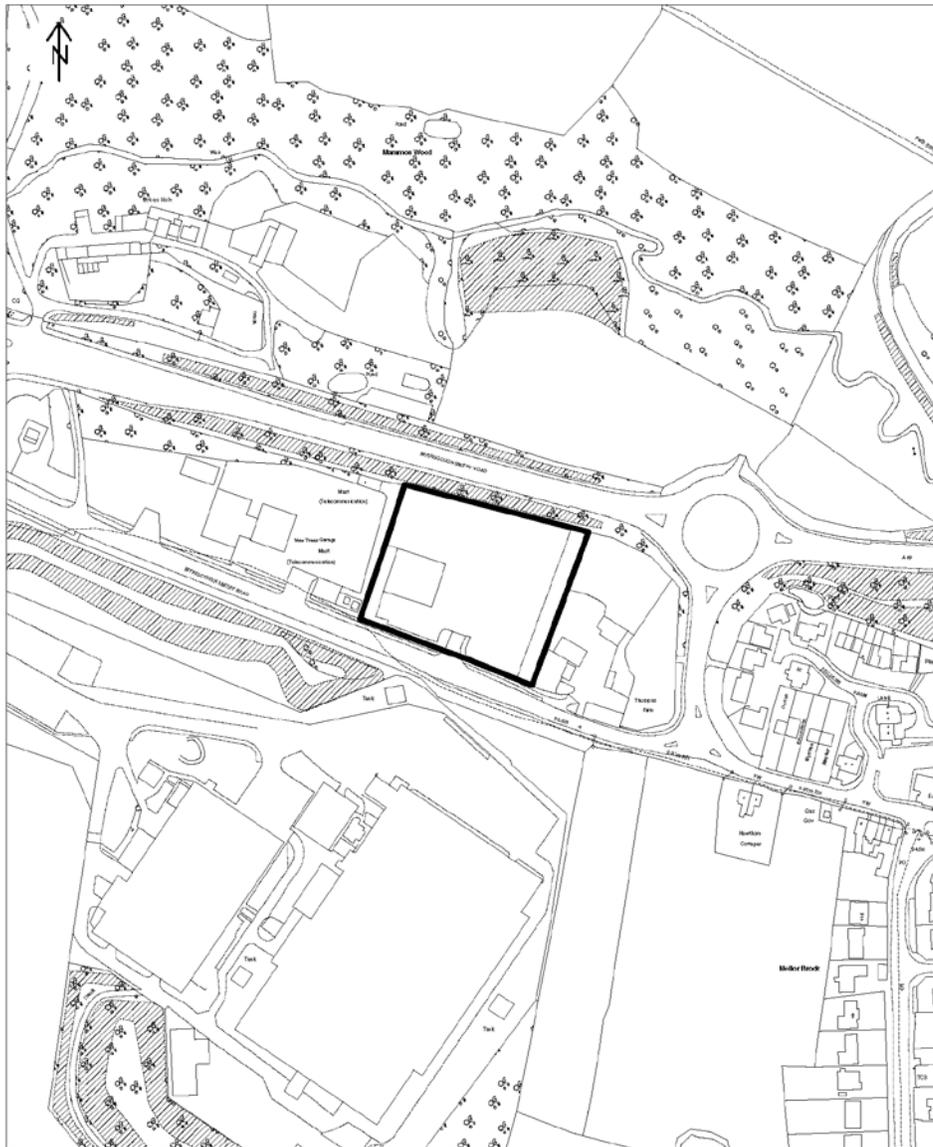
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2017%2F1004

APPLICATION REF: 3/2017/1216

GRID REF: SD 363754 431323

DEVELOPMENT DESCRIPTION:

PROPOSED THREE-BAY EXTENSION TO EXISTING VEHICLE AND PLANT/MACHINERY REPAIR/MAINTENANCE BUILDING AT MONKS CONTRACTORS, MYERSCOUGH SMITHY ROAD, MELLOR BROOK



3/2017/1004 Monks Contractors Ltd Myerscough Smithy Road Mellor Brook

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Recommend that the application is approved subject to the County Council looking at linking Myerscough Smithy Road with the new Spine Road (serving BAE).

SOUTH RIBBLE BC:

No objection

LCC HIGHWAYS:

The additional building would not cause any additional impact on the highway network and thus no objection is raised, subject to conditions.

ADDITIONAL REPRESENTATIONS:

Letters of representation have been received from two residential properties objecting to the application on the following grounds:

- The capacity and usage of the site, including vehicular movements has increased considerably in recent years and various businesses use this access;
- Myerscough Smithy Road should be opened up onto the new Spine Road, taking vehicle movements away from Mellor Brook;
- Concern over noise disturbance from the site and an acoustic fence should therefore be installed along the eastern boundary;
- Concern that if the two buildings close to the eastern boundary are not constructed then residents will have virtually no protection from noise associated with diesel engines, repair works etc...
- Hours of use must be fully reviewed and restricted;

1. Site Description and Surrounding Area

- 1.1 The application relates an industrial site occupied by Monks Contractors Ltd on Myerscough Smithy Road. The site lies to the west of the village of Mellor Brook and measures approx. 0.857ha in area. Along the western boundary is an industrial building measuring 553sqm and this building is used for storage, repair and maintenance of vehicles and plant/machinery, as well as providing ancillary office space.
- 1.2 The submitted design and access statement comments that Monks Contractors Ltd provide a number of services, including, haulage, drain services civil contracting, mobile welding, mobile commercial tyre fitting and plant hire & repair. The submission also states that 20 full time staff are employed at this site, consisting of office based staff and mobile fitters, with 3 of the fitters based full time in the workshop and the rest mobile fitters that carry out repair works away from the site.
- 1.3 Externally the site is hardsurfaced with the external area used for the parking of haulage/service vehicles, mechanical plant and machinery, staff/visitors and for the storage of civil contracting materials. It is also apparent that repair works also take place outside of the building within the external areas of the site.

- 1.4 In 2008 planning consent was granted (3/2008/0700) for the erection of a proposed workshop building in the north east corner of the site to be used for repair works and for the storage of vehicles, plant and machinery. Whilst this building has not yet been constructed, the conditions were discharged and work has commenced and thus this permission has been partially implemented and therefore remains extant. The applicant has commented that it is hoped that this extant permission will be completed in the future.
- 1.5 In 2016 planning permission was granted (3/2016/0813) for a two-bay extension to the existing repair garage/building along the western boundary but this has yet to be built. A separate application has been submitted for a new storage/repair building to be erected in the south east corner of the site (3/2017/1004) and this is to also be considered by Members of Planning and Development Committee.
- 1.6 The application site is accessed off Myerscough Smithy Road, which is itself a “dead-end” accessed via a roundabout from the A59. Directly to the west of the application site is an industrial unit known as New Tree Garage and further beyond this is the BAE site. To the east is an industrial site known as Thurston Farm which includes a residential dwelling. Beyond Thurston Farm is a vacant plot of land fronting onto the roundabout and on the other side of the roundabout are the residential dwellings on Fieldens Farm Lane. At the nearest point the eastern boundary of the application site is located 100m (approx.) from the residential dwellings on Fieldens Farm Lane. To the north of the site runs the A59. The boundaries of the application site are currently defined by hedges and trees.

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

- 2.1 The application seeks consent to construct a three-bay extension to the existing vehicle repair workshop. As briefly mentioned above in 2016 the applicant was granted consent for a two-bay extension to this building (3/2016/0813) but upon further consideration has decided that a larger extension is required. The proposed extension would project 16.5m out from the existing side elevation of the building and would be set flush with both the front and rear elevations, resulting in a depth of 25.8m. The extension would continue the hipped roof design of the existing building, with a ridge height of 8m to the ridge.
- 2.2 The extension would be used to provide additional indoor space for the repair of vehicles, plant and machinery. The submission states that the extension will improve facilities for the existing business by allowing activities that currently take place outside to be undertaken inside, and therefore would not result in an intensification of the existing business. A detailed site plan has been provided to show the siting of the proposed building, as well as other potential buildings on the site, and how the external areas will be used for the parking of vehicles (both staff and commercial).
- 2.3 The submission comments that the site has suffered from a number of break-ins which have resulting in both theft and vandalism and the development forms part of the overall masterplan of the site to rationalise the use of the space and tidy the site up as a whole. At the request of the LPA the applicant has commissioned a Noise Survey which concludes that the noisiest activity at the site is the repair works and the proposed development will reduce existing noise levels at the site by allowing these repair works that currently take place outside to be undertaken inside the proposed building. The submitted application seeks to operate the site/building between the following hours: 06:00 – 18:00 Monday to Saturday inclusive and 08:00-14:00 on Sunday and Bank Holidays.

- 2.4 With regard to design the proposed extension would match the existing building with an artificial stone plinth with vertical metal cladding (green colour) above, and a “bamboo” colour roof. The east facing elevation, facing into the yard, would contain three additional roller shutter doors to provide access for larger vehicles and machinery.

3. **Relevant Planning History**

3/2008/0700 - *Proposed workshop for repair and storage of vehicles, plant and materials* – granted subject to conditions. *This building has not yet been constructed, however the development has been commenced and thus the permission is extant.*

3/2016/0813 - *Motor vehicle repair garage - proposed two bay extension* – granted subject to conditions

3/2017/1004 - *Proposed unit for the storage and repair of plant and machinery* – application to be determined at Committee

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement DMI2 – Transport Considerations
Key Statement EC1 – Business and Employment Development

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport & Mobility
Policy DME2 – Landscape & Townscape Protection
Policy DMB1 – Supporting Business Growth and Local Economy

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

5. **Assessment of Proposed Development**

5.1 **Principle of Development**

5.1.1 Whilst Core Strategy Key Statement EC1 seeks to direct employment development towards the main settlements of Clitheroe, Whalley and Longridge, it does also state that “*priority will be given to the use of appropriate Brownfield sites to deliver employment-generating uses including a preference for the re-use of existing employment sites before alternatives are considered.*” Policy DMB1 of the Core Strategy specifically states “*Proposals that are intended to support business growth and the local economy will be supported in principle*” and allows for the expansion of established firms on land outside settlements provided that the development is essential to maintain the existing source of employment and can be assimilated within the local landscape.

5.1.2 The application relates to an existing industrial site which is designated within the Ribble Valley Core Strategy as an existing employment area (Policy DMB1) and

has a long established industrial use. With specific regard to Policy DMB1, the proposal would not extend an industrial use into surrounding land and seeks to construct an extension to an existing building within an area specifically designated for employment use. The proposal extension would be used in conjunction with the existing business that currently operates from this site, improving the existing facilities at the site. A condition has been attached to ensure that the extension is only used for storage purposes and for the repair of vehicles, plant and machinery associated with the business operating from this site.

- 5.1.3 In addition to local policies, the proposed development would continue the industrial/commercial use of the site and is therefore supported by paragraph 21 of the NPPF which states that Local Planning Authorities should:

“support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances.”

- 5.1.4 The principle of an extension to an existing building within an established industrial site is therefore considered to be acceptable, subject to compliance with other policies of the Core Strategy.

5.2 Impact Upon Residential Amenity

Visual impact

- 5.2.1 The proposed extension would be constructed on the building that is positioned close to the western boundary of the site and therefore away from any neighbouring residential properties. The nearest residential dwelling is the property on the adjoining industrial site to the east known as Thurston Farm. The dwelling at Thurston Farm fronts onto Myerscough Smithy Road with its principle elevations facing north and south. At the nearest point a separation distance of 100m would be achieved between this side elevation of Thurston Farm and the proposed extension and such a distance is considered to be acceptable.

- 5.2.2 Beyond Thurston Farm the nearest residential dwellings are on Fieldens Farm Lane some 150m from the proposed extension, with intervening buildings and land in-between, and at such a distance it is not considered that the proposed building would have any visual impact on residential amenity in terms of loss of daylight, outlook or overshadowing.

Noise and disturbance

- 5.2.3 The objectors have raised concerns in respect of the increase in activities that have taken place at this site and the potential further increase as a result of the proposed building.
- 5.2.4 In response to this the application has a long established industrial use and is specifically designated as an employment area on the Council's Proposals Map. As such it is expected that industrial activities will take place at such a site and as

detailed above Council Policies seek to encourage and promote the expansion of industrial businesses and sites such as this.

- 5.2.5 Nevertheless, the potential impact of the proposed development, and its relationship with neighbouring properties must be carefully considered and as a result the Council's Environmental Health Officer requested the applicant provide a noise assessment to enable the full consideration of the proposal. This noise assessment has been carried out and concludes that the proposed development will reduce noise from the site as the proposal will result in activities that are currently being undertaken outside, being undertaken inside the proposed extension, thus reducing noise being omitted from this site.
- 5.2.6 The Council's Environmental Health Officer has reviewed the submitted noise report and raises no objection to the proposal, subject to the imposition of a condition which states that all repair works must be undertaken inside the existing and proposed buildings on this site, and that the external doors to these buildings must be closed whilst repair works are being undertaken.
- 5.2.7 In terms of opening hours, the application site has a long established commercial use and the LPA can find no conditions on any previous approvals that restrict hours of operation from the site. An objector has commented that the hours of operation have increased recently but with no restrictive condition the Council currently have no control over the hours of operation, other than via statutory noise/nuisance legislation. The submitted application states that the business currently operates 06:00 – 18:00 Monday to Saturday inclusive, and 08:00-14:00 on Sunday and Bank Holidays, and the Council's Environmental Health has raised no objection to these hours of operation. The LPA considered that the extension of the existing building, and the separate application for the erection of a new building on site, is sufficient justification for the imposition of a condition restricting the hours of operation to those specified within the application and the Council's Environmental Health Officer is supportive of this approach.
- 5.2.8 With regard to the neighbouring property at Thurston Farm, this dwelling is itself located on an industrial site with a similar use to the application site and therefore it is considered that the impact upon the occupiers of this property would be similar to the existing situation. Furthermore, as detailed above the submitted noise report concludes that noise from the site should be reduced by works now being undertaken inside the proposed building, rather than outside as per the existing situation.
- 5.2.9 The objectors have requested that an acoustic fence be erected along the eastern boundary of the site, and that Myerscough Smithy Road be connected to the New Spine Road serving BAE in order to allow traffic to access the A59 via this route rather than via the roundabout close to the residential properties at Fieldens Farm Lane.
- 5.2.10 With regard to the acoustic fence, this is not recommended within the submitted noise report and the Council's Environmental Health Officer does not see any benefit of an acoustic fence as noise from the site would simply project over this fence. Notwithstanding this the Council's Environmental Health has reaffirmed his opinion that the proposed development would reduce noise from the application site and any noise that is omitted from the site would not significantly exceed the background noise levels from the nearby A59.

- 5.2.11 In respect of connecting Myerscough Road to the Spine Road for BAE, LCC have confirmed that there is no intention for this to happen in the immediate future and as detailed later in this report no highway objection is raised to the proposal.
- 5.2.12 In addition to the conditions attached in relation to the hours of operation and repair works being undertaken inside the building, a condition has also been attached requiring details of any new external lighting to be installed on the building, or elsewhere within the site, to be first submitted to and agreed by the LPA.
- 5.2.13 Considering all of the above, the application site has a long established industrial use and is specifically identified as an employment area on the Council's Proposals Map. The site is adjoined by industrial uses and the A59, and as such it is expected that industrial/commercial activities will take place in this area. The Council's Environmental Health Officer has raised no objection to the proposal, subject to the imposition of conditions, and these should ensure that the proposal shares an acceptable relationship with neighbouring uses in accordance with the amenity requirements of Policy DMG1. Additionally, should the objectors feel that noise disturbance from this site, or any other industrial businesses in the locality, exceed acceptable levels then they are advised to contact the Council's Environmental Health Department who have statutory powers to investigate and take action against excessive levels of noise.
- 5.2.14 It should also be noted that permission has been granted in 2016 for a two bay extension to this building and therefore the principle of extending this building has already been established and this previous permission can still be implemented. It is considered that the addition of a third bay as proposed by this application would have no greater impact than the previously approved 2-bay extension.

5.3 **Visual Impact and Design**

- 5.3.1 The proposed extension has been designed to match the existing building and would be in keeping with the other industrial units on adjacent sites. The extension would be well screened from the A59 by vegetation and would be no higher than the existing building on site. It is therefore considered that the extension would have no harmful impact upon the visual character of the area.

5.4 **Landscape and Ecology**

- 5.4.1 The proposed extension would be set away from the boundaries of the site and thus would have no impact upon existing trees and hedges.

5.5 **Highways**

- 5.5.1 The proposed extension would be accessed via the existing point off Myerscough Smithy Road and the submitted application is accompanied by a detailed masterplan showing all the potential buildings on this site and the available external areas for the parking of vehicles, both staff and commercial vehicles. The application is also accompanied by a written statement which confirms that the purpose of this extension is not to expand the business but to improve the

existing facilities on site, mainly in order to provide internal areas for storage and repair works which are currently being undertaken externally in the yard area.

5.5.2 The County Surveyor has reviewed the submitted information and raises no objection to the application, commenting that the extension would not result in any additional impact on the highway network. The Highway Officer has however recommended conditions be attached requiring the applicant to provide a construction method statement for the proposed works and to ensure that a wheel washing facility is provided within the site during the construction process to prevent mud/dirt from being transported onto the highway.

5.5.3 The objectors and Parish Council have requested that Myerscough Smithy Road be extended so as to connect to the relatively recently constructed entrance into the BAE site, in order to allow vehicles to access the site from the west, as opposed to accessing via the roundabout to the east (towards Mellor Brook). LCC did not request this as part of their original response and therefore the LPA have contacted the Highway Officer directly in relation to this issue. The Highway Officer has verbally confirmed that LCC have no immediate plans to extend Myerscough Smithy Road and connect it to the new access for BAE.

5.6 **Economic Benefits**

5.6.1 The submitted application has not specifically detailed any economic benefits that the proposal would bring, however the company does currently employ 20 full time members of staff and therefore the proposed extension, and other buildings proposed by separate applications, would undoubtedly offer some benefits to the existing business and staff, specifically improved Health and Safety and the aforementioned reduction of noise pollution by operations being undertaken indoors.

5.7 **Other Issues**

5.7.1 An objector has commented that if the previously approved building (3/2008/0700) and proposed building currently under consideration as part of application 3/2017/1004 are not erected along the eastern boundary of the site, there would be no protection from noise escaping the extension proposed by this application. In response to this the LPA cannot make the applicant carry out and construct granted consents, however as previously mentioned a condition has been attached to ensure that all repair works take place inside the buildings and with the doors closed to reduce noise levels.

6. **Conclusion**

6.1 The application site has an established industrial use and is specifically identified as an employment site on the Council's Proposals Map, furthermore the principle of extending the building has previously been established on site. It is therefore within established industrial locations such as this that the LPA should be seeking to encourage economic development. The proposed extension would not have any visual impact upon the surrounding area and the Council's Environmental Health Officer has raised no objection to the application in relation to neighbouring land uses subject to the imposition of planning conditions. Furthermore LCC Highways have raised no objection to the application as submitted.

RECOMMENDATION: That the application be APPROVED subject to the following conditions:

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

REASON: To comply with the requirements of 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 drawings:

Location Plan

5524 – 02 A (amended plan received 19/01/18)

5524 – 04

5524 – 05 B (amended plan received 01/03/18)

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

3. The extension hereby approved shall only be used for storage and for the repair of vehicles, plant and machinery associated with the existing business at this site.

REASON: For the avoidance of doubt as the use of the building for other purposes and/or in association with another business could have a detrimental effect upon the amenity of the locality or highway safety, contrary to Policy DMG1 of the Ribble Valley Core Strategy.

Materials

4. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be carried out in complete accordance with the materials detailed within section 9 of the submitted application form.

REASON: In order to ensure that the materials to be used are appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

Amenity

5. Details of any external air conditioning vents, extraction systems or any other external plant equipment shall have been submitted to and approved in writing by the Local Planning Authority prior to installation on the building/site. The submitted information shall include details of the design, positioning, specification, noise levels, fixing and finish of all external plant equipment and the development shall be carried out in complete accordance with the approved details.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance in accordance with Policies DMG1 and DMB1 of the Ribble Valley Core Strategy.

6. The use of the premises in accordance with this permission shall be restricted to the hours 06:00 to 18:00 hours Monday to Saturday inclusive and between 08:00 to 14:00 hours on Sunday and Bank Holidays.

REASON: The use of the premises outside these hours could prove injurious to the character of the area and in order to safeguard residential amenity in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

7. No repair works shall be undertaken outside of any buildings on this site and all external doors shall remain closed whilst repair works are being undertaken within these buildings.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance in accordance with Policies DMG1 and DMB1 of the Ribble Valley Core Strategy.

8. No external lighting shall be installed on the extension hereby approved, or elsewhere on the site, without the prior written approval of the Local Planning Authority. Details of any such lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The approved details shall thereafter be fully implemented.

REASON: In order to ensure a satisfactory appearance in the interests of visual amenity and to prevent nuisance arising in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

Highways

9. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

REASON: To prevent stones and mud being carried onto the public highway to the detriment of road safety in accordance with Ribble Valley Core Strategy Policies DMG1 and DMG3.

10. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall include the following details:-

The parking of vehicles of site operatives and visitors;
Loading and unloading of plant and materials used in the construction of the development;
Storage of such plant and materials used in constructing the development;
The erection and maintenance of security hoardings;
Details of construction working hours;
HGV delivery times and routeing to/from the site;
Contact details for the site manager.

Plans for the layout with regard to parking loading and storage of construction vehicles and equipment should be included within this document.

REASON: To protect existing road users in the interest of highway safety in accordance with Ribble Valley Core Strategy Policies DMG1 and DMG3.

11. The car parking and manoeuvring areas shall be marked out and made available for use in accordance with the approved plan (5524 – 05 B amended plan received 01/03/18) prior to the unit hereby approved being first brought into use and shall be permanently maintained thereafter clear of any obstruction to its designated purpose.

REASON: To allow for the safe and effective use of the parking areas in the interest of highway safety in accordance with Policy DMG3 of the Ribble Valley Core Strategy.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2017%2F1216

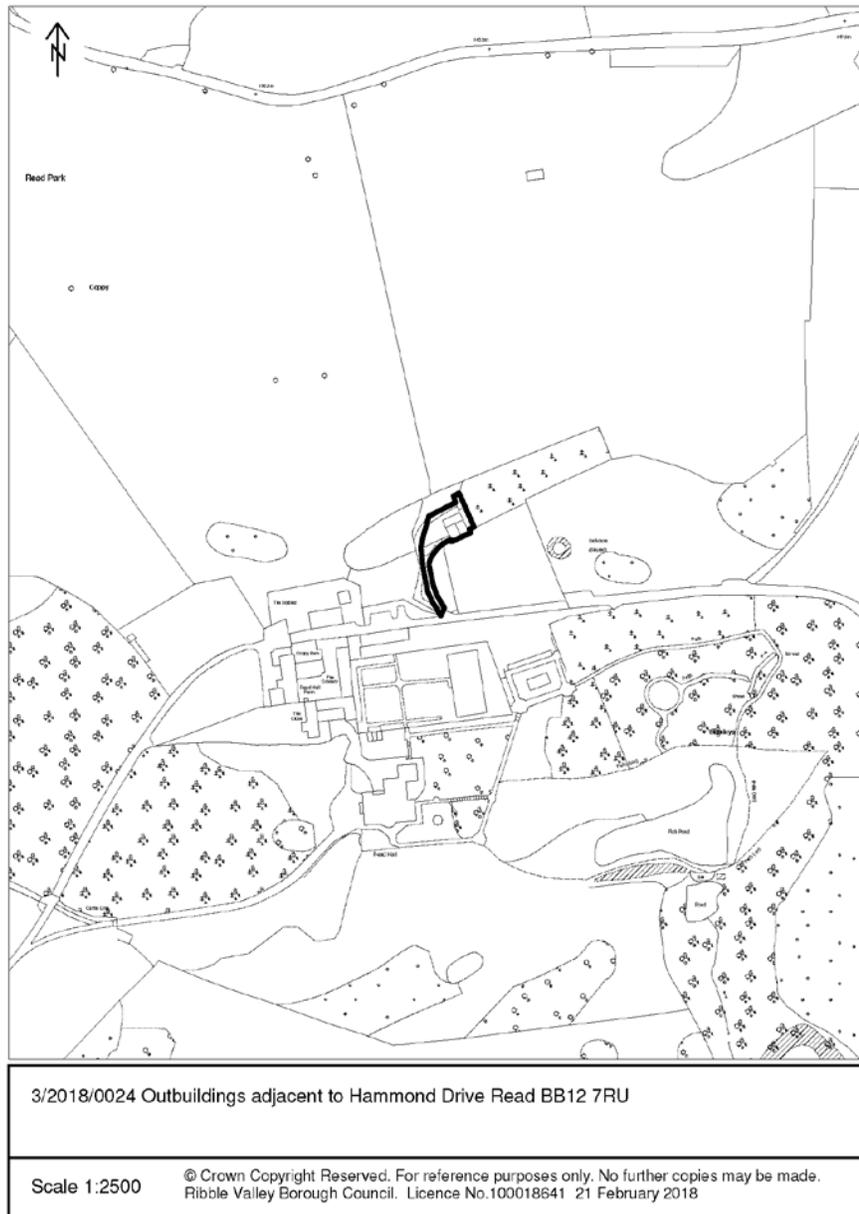
C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL

APPLICATION REF: 3/2018/0024

GRID REF: SD 375771 434981

DEVELOPMENT DESCRIPTION:

CONVERSION AND EXTENSION OF REDUNDANT PIGGERY AND STORE TO ONE SINGLE-STOREY DWELLING INCLUDING ACCESS AND PARKING AT LAND ADJACENT HAMMOND DRIVE, READ



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Read Parish Council:

Councillors support this application which brings back into use redundant farm buildings in a sympathetic design that has minimal impact on the visual amenity of the open countryside.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

The proposed development would be served from a private road and offers sufficient areas for parking and turning within the site. The proposal therefore raises no highway concern and no objection is raised.

HISTORIC ENGLAND:

Do not wish to offer any comments and suggest advice is sought from the Council's specialist conservation and archaeological advisers.

LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE:

The proposed development mainly impacts buildings which were erected between 1848 and 1893 although the 'enclosed paddock' to the south of the buildings was extant in 1848, perhaps forming an orchard at that time. They were no doubt built and operated by the Read Hall estate.

The Listed Grade II* Hall of 1818-25 is some 130m to the south and a Grade II estate icehouse (post-1848) is located immediately outside the east wall of the 'walled paddock' on the south side of the application site.

LAAS consider that overall the impact level of the proposed works on the extant structures could be considered to be moderate to high, rather than minor as implied in the HIA. The significance of this impact, however, is offset by the late date and relatively low importance of the structures, as well as the extant screening of the site. It would probably be assessed as 'minor negative' if Environmental Assessment methodologies were used.

In view of the above, LAAS do not object to the proposals as set out and if on balance the Council decides to grant permission to the application, would recommend that some minor recording work be undertaken as a condition of any consent.

LOCAL LEAD FLOOD AUTHORITY:

Consultation not required and therefore no comments provided.

ADDITIONAL REPRESENTATIONS:

No representations have been received.

1. Site Description and Surrounding Area

- 1.1 The application relates to two detached former agricultural buildings within the extensive estate grounds of Read Hall, Read. Read Hall is a Grade II* Listed Building located approximately 150m from the two buildings to which this application relates.

Approximately 50m to the south east of the application buildings is a Grade II Listed Icehouse associated with Read Hall. The main access to Read Hall is off Whalley Road (A671) however there is another access via a private road from Hammond Drive and it is this private road which provides access to the application site.

- 1.2 The buildings to which this application relates are a former piggery and storage building. Both buildings are single storey stand-alone detached properties positioned perpendicular to each other with a separation gap of approximately 1m. Both buildings incorporate solid stone external walls with a slate roof, with the piggery having a pitched roof and the store building a mono-pitch roof. In terms of footprint the buildings are relatively similar in size, each measuring under 40sqm and resulting in a combined floorspace/footprint of 75sqm.
- 1.3 Directly to the south of the pitched roof piggery building is a courtyard area which is almost fully enclosed by an attractive 3m high stone wall, although there is a significant gap in the south facing elevation of this wall which provides views and access to the piggery and this courtyard area from the south. There is clear evidence that this courtyard area to the south of the buildings was paved and there are the remains of a small section of wall which once split this courtyard area into two. To the south of the courtyard area is a walled paddock and the southern section of the courtyard wall is the northern section of this paddocked area. This walled paddock is almost fully enclosed, with the exception of the section in the northern part which provides access to the piggery and a gate in the north east corner.
- 1.4 As mentioned above the buildings are within the extensive grounds of Read Hall, however the buildings are now in separate ownership from Read Hall. As Read Hall is a Grade II* Listed Building there is a case for the application buildings being listed as a result of being within the curtilage of a listed building. The issue of whether the buildings are listed by curtilage is complex and there is no simply way of assessing this, meaning that it often comes down to the judgement of interested parties. This issue is discussed in detail in the "Assessment" section of this report but at the very least the buildings are considered to be non-designated heritage assets.
- 1.5 In terms of the site itself, the buildings are located outside the settlement boundary of Read and therefore are defined as open countryside. The buildings are sited 50m north of the private road running through Read Hall and the land slopes up from south to north meaning that the buildings re set considerably above road level. Either side of the buildings (east and west) is a small private woodland area and to the south is the above mentioned walled paddock.
- 1.6 Beyond the immediate surrounding of the paddock and woodland the site is surrounded by open gardens associated with Read Hall known as Read Park. This surrounding land is defined as Ancient and Post Medieval Ornamental land in the Lancashire Historic Landscape Type and a recent Heritage Assessment of Read Hall identifies that its "parkland setting remains as legible today as when the mansion was first built" and "significance is further enhanced by its setting within its historic parkland, and the relationship it shares with ancillary buildings, particularly the farm buildings and lodge". It should also be noted that Read Hall and Park is identified as having "Regional/County" significance in a 2013 document entitled 'A Local Lost of Lancashire's Unregistered Historic Designed Landscapes'.

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

- 2.1 The application seeks to convert two outbuildings (piggery and store) into one dwelling. The proposal would include significant extensions to the footprint of the existing buildings and as per the submitted structural report would require some rebuilding and remedial works to the existing buildings so as to ensure they are suitable for residential use.
- 2.2 In terms of extensions the application proposed to infill the walled courtyard area with a flat roof directly to the south of the existing piggery. This area measures 11.1m wide by 8m wide and the south facing elevation, facing into the walled paddock would contain six large full length sliding panel doors. This extension would be used as an open plan kitchen, dining and living area. The submitted application suggests that this is not an extension as the walled courtyard forms part of the piggery building, however the LPA wholly disagree with this and consider the infill of this external area to create internal living accommodation for the proposed dwelling to be an extension. The existing piggery building would be converted to provide a bathroom study, utility room and form part of the entrance.
- 2.3 To the east of the piggery building and to the south of the storage building the application also proposes a large extension which would connect these two currently separate buildings. This extension would measure 11.1m in length by 4.4m wide and have a flat roof design measuring 2.7m to highest point. This extension would provide a large master bedroom with a dressing room and an additional bedroom.
- 2.4 To the north of the piggery building and to the west of the storage building the application proposes another extension that would link the buildings. This glazed and flat roof extension would measure 3.6m x 1.8m and would be used as the entrance/porch.
- 2.5 The existing storage building would be converted to provide a bedroom (en-suite) and a store room. Overall the proposed application proposes to convert these two modest sized buildings, currently measure 75sqm into a three-bedroom dwelling measuring 222sqm.
- 2.6 In addition to the new openings to be provided as part of the proposed extensions, the application proposes one new door opening in the west facing elevation and the installation of three new roof lights in the north facing roof slope of the piggery building.
- 2.7 Vehicular access would be provided via an existing field gate off the private road and a new hard surfaced driveway would be installed leading up from this access to the proposed dwelling, located approximately 50m from the private road. A car parking/forecourt area would be provided to the west of the buildings and the application includes a modest external garden area for the proposed occupants of the dwelling.

3. **Relevant Planning History**

- 3.1 There have been various planning applications at Read Hall and its associated buildings, however there have been no planning applications submitted in relation to the two buildings subject of this proposal.

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement EN2 – Landscape
Key Statement EN5 – Heritage Assets
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 DME3 – Site and Species Protection and Conservation
Policy DME4 – Protecting Heritage Assets
Policy DMH3 – Dwellings in the Open Countryside & the AONB
Policy DMH4 – The Conversion of Barns and Other Buildings to Dwellings

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 **Principle of Development:**

5.1.1 The proposed development site falls outside of the Council's defined settlement boundaries and therefore is designated as open countryside within the adopted Core Strategy. Policy DMG2 (Strategic Considerations) requires that development within the Tier 2 Settlements must meet at least one of the following considerations:

1. *The development should be essential to the local economy to social wellbeing of the area*
2. *The development is needed for the purposes of forestry or agriculture*
3. *The development is for local needs housing which meets an identified need and is secured as such*
4. *The development is for small scale tourism or recreational development 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*
6. *The development is compatible with the enterprise zone designation.*

5.1.2 This is reiterated within Key Statement DS1 and at table 4.12 of the Core Strategy, which stipulates that the total number of houses to be located outside of the settlement boundaries over the plan period is 0.

5.1.3 Core Strategy Policy DMH3 relates specifically to dwellings within the open countryside and states that new dwellings will be limited to 'the appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. Buildings must be structurally sound and capable of conversion without the need for complete or substantial reconstruction'.

- 5.1.4 As such, whilst this policy does permit the conversion of buildings to residential use, it does stipulate that such buildings must be suitably located. This approach is supported by paragraph 55 of the National Planning Policy Framework (NPPF) which states that '*Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances*'. However Paragraph 55 of the Framework permits new isolated homes in the countryside where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 5.1.5 Additional guidance on proposals to convert barns to dwellings is provided by Core Strategy Policy DMH4. This policy states that planning permission will be granted for the conversion of buildings to dwellings where:
1. *The building is not isolated in the landscape, i.e. it is within a defined settlement or forms part of an already group of buildings, and*
 2. *There need be no unnecessary expenditure by public authorities and utilities on the provision of infrastructure, and*
 3. *There would be no materially damaging effect on the landscape qualities of the area or harm to nature conservations interests, and*
 4. *There would be no detrimental effect on the rural economy, and*
 5. *The proposals are consistent with the conservation of the natural beauty of the area.*
 6. *That any existing nature conservation aspects of the existing structure are properly surveyed and where judged to be significant preserved or, if this is not possible, then any loss adequately mitigated.*
- 5.1.6 In terms of location and isolation, the proposed buildings are located approximately 60m from the nearest buildings within the Read Hall complex which consists of a number of converted buildings and garages, and therefore it could be argued that the application buildings are somewhat "isolated". The Listed Icehouse is located closer to the application buildings however this is an almost unground structure that does not have the visual appearance of a building as it is covered in grass. Nevertheless, the proposed dwelling would be accessed via the same track which serves the nearby properties within the Read Hall complex, and a distance of 60m is considered to be border line in terms of distance/isolation. As such, whilst these outbuildings are physically separated from other building at Read Hall, on balance it is accepted that they form part of an already group of buildings and thus accord with criterion 1 of Policy DMH4.
- 5.1.7 In terms of the other criteria listed above, these issues are considered in greater detail later in the report. Policy DMH4 does go on to state that the building(s) to be converted must also:
- *be structurally sound and capable of conversion for the proposed use without the need for extensive building or major alternation, which would adversely affect the character or appearance of the building. The council will require a structural survey to be submitted with all planning application of this nature. this should include plans of any rebuilding that is proposed;*
 - *be of a sufficient size to provide necessary living accommodation without the need for further extensions which would harm the character or appearance of the building, and*

- *the character of the building and its materials are appropriate to its surroundings and the building and its materials are worthy of retention because of its intrinsic interest or potential or its contribution to its setting, and*
 - *the building has a genuine history of use for agriculture or another rural enterprise.*
- 5.1.8 In respect of the structural soundness and capability of the building to be converted as require by both Policies DMH3 and DMH4, a structural survey has been submitted with this application, however this structural report states “*it is not within the scope of our brief to prepare a detailed schedule/specification of remedial works...*”. In response to this, the purpose of a structural report being a requirement of a conversion application is so that the Council can assess whether the buildings are structurally sound and capable of conversion for the proposed use without the need for extensive building or major alteration. The submitted structural report does state that the buildings would require some remedial works/rebuilding and hence the LPA requested more information in respect of this. The applicant has thus provided plans showing the sections of the piggery building that would need to be rebuilt, along with the south facing paddock/courtyard wall which is to be incorporated into the proposed conversion and all stone surrounds would be replaced. In summary, whilst the conversion would require some elements of rebuilding works, the existing buildings are considered to be structurally sound and capable of conversion as required by Policies DMH3 and DMH4.
- 5.1.9 The buildings clearly have a history of agricultural use, being used as a piggery and an agricultural store, and as detailed earlier in this report the buildings are attractive in appearance and located within a sensitive location. The buildings are considered to non-designated Heritage Assets (when considered against National Guidance) of historical interest and thus the broad principle of their retention would contribute to the surroundings.
- 5.1.10 In view of the above, from the main consideration in whether the principle of the proposed conversion is acceptable would be whether the building(s) are “*of a sufficient size to provide necessary living accommodation without the need for further extensions which would harm the character or appearance of the building*”.
- 5.1.11 The existing buildings have a footprint of 75sqm and as mentioned in the “Description of development” section of this report the proposal involves various extensions and alterations that would not only significantly alter the visual appearance of the buildings (discussed later in this report) but also vastly increase the footprint. The proposed extensions would increase the footprint of the existing buildings by 148sqm (197%) and therefore almost treble the footprint. The submitted application claims that the increase in footprint is only 33%, suggesting that the infill of the external courtyard area should not be classed as an extension but forms part of the original/existing footprint of the building. The Council wholly disagree with this approach and consider the infill of an external courtyard area which has no roof to be an extension to the existing buildings. The Council accept that this courtyard is enclosed by boundary walls, but this does not mean that the courtyard is a building and therefore to incorporate this external courtyard area into the proposed conversion and utilise as living, dining and kitchen areas is clearly an extension. Whilst the Council are

under no doubt that enclosing this courtyard area should be treated as an extension, to even consider an external courtyard with boundary walls as part of a useable space of an adjoining building would set a very dangerous precedent throughout the open countryside.

5.1.12 In view of the above, the increase of the footprint and internal useable space of the existing buildings by 197% is considered to be excessively disproportionate to the size of the existing buildings and such large extensions would undoubtedly harm the character and appearance of the existing buildings which is contrary to Policy DMH4 which requires buildings to be converted to provide necessary living accommodation without the need for further extensions which would harm the character or appearance of the building(s) and DMH3 which requires the design of conversions to be in keeping with their surroundings.

5.1.13 To expand further on the above issue, the existing buildings are relatively small having a combined footprint of only 75sqm and therefore these buildings would only provide a modest level of accommodation for future occupiers if converted. Before submitting this application the applicant engaged in pre-application discussions with the Council where it was made clear that the level (size/scale) of proposed extensions proposed were not acceptable and that any extensions need to be proportionate to the size of the existing building, a modest link extension which connected the two buildings would have been considered proportionate and therefore acceptable. To put the level of development proposed by this application in perspective, the national minimum house size standard states a three-bedroom bungalow should measure a minimum of 96sqm and therefore this property, measuring 222sqm for a three-bedroom bungalow massively exceeds this guidance. The minimum house size standard for a six-bedroom bungalow is 125sqm and the proposal (222sqm) would also significantly exceed this figure as well.

5.1.14 In summary, whilst the broad principle of converting these buildings to a residential use is acceptable in this location, given the size of the buildings it is considered that a one bedroom (potentially two-bedroom) property would be viable and the applicant's desire for a large three-bedroom dwelling with expansive living, dining and kitchen areas, along with an Council-suite bedroom, a dressing room, a study and a utility room is unrealistic and for the Council to support such large scale extensions to these modest sized buildings would set a dangerous precedent for other conversions in the open countryside.

5.2 Design/appearance/Impact on listed buildings:

5.2.1 The application buildings are located within the extensive grounds of Read Hall which is a Grade II* Listed Building and as such there is a case for the application buildings to themselves be listed as a result of being within the curtilage of a listed building. As mentioned earlier in this report the issue of whether buildings are listed by curtilage is complex and there is no simple way of assessing, meaning that it often comes down to the judgement of interested parties.

5.2.2 In the determination of this application the LPA must therefore carefully consider whether these buildings are listed by curtilage. The application buildings are approximately 150m from Read Hall and the submitted Heritage

Statement comments that these “...buildings were part of Read Hall Farm, which was separated from the Hall in the mid-20th Century” and therefore the heritage statement implies that buildings are not part of the curtilage of Read Hall. The Author of the Heritage Statement is of the opinion that the buildings are not listed, but are considered to be non-designated heritage assets.

- 5.2.3 Planning Law (section 1(5) of the Planning (Listed Buildings and Conservation Areas Act 1990) states that the listed building also includes any ancillary object or structure within the curtilage of the building, which forms part of the land and has done so since before 1st July 1948. Historic England’s own guidance on this matter accepts that determining whether buildings are listed by curtilage is a “difficult judgement” and that “The curtilage of a building has to be determined on a case-by-case basis, but (curtilage) is essentially the area of land that is ancillary to the main building” (in this case Read Hall).
- 5.2.4 Historic England are consulted on all applications for works to, or that affect the setting of, Grade I and Grade II* Listed Building and in response to the LPA’s consultation on this application Historic England have offered no comments, other than to suggest that advice is sought from the Council’s specialist conservation and archaeological advisers. The LPA have therefore consulted with Lancashire Archaeological Advisory Service (LAAS) and within their response LAAS have confirmed that the application buildings were erected between 1848 and 1893, which is after Read Hall (1818-1825), however this in itself is not a reason to conclude that the buildings are not still part of the curtilage of Read Hall, in fact LAAS have commented that the building “...were no doubt built and operated by the Read Hall estate.”
- 5.2.5 LAAS’ response does not specifically refer to whether or not they consider these buildings are listed by curtilage, however LAAS agree with the submitted Heritage Statement that the buildings are considered to be non-designated heritage assets.
- 5.2.6 In consideration of the above guidance and expert advice, the LPA are of the opinion that the application buildings are clearly attractive in appearance and at the very least considered to be non-designated heritage assets as a result of their age, appearance and association with Read Hall. In terms of whether the buildings are listed by curtilage, it is accepted that they are located a significant distance away from Read Hall (150m) and whilst they do form part of the wider estate, the Read Hall complex has been somewhat separated by various applications for conversions of other buildings and thus the buildings are no longer considered to be within the existing residential curtilage of Read Hall. Furthermore the buildings are now in separate ownership from Read Hall.
- 5.2.7 Whilst when looked at individually the above mentioned considerations are not on their own enough to say that the buildings are not listed by curtilage, when considered cumulatively it is accepted that the buildings are not listed by the curtilage of Read Hall, but the buildings are considered to be non-designated heritage assets and the impact of the proposal on the setting of the nearby listed buildings is a consideration.
- 5.2.8 In terms of the nearby listed Icehouse, whilst this is sited closer to applications buildings than the Read Hall, not all listed buildings have a curtilage and in this case the Icehouse is clearly an ancillary building and does not have its own

curtilage. As such the buildings are also not considered to be listed as a result of their proximity to the ancillary Icehouse.

- 5.2.9 In respect of the impact the proposal would have upon the setting of nearby listed buildings, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, the Court of Appeal has held that decision-makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.
- 5.2.10 One of the 12 core planning principles of the NPPF is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Similarly Policy DME4 of the Ribble Valley Core Strategy does not support development that would cause harm to the significance of a heritage asset, in this case the setting of the nearby Listed Buildings. Key Statement EN5: Heritage Assets states that *“There will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value; their important contribution to local character, distinctiveness and sense of place, and to wider social, cultural and environmental benefits.”*
- 5.2.11 Paragraph 129 of the NPPF states that “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.” Paragraph 131 of the NPPF requires LPAs to take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 132 requires great weight to be given to the conservation of heritage assets and paragraph 133 states that where a proposal will lead to substantial harm to the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that there are public benefits that outweigh that harm. Paragraph 133 of the NPPF states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be.”
- 5.2.12 The application is accompanied by a Heritage Statement which identifies the buildings as non-designated heritage assets and states that the site is well-enclosed, set in private and mainly wooded grounds. The Heritage Statement comments that the external changes to the site on the public domain are very limited as most of the developments are within the walled compound. The statement goes on to comment that there are no clear views of Grade II* Listed Building (Read Hall) from the application site and there would be no impact on the character, setting or significance of that building, especially as the former service buildings and model farm have already been converted into residential

use. The statement also refers to the nearer Icehouse, commenting that this is largely subterranean structure and as a result of the tall paddock walls there would be no impact upon the character, setting or significance of the icehouse.

- 5.2.13 In response to the submitted Heritage Statement, whilst it is accepted that the application building is not directly visible from the Grade II* Listed Read Hall, this does not mean that proposed alterations to the application buildings do not affect the setting of this listed building. This was established as recently as June 2017 where the Planning Court agreed with the claimant and overturned an Inspector's Decision at Kedleston Hall in Derbyshire (*Steer v SSCLG 22nd June 2017*). The Court decided that the Inspector had "...adopted an artificially narrow approach to the issue of setting which treated visual connections as essential and determinative", and that this had amounted to an error of law when the Inspector considered that because the proposed development was not visible from the listed hall it did not impact upon its setting. In respect of the current application, the application buildings clearly form part of the historic Read Hall estate and its gardens, and therefore form part of its setting and any alterations to these building must be carefully considered.
- 5.2.14 The application proposes disproportionately large, contemporary and modern extensions to these modest and simple designed buildings. The proposed extensions would almost treble the footprint of the existing buildings and contain high levels of glazing with flat roofs. It is considered that the proposed extensions would significantly alter the existing/original appearance of these buildings which is at odds with traditional character and appearance of the Read Hall estate and its setting. The LPA contends that the fact that the buildings and proposed extensions are not directly visible from Read Hall is not a justification for inappropriate development.
- 5.2.15 The surrounding parks and gardens associated with Read Hall significantly contribute to the buildings significance as a heritage asset, with the surrounding land defined as Ancient and Post Medieval Ornamental land in the Lancashire Historic Landscape Type and a recent Heritage Assessment of Read Hall specially identifies that its "*parkland setting remains as legible today as when the mansion was first built*" and "*significance is further enhanced by its setting within its historic parkland, and the relationship it shares with ancillary buildings, particularly the farm buildings and lodge*". It should also be noted that Read Hall and Park is identified as having "Regional/County" significance in a 2013 document entitled 'A Local Lost of Lancashire's Unregistered Historic Designed Landscapes' and therefore it is the surrounding land and not just the building of Read Hall itself that contribute to its designation as a Grade II* listed heritage asset of national importance.
- 5.2.16 The submitted Heritage Statement refers to other buildings that have been converted to residential use within the Read Hall estate, however these have been done in simple and traditional style without the need for large extensions or major alteration as proposed by this application. The Heritage Statements comments that the views of the external changes are "very limited", however the six full-length glazed sliding doors to be installed within the south facing elevation of the property, within the existing courtyard wall, would be visible from the public right of way (3-34-FP-2) that runs directly through the grounds of Read Hall. This right of way is frequently used and being situated on higher ground above this

right of way this modern and contemporary feature would be visually detrimental to the traditional character of the area and the importance setting of Read Hall Gardens, negatively affecting the way the listed building, and its important gardens, are experienced from public vantage points.

- 5.2.17 In summary of the above it is considered that the proposed extensions and alterations, as a result of their scale and modern design would result in substantial harm to the setting of Read Hall and there are considered to be no public benefits arising from this development that would outweigh the clear harm to the setting of the designated heritage asset. Thus the proposal is contrary to Key Statement EN5 and Policy DME4 of the Ribble Valley Core Strategy, as well as national guidance contained within the NPPF and the Planning (Listed Building and Conservation Area) Act 1990.
- 5.2.18 In addition to the above the buildings are considered to be non-designated heritage assets on their own merits and Paragraph 135 of the NPPF specifically relates to non-designated heritage assets, stating that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application”*.
- 5.2.19 As mentioned elsewhere in this report the development proposes a number of extensions to the existing buildings, as well as the addition of one new door opening and three roof lights, and in particular the aforementioned scale and modern design of the proposed extensions, including the significant use of glazing would result in buildings that have been significantly altered from their original form and this would be detrimental to the visual quality of these non-designated heritage assets. Such developments would introduce large reflective surfaces that would increase the prominence of the buildings and development site, especially the large openings to be inserted into the south elevation of the boundary wall which is visible from the public right of way.
- 5.2.20 Page 17 of the Historic England’s Guidance “Adapting Traditional Farm Buildings” states “Any adaptation will need to strike a balance between the practical requirements of a new use and protection of the historic character of the existing farm building and its setting. Thoughtful and innovative design can usually resolve these potential conflicts, but users may have to accept some degree of compromise – for example restricted headroom or slightly lower daylight levels than might be ideally desired.” The proposed extensions and alterations are not necessary to enable these buildings to be converted for residential use and as previously mentioned the LPA would potentially accept a conversion application with a modest sized extension linking the two buildings to create a one bedroom property (or potentially two small bedrooms) in line with Historic England’s Guidance. For the reasons detailed above the size of the proposed extensions would be disproportionate in comparison to the existing structures and their contemporary design would dominate and detract from their simple and traditional appearance.
- 5.2.21 The submitted application contends that the site is not highly visible or prominent, however it is the Officer’s opinion that this is not a justification for development that is considered to be unacceptable on non-designated heritage assets, as well as the setting of a listed building. The submission also refers to a modern contemporary design that has been used in the construction of new dwellings on Hammond Drive to the east, however the erection of three modern dwellings on a

resident street is considered to be significantly different from the conversion of two non-designated heritage assets, within the setting, and historical gardens, of a Grade II* listed building.

5.2.22 In consideration of the above, the scale/size and modern design of the proposed extensions and alterations to these modest sized buildings would damage the simple and traditional character and appearance of the non-designated heritage assets themselves, as well as resulting in substantial harm to the setting of Read Hall. Thus the proposal is contrary to Key Statement EN5 and Policies DMH4 and DME4 of the Ribble Valley Core Strategy, as well as national guidance contained within the NPPF and the Planning (Listed Building and Conservation Area) Act 1990. The Council's Principal Planning Officer for Conservation Areas and Listed Buildings supports the recommendation to refuse this application.

5.2.23 In addition to the alterations and extensions to the buildings the application also includes the creation of a new driveway leading up the slope from the private road to the proposed dwelling, through an existing field gate, as well as forecourt area for parking. This driveway would be well screened by the adjacent paddock wall and whilst it would be visible from certain vantage points along this right of way the creation of this driveway is not considered to be visually detrimental to the area as there are numerous hard surface tracks providing access and linking buildings throughout the grounds of Read Hall.

5.3 Impact Upon Residential Amenity:

5.3.1 The proposed buildings to be converted are located more than 60m from the boundary of the nearest neighbouring residential property at The Stables and at such a distance it is considered that the proposed development would share an acceptable relationship with surrounding land uses, and vice versa, in accordance with Policy DMG1.

5.4 Highways:

5.4.1 The proposed dwelling would be accessed via a new driveway to be created through an existing gateway off the private road that runs through the grounds of Read Hall, accessed via Hammond Drive. The Highway Officer has raised no objection to the application on highway grounds, commenting that there is sufficient space provided for the safe parking of vehicles within the proposed residential curtilage.

5.5 Trees and Ecology:

5.5.1 The application is accompanied by an Arboricultural Impact Assessment which categorises all the adjacent trees as Category B trees and this report details that no trees would need to be removed as a result of the proposed development. The submitted plans appear to show that all trees would be retained and therefore were the LPA minded to approve this application a condition would be attached requiring all existing trees adjacent to the site to be protected during the conversion works being undertaken and retained thereafter.

5.5.2 The submission also includes a Bat Survey which concludes that these buildings do not provide suitable habitat for hibernation, being cold, draughty and not providing any cracks or crevices. No evidence was found of any past use by bats

and therefore it is considered that the conversion of these buildings would not represent a significant loss of foraging or roost potential, however the buildings are located in an optimal foraging location and therefore it is not possible to discount the possibility that bats may use the building during the active period. The survey therefore recommends that if work on the building was to commence between April – September an emergence survey be carried out and that potential roosting habitat be enhanced in the conversion by way of retaining potential bat roosting cavities within the building. Again were the LPA minded to approve this application these recommendations would be conditioned.

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

- 6.1 In summary, the broad principle of converting these two former agricultural buildings into residential accommodation is considered to be acceptable. However the proposed scale and size of the proposed extensions, almost trebling the footprint of the existing buildings, is contrary to Policies DMH3 and DMH4 which require buildings to be converted to provide necessary living accommodation without the need for further extensions which would harm the character or appearance of the building(s).
- 6.2 Furthermore the scale/size and modern design of the proposed extensions and alterations to these modest sized buildings would damage the simple and traditional character and appearance of the non-designated heritage assets themselves, as well as resulting in substantial harm to the setting of Grade II* Listed Read Hall and its associated Gardens. Thus the proposal is also contrary to Key Statement EN5 and Policy DME4 of the Ribble Valley Core Strategy, as well as national guidance contained within the NPPF and the Planning (Listed Building and Conservation Area) Act 1990.
- 6.3 The above concerns with the proposal were outlined to the applicant/agent during pre-application discussions, where the LPA reaffirmed that the applicant's desire for a three-bedroom dwelling of this size/scale was not compliant with Council Policies as the existing buildings on site (measuring only 75sqm) were not large enough to achieve such a level of living accommodation without the need for large extensions that would be disproportionate to the size of the existing structures on site, in addition to the visual harm such large extensions would have on the traditional character of the buildings themselves and the character of the area.

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

1. The scale and size the proposed extensions would be disproportionate to the size of the existing buildings and the modern design of the proposed extensions would harm the character and appearance of the existing buildings to be converted and their surroundings which is considered contrary to both Policies DMH3 and DMH4 of the Ribble Valley Core Strategy.
2. The scale, size and modern design of the extensions and alterations would be visually detrimental to the traditional character and appearance of these non-designated heritage assets, as well as resulting in substantial visual harm to the setting of Read Hall and its important Park/Gardens. Thus the proposal is contrary to Key Statement EN5 and Policy DME4 of the Ribble Valley Core Strategy, as well as national guidance contained within the NPPF and the Planning (Listed Building and Conservation Area) Act 1990.

INFORMATIVE:

For the avoidance of doubt, this decision relates to the following plans:

Location Plan (scale 1:1250)

PHA/088 400

PHA/088 200 A (amended plan received 19/02/18)

PHA 1007/SK1 (amended plan received 21/02/18)

PHA 1007/SK2 (amended plan received 21/02/18)

PHA 1007/SK3 (amended plan received 21/02/18)

PHA 1007/SK4 (amended plan received 21/02/18)

Update following 8th March Planning and Development Meeting

On the 8 March 2018 Committee were minded to approve the application and required the application to go back to a future Committee with a list of appropriate conditions. Should this remain the wish of the Committee the following conditions are recommended:

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

REASON: To comply with the requirements of 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 drawings:

Location Plan (scale 1:1250)

PHA/088 400

PHA/088 200 A (amended plan received 19/02/18)

PHA 1007/SK1 (amended plan received 21/02/18)

PHA 1007/SK2 (amended plan received 21/02/18)

PHA 1007/SK3 (amended plan received 21/02/18)

PHA 1007/SK4 (amended plan received 21/02/18)

Tree Constraints Survey Plan

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

3. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, samples or full details of all materials to be used on the external surfaces of the buildings to be converted and extensions shall have been submitted to and approved in writing by the Local Planning Authority prior to their use on site. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

REASON: In order to ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and area in the interests of visual amenity in accordance with the requirements of Core Strategy Policies DMG1, DMH3, DME4 and DMH4, and the National Planning Policy Framework.

4. Notwithstanding the details shown on the approved plans and the requirements of condition 2 of this permission, within three months of development first taking place a landscaping scheme for the site (including elements of both 'hard' and 'soft' landscaping) shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of the proposed surface treatment of all hard surfaced areas and the type, species, siting, planting distances and programme of planting of any trees and shrubs. The duly approved landscaping scheme shall be carried out within 12 months of the converted dwellinghouse first being occupied and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within three years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

REASON: In order to achieve a satisfactory level of landscaping in the interests of visual amenity in accordance with the requirements of Policy DMG1 of the Ribble Valley Core Strategy.

5. Notwithstanding the requirements of condition 2 of this approval, prior to their installation on site, full details of the siting, height, design, materials and finish to be used in the construction of any new boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The duly approved boundary treatments shall be constructed in full accordance with the approved details before the conversion hereby approved is first occupied and shall be retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory form of development in the interest of visual and residential amenities and in accordance with Key Statements EN2 and Policies DMG1, DME4 and DMH4 of the Ribble Valley Core Strategy.

6. Unless otherwise agreed in writing with the Local Planning Authority, all trees shall be retained on site as shown on the Tree Constraints Survey Plan and as detailed within the Arboricultural Impact Assessment (Bowland Tree Consultancy Ltd – Jan 2018) and no development shall take place until all the existing trees within, or directly adjacent, to the site have been enclosed with temporary protective fencing in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations. The fencing shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place within such protective fencing during the construction period.

REASON: To protect the existing vegetation in the interest of visual amenity in accordance with Policies DMG1 and DME2 of the Ribble Valley Core Strategy.

7. Notwithstanding the submitted information, details of the provisions to be made for building dependent species of conservation concern, artificial bat/bird roosting boxes, shall be submitted to, and approved in writing by the Local Planning Authority.

For the avoidance of doubt the details shall identify the nature and type of the boxes/artificial roosting sites and the location(s) or wall and roof elevations into which the above provisions shall be incorporated.

The artificial bat/bird boxes shall be made available for use before either dwelling hereby approved is first 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 to reduce the impact of development in accordance with Key Statement EN4 and Policies DME2 and DME3 of the Ribble Valley Core Strategy.

8. Should development commence between April – September an emergence bat survey shall have first been undertaken by a suitably qualified ecologist and submitted for the writing approval of the Local Planning Authority, in order to establish the habitat potential of the site (including all trees and buildings). The development shall then be undertaken in complete accordance with the recommendations and mitigations contained within this approved report.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and to reduce the impact of development in accordance with Key Statement EN4 and Policies DME2 and DME3 of the Ribble Valley Core Strategy.

9. Notwithstanding the provisions of Classes A to H of Part 1 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, and no buildings or structures shall be erected within its curtilage 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 development and locality and the amenities of nearby residents in accordance with Key Statement EN2 and Policies DMG1, DME2, DME4 and DMH4 of the Ribble Valley Core Strategy.

10. Notwithstanding the provisions of Classes A-I of Schedule 2 Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, no renewable energy sources shall be attached to the dwelling, or placed within the residential curtilage, 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 development and locality and the amenities of nearby residents in accordance with Key Statement EN2 and Policies DMG1, DME2, DME4 and DMH4 of the Ribble Valley Core Strategy.

11. Prior to their installation on site, full details of all windows and doors to be utilised in the development hereby permitted, including samples if so required, shall be submitted to and approved in writing by the Local Planning Authority before any such frames are installed in the development. Such details shall indicate, at a scale of not less than 1:20, the longitudinal and cross-sectional detailing, reveal, and means of opening together with any finished treatment. The window frames shall be installed in accordance with the approved details and thereafter so maintained.

REASON: To ensure a satisfactory standard of appearance in the interests of visual amenity in accordance with Key Statement EN2 and Policies DMG1, DME4 and DMH4 of the Ribble Valley Core Strategy.

12. All window/door cills and lintels shall be natural stone and full details or samples of the materials to be used for the cills, lintels and any steps shall be submitted to and approved in writing by the Local Planning Authority before installation on site. The development shall be implemented in complete accordance with the approved details and retained as such thereafter.

REASON: To ensure a satisfactory standard of appearance in the interests of visual amenity in accordance with Key Statement EN2 and Policies DMG1, DME4 and DMH4 of the Ribble Valley Core Strategy.

13. Unless otherwise agreed in writing with the Local Planning Authority, all new and replacement gutters shall be cast iron or aluminium supported on 'drive in' galvanised gutter brackets.

REASON: To ensure a satisfactory standard of appearance in the interests of visual amenity in accordance with Key Statement EN2 and Policies DMG1 and DMH4 of the Ribble Valley Core Strategy.

14. The proposed roof lights shall be of the Conservation Type, recessed with a flush fitting.

REASON: In the interests of visual amenity in order to retain the character of the barn and to comply with To comply with Key Statement EN2 and Policies DMG1, DME4 and DMH4 of the Ribble Valley Core Strategy.

15. The access drive, car parking spaces and manoeuvring areas shall be provided as shown on approved Drawing Number PHA/088 200 A (amended plan received 19/02/18) prior to the first occupation of the dwelling hereby permitted, and shall be permanently maintained thereafter clear of any obstruction to their designated purpose.

REASON: In the interests of highway safety and to comply with Policy DMG1 of the Ribble Valley Core Strategy.

16. The residential curtilage of the dwelling hereby approved shall be restricted to that shown on approved Drawing PHA/088 200 A (amended plan received 19/02/18)

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality in accordance with the requirements of Policies DMG1, DMH3 and DME2 of the Ribble Valley Core Strategy.

17. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological building recording works. This must be carried out by an appropriately qualified and experienced professional contractor to the standards set out by the Chartered Institute for Archaeologists and in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building in accordance with Policy DME4 of the Ribble Valley Core Strategy.

INFORMATIVE

The programme of recording works should comprise:

(i) The creation of a photographic record of the structures as set out in 'Understanding Historic Buildings' (Historic England 2016). It should be undertaken prior to any development work commencing.

(ii) The checking and any necessary revision of the architect's plans 'as existing' (Peter Hitchens Architects PHA/088-300, January 2018).

(iii) The checking and any necessary revision of the Heritage Impact Assessment provided by Richard K Morriss and Associates (December 2017) Followed by the submission of these documents to the Lancashire Historic Environment Record. The standards and guidance of the Chartered Institute for Archaeologists and their lists of potential contractors can be found on their website at www.archaeologists.net.

Informative: The grant of planning permission does not entitle the developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0024

I
SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2017/0573	Land off Union Street Clitheroe	26/10/17	36	With Agent
3/2017/0433	Land at Henthorn Road Clitheroe	30/11/17	24	Out for Signatures

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2017/1066	Proposed change of use from existing B1 (light Industrial) to D2 (gym)	Unit A Whalley Industrial Park, Whalley
3/2017/1213	Change of use of agricultural land to D2 (assembly and leisure) and erection of 8 holiday lodges with associated access, parking and landscaping	Land off Whalley Road Hurst Green
3/2018/0023	Proposed detached bungalow	Land adjacent to 15 Princess Avenue, Clitheroe
3/2018/0028	Proposed alteration and extension to existing property and erection of a detached garage. Erection of two 4 bed detached dwellings with detached double garages	Moorgill Wiswell Lane Whalley
3/2018/0039	Single storey flat roof extension to rear plus loft conversion with flat roof rear dormer, alteration from existing hipped roof to gable roof	30 Seedall Avenue Clitheroe

APPEALS UPDATE

<u>Application No and reason for appeal</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>
3/2017/0192 R	19/07/17	Countess Hey Elmridge Lane Chipping	WR		Appeal Dismissed 22/02/18
Enforcement	17/11/17	Demesne Farm Newsholme Gisburn	Hearing	10/04/18	Awaiting Hearing
3/2017/0441 R	19/01/18	19 Woodfield View Whalley	WR		Awaiting Decision
3/2016/1192 R	16/11/17	Hammond Ground Whalley Road Read	Inquiry	1, 2, 3, 9,10 May 2018	Bespoke timetable Statement due 2 January 2018
3/3016/1082 R	30/11/17	74 Higher Road Longridge and land to the rear	WR	17/04/18	Awaiting Hearing

<u>Application No and reason for appeal</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>
3/2017/0741 R	27/02/18	13 Glen Avenue Knowle Green	HH		Awaiting Decision
3/2017/0675 R	28/02/18	46 Higher Road Longridge	WR		Statement due 04/04/18
3/2017/0593 R	Awaiting start date from PINS	Ivy Cottage Chapel Lane West Bradford	HH (to be confirmed)		
3/2017/1139 Conditions	Awaiting start date from PINS	Sands Cottage The Sands Whalley	WR (to be confirmed)		
3/2018/0009 R	Awaiting start date from PINS	Stables at Stockbridge Knowles Brow Hurst Green	WR (to be confirmed)		

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 12 APRIL 2018
title: LANCASHIRE WILDLIFE TRUST LOCAL NATURE RESERVES
CROSSHILL AND SALTHILL
submitted by: JOHN HEAP – DIRECTOR OF COMMUNITY SERVICES
principal author: DAVID HEWITT – COUNTRYSIDE OFFICER

1 PURPOSE

- 1.1 For Committee to consider a request from Wildlife Trust for Lancashire for the annual contribution towards the management of the two local nature reserves at Crosshills and Salthill, Clitheroe.
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives – To help make peoples lives safer and healthier.
 - Corporate Priorities – To protect and enhance existing environmental quality of our area.
 - Other Considerations – None.

2 BACKGROUND

- 2.1 Salthill and Crosshill local nature reserves are designated Sites of Special Scientific Interest and recognised internationally important not only for the geology alone but also for biodiversity. The geology of both sites draws academics and enthusiasts from the UK and further afield and they are also recognised as a key resource for people in Clitheroe as well as the Ribble Valley and beyond.
- 2.2 The reserves are heavily used for recreational, educational and volunteering health and wellbeing activities, as well as informal recreation on a daily basis. As a consequence to manage habitats and heavy public use of the site requires considerable time and effort as well as investment by the Trust.
- 2.3 The Trust has invested considerable resources and employs a Reserves Officer to undertake works to support volunteers and source further income. This employment of 2 days a week on the Clitheroe sites costs the Trust £12,000 per year.
- 2.4 Whilst the Council did not commit to an income stream at the inception of the lease in 1990, it has helped with the costs of some capital items and a contribution towards the revenue costs. Ribble Valley Borough Council has contributed £2,000 per annum since 2008 which coincides with the Trust employing a Reserves Officer.

3 RISK ASSESSMENT

- 3.1 The approval of this report may have the following implications
- Resources – An existing budget is available to fund the annual contribution.

- Technical, Environmental and Legal - protecting and enhancing the existing environmental quality of our area.
- Political – None.
- Reputation – The Council’s reputation for working in partnership with organisations in the voluntary sector will be upheld.
- Equality & Diversity – None.

4 **RECOMMENDED THAT COMMITTEE**

4.1 Approve the annual contribution of £2000 for 2017/2018

DAVID HEWITT
COUNTRYSIDE OFFICER

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

Back ground papers – Annual report detailing the trusts work at Crosshill and Salthill Nature Reserves.

For further information please ask for David Hewitt, extension 4505.

REPORT FOR SEPT 2016 – DEC 2017

A summary of the work carried out to date in the above period.



Photo: 'Kingfisher' meadow at Cross Hill

MANAGEMENT WORK ON NATURE RESERVES

Cross Hill Quarry LNR, Salthill Quarry LNR/ SSSI and Moor Piece Nature Reserves are all managed by The Wildlife Trust with the emphasis on managing for biodiversity and education.

During the months from September 2016 to December 2017, 995 volunteer hours contributed to the practical management of the site. This does not include volunteer recording of birds, insects, moths, butterflies and bats which is carried out by individuals.

7 site assessments were carried out on the sites during the time period.

At Salthill Quarry the focus of volunteer work was on the management of the wildflower-rich meadows, keeping the important geological features clear of vegetation and access. Salthill Quarry is a SSSI because of its geology and attracts national and international interest. The cliff faces, geological exposures, fossil bank needs to be kept clear of vegetation. The flower-rich meadows need to be mown and the arisings removed to preserve the low fertility of the soil.

Arisings from the meadow at Salthill has been used twice over this period to spread on a newly restored grassland at Caplow Quarry: 16th Sept 2016, 21th Sept 2017.

St James High school visited the reserve on 19/05/17

At Cross Hill Quarry, the focus was managing the wildflower rich meadows, keeping the paths open for the schools and talking to dog walkers. The site is a Regionally Important Geological Site because of the exposed rock face in the former quarry. The meadows have been managed to preserve their wildflowers and are regularly visited by natural historians. Cross Hill was used as a venue for volunteer brushcutter training. The metal fencing along the internal top path was mended.

A local school uses Cross Hill for its Forest Schools activities, and they visited 8 times during the period. Brookside school visits Cross Hill Quarry once a year; in 2017 it was in June.

A Survey was carried out at Cross Hill on 21st July 2017 to assess the ash dieback

We now have a Forestry Commission management plan approved for both Cross Hill and Salthill Quarries.

At Moor Piece, the emphasis of management is on regeneration of woodland for birds and bats. There are regular monthly volunteer sessions from September through to March. The work has ranged from maintaining the paths to felling trees and creating dead hedges to aid regeneration. The bird boxes are monitored regularly by a team of volunteers during breeding bird season and are maintained during winter.

The site is accessible by public via a permit scheme which are issued in January each year and updated throughout the year.

Photo: Bracket fungi at Moor Piece



Wildlife Trust staff time

In addition to supervising the 45 practical volunteer sessions, WT staff made weekly visits to Cross Hill and Salthill quarry over the summer months to clear litter, camping equipment and the remains of bonfires on both sites. Path cutting, spraying invasive species, regular site checks are also made. Dog bags were given out to dog walkers on both sites to encourage clearing up. Moor Piece was visited monthly.

WORK WITH LOCAL SCHOOLS

- Brookside visited Cross Hill quarry floor in June to look at the insects during their annual visit
- Ribblesdale Children's Centre delivers their Forest Schools Project in Cross Hill Quarry and visited 8 times during the period
- St James High School visited Salthill 19/06/17

OTHER ACTIVITIES

23/09/16 Bat walk CHQ

21/10/16 Volunteer training CHQ

THE WILDLIFE TRUST FOR LANCASHIRE, MANCHESTER & NORTH MERSEYSIDE
Report of work on Ribble Valley Nature Reserves, March 2018



Photo: Bee Orchid at Salthill Quarry



Photos left to right: path clearing, Cross Hill; cutting meadows, Salthill; tubing up oak trees, Moor Piece

STATISTICS FOR SEPT 2016 – DEC 2017 IN RIBBLE VALLEY:

Volunteer work parties at all sites	45
Total number of volunteer hours	995
Number of schools helped/worked with	3
Total number of pupils	106
Number of staff site visits	37

Kim Coverdale
East Lancashire Reserves Officer
March 2018

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 7

meeting date: THURSDAY, 12 APRIL 2018
title: CONSULTATION ON REVISED NATIONAL PLANNING POLICY FRAMEWORK
AND ASSOCIATED DOCUMENTS
submitted by: MARSHAL SCOTT - CHIEF EXECUTIVE
principal author: PHILIP DAGNALL – ASSISTANT PLANNING OFFICER

1. PURPOSE

1.1 To consider the Council's response to a major national planning policy consultation, the Revised National Planning Policy Framework (NPPF), which is a central planning policy document. This consultation relates to a number of major revisions to the current version, which itself dates from 2012. The changes set out below will potentially involve both a substantial increase in background work to generate monitoring and evidence and also the timing of the final version of the NPPF, anticipated to be summer 2018, will need to be accounted for in the forthcoming Local Plan Review Programme.

1.2 Relevance to the Council's priorities:

- The matters covered in this report will contribute to sustaining a strong and prosperous Ribble Valley through the improvement of its infrastructure and to protecting and enhancing the area's environmental quality.
- Corporate Priorities – The document that is the subject of this report relates to Council ambitions of maintaining an up to date Local Development Framework.
- Other Considerations – it is important to contribute to major government planning proposals.

2. INTRODUCTION

2.1 The National Planning Policy Framework (NPPF) is a central plank of government planning policy and has a direct bearing on both plan making and the treatment of planning applications. This is its first revision since it was first put in place in March 2012 and encompasses a wide variety of changes aimed at both refining and clarifying ambiguities in the original text and introducing significant new elements. It is accompanied by parallel detailed changes to the associated Planning Practice Guidance (PPG). The combined effect is to create a significantly different document.

2.2 The government consultation on the proposed changes to the NPPF involve the documents listed below. They are available in hard copy in the Members' Room and at the following web link:

<https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

They are:

- National Planning Policy Framework – consultation proposals (Introduction doc)
- National Planning Policy Framework – draft text for consultation (referred to below as New NPPF)
- Draft Planning Practice Guidance (referred to below as New PPG)
- Housing Delivery Test – Draft Measurement Rule Book

2.3 In addition there is also a parallel consultation on another document which also has a significant bearing on planning matters, titled:

Supporting Housing Delivery through Developer Contributions (referred to below as New Contrib doc)

This report discusses this document too and, in addition to hard copy availability, it is also available at the following web link:

<https://www.gov.uk/government/consultations/supporting-housing-delivery-through-developer-contributions>

2.4 In general the government wants to speed up both plan making and decision making on applications. Its significant main focus is on housing matters, including more effective co-operation with stakeholders on cross boundary issues. Others involve and effective use of land, viability and developer contributions. Rather than a set of amendments to the current NPPF, the changes amount effectively to a new document, termed below “New NPPF”. The various main changes are briefly outlined below in Section 3 but the real detail is in the documents themselves. The main additional documents that will need to be created and potential implications for the LPA marked in **bold**.

2.5 This report is intended to set out the main issues that the documents seem to present rather than at this stage lay out any specific suggestions as to a formal response. There will be a member consultation event on this matter after Easter to inform the Council’s response.

2.6 The deadline for the Council to submit its formal response is 10th May. The government’s intention is to then produce a final version of the NPPF in the summer of 2018.

3. BRIEF DETAILS OF SIGNIFICANT CHANGES TO NPPF AND PPG

3.1 General Plan Making Proposals

3.1.1 It states (New NPPF para 23) that plans should be reviewed every five years. Reviews should also be completed no later than five years from adoption. This implies that **a reviewed RVBC plan should be completed and adopted by the end of 2019.**

3.1.2 The current “Duty to Co -operate” that was a part of the Localism Act has been retained as a concept in the New NPPF version but now LPAs are required to prepare a public “**Statement of Common Ground**” (SOCG) with contributions from neighbouring authorities and other relevant strategic bodies such as infrastructure providers. All LPAs will have to produce one following the

finalisation of the New NPPF. The detail of the SOCG is discussed in the New Planning Practice Guidance (New PPG) within the revised legal Tests of Soundness (New PPG pages 38 to 43 and New NPPF paras 29 and 36 (c)) that all plans have to pass. The implication is that the current Duty to Co-operate has led to some important strategic cross boundary issues being deferred rather than being constructively addressed. The SOCG is meant to set out in much more detail areas of agreement and disagreement on strategic matters. **The development and regular updating of the SOCG will likely imply extra work for the Council.**

- 3.1.3 Also within the new Tests of Soundness (New NPPF para 36 section b) is a statement that Local Plans should only be required to set out “**an** appropriate strategy” as opposed to the current and time consuming need to produce **the** most appropriate one. **This is a potentially helpful change meant to reduce argument and time in plan making over the LPA’s current need to in theory consider a wide variety of competing appropriate strategies.**
- 3.1.4 In terms of how planning applications are considered the New NPPF **does not change the current position on prematurity.** In general a new plan’s policies only gain some weight in the consideration of planning applications once it has been formally submitted for examination (New NPPF paras 50 and 51).
- 3.1.5 New NPPF states that it will only apply to emerging plans which are submitted from 6 months after it is finalised. This means that our HED DPD, submitted to be examined in August 2017, will most likely be examined under the current, not the New, NPPF. **This will be very helpful as otherwise this may have implied significant extra work.**

3.2 Housing Matters

3.2.1 Housing Need

As expected New NPPF focuses significantly on matters relating to housing need and supply (New NPPF Chapter 5). This includes a new standardised way to calculate an LPA’s overall housing need and methodologies to be used by LPAs to prove that housing supply is actually being delivered at the right pace to address its need.

An important part of this is a **new Standard Methodology for Housing Need** (introduced in New NPPF para 61 and described in more detail in New PPG Pages 24 to 31). This is intended to reduce the current time consuming debate about how exactly local housing requirement figures are derived and from which issues such as the 5 year supply (see below) spring. This was a hotly debated issue within earlier government consultations. The figure derived from this calculation may be relied upon (ie cannot be questioned) for two years from the time a plan is submitted (New PPG page 27 4th para.)

As a part of the definition of need in the above New PPG breaks this down into different types and tenures of need (New PPG pages 28 to 29) including older people’s need and student housing, private rented and self-build.

3.2.2 Affordable Housing Need

It also defines affordable housing need and its calculation. New NPPF (paras 63 to 65) re-iterates the current position regarding thresholds below which affordable housing contributions cannot be sought. It states (para 65) that a minimum of 10% of major housing development should be for affordable housing except in the following cases: for Build to Rent developments; specialist accommodation (such as for the elderly or students); self-build or for exclusively affordable rural or entry level exception sites.

New NPPF para 79 also states that in rural areas “exception sites” should be supported to provide affordable homes and also LPAs should “consider whether allowing some market housing on these sites would help to facilitate this”.

New NPPF Annex 2 Glossary also contains an updated definition of Affordable Housing which now includes Starter Homes with eligibility to purchase set at a household maximum income of £80,000.

3.2.3 Farm Related Housing

New NPPF (para 81 a), in considering isolated housing development in the countryside, states that one exception to this position would be for as essential need for a rural worker. This includes an addition to the current NPPF thus, “including those taking a majority control of a farming business, to live permanently at or near their place of work in the countryside”. This could be read as allowing a son or daughter or other relative taking control of a farm to build an extra dwelling for their use while allowing the previous controlling interest to remain in the current farm. This may have some implications in the more rural areas of the Borough.

3.2.4 Use of Small Housing Sites

In terms of the land needed for any new housing the Government has introduced (New NPPF para 69 (a)) the need for all LPAs to identify at least 20% of all housing sites to be on small scale sites of half a hectare or less to help stimulate small local builders and encourage small sites to come forward, as they are considered more likely to be built out more quickly than major sites. This could impose more work for the Council, for instance in revising its SHLAA evidence documents.

New NPPF para 72 also states that, unless they have already met such needs, LPAs should allow “exception sites” for first time buyers or renters on unallocated land adjacent to existing settlements. A “high proportion” of these should be for discounted sale or affordable rent.

3.2.5 Five Year Housing Supply Calculations

While New NPPF (para 68 a)) re-iterates the current need for all LPAs to demonstrate a 5 year supply of deliverable housing land (5YHLS), it goes on to produce (Paras 74 to 78) more detailed and amended policy on this seriously

contentious and very time consuming issue which regularly threatens the application of LPAs' housing policies. These are described briefly below.

Once an LPA has calculated its initial 5YHLS by applying the new housing requirement methodology mentioned above, the New NPPF (Para 74 a) to c)) states that it should then apply one of a series of three "buffers" or additions to the initial figure. Either:

- 5% "to ensure choice and competition" or:
- 10% where an LPA wishes to demonstrate a 5YHLS.

If an LPA wants to take this 10% option it will have to prove it has a reliable 5YHLS through another new calculation – an **Annual Position Statement (APS)**. This will need to be agreed after consultation with stakeholders, including developers, and then been approved by the Secretary of State. **This could also be a potentially time consuming exercise and how this will work in practice is yet to be seen. In theory an agreed APS means that the LPA's housing supply figure cannot be challenged for a year until the APS is re calculated and re-submitted.** The detail of the APS is set out in the Housing Delivery Test chapter of updated PPG (New PPG Pages 18 to 20).

- The third and last of the buffers is to add 20% onto the initial figure if the LPA has a "significant" under delivery of housing over the previous three years.

(Note the under delivery is assessed against the average annual housing trajectory figure, itself derived from the overall housing need figure.)

3.2.6 Housing Delivery Test

Going further, and as a part of the above, the government focuses on actual housing delivery, ie housing that is actually completed as opposed to the permissions granted. New NPPF introduces a new Housing Delivery Test (New NPPF Paras 74 to 78 and Annexe1 and Housing Delivery Test section within New PPG chapter on Housing Delivery, pages 20 to 23). This Test is a part of the 5YHLS issue. It calculates the actual delivery of housing completions as a percentage of the number of homes required via the new proposed Housing Need Methodology mentioned above. As an indicator of the importance government attaches to this matter it has also included as a separate consultation document a Housing Delivery Test Measurement Rule Book. The Test will apply from November 2018.

Briefly it defines what "under – delivery" of housing actually means in terms of New NPPF para 75 and therefore the application of the 20% buffer mentioned above. It sets out a series of time orientated delivery points which trigger under delivery, the first being delivery below 25% on the overall housing requirement over three years as of November 2018 and moving towards a trigger of 75% by November 2020.

As a further indication of the government's attitude, even if an LPA's Delivery Test figure only falls below 95% of its requirement over three years it is still

required to prepare, within six months, an **Action Plan** that sets out ways the LPA plans to rectify the situation. **The work to prepare and update the Delivery Test requirements and any associated Action Plan will require extra work by the Council.**

Also New NPPF para 78 allows LPAs to consider setting a condition stating that development must begin within, ie less than, the current three year default period to discourage slow delivery of permitted sites, a measure which appears to be addressed at perceived slow delivery by developers.

3.3 **Effective Use of Land**

This matter does not appear as prominently in the current NPPF. New NPPF re-iterates support for brownfield development. In addition it supports (para 118 d) and e)) use of space above existing dwellings and commercial premises, including spaces above shops and, consistent with prevailing heights, upwards extensions of houses.

It also (New NPPF paras 120 and 121) refers to the re-allocation of land that has not been developed for its allocated use to a “more deliverable use” as a part of a plan review and also, and possibly more significantly, “in the interim, prior to reviewing the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.”

Para 121 goes on to say that LPAs should also “take a positive approach to applications for alternative uses of land that is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.” It goes on, “use retail and employment land for homes in areas of high housing demand provided this would not undermine key economic sectors or... town centres.” **Taken together the above could place more pressure on current used but unallocated, or unused allocated employment and retail land, most significantly for housing uses, and may be significant for Councils looking to develop their economic bases.**

New NPPF para 123 also states that homes should not be built at low densities where there is a shortage of land. LPAs should develop a **minimum density standard** which “will be tested robustly at examination”. These standards should seek a “significant uplift in the average density of residential development” and that LPAs should refuse applications that they consider fail to use land efficiently. There is no detailed guidance as to how to set this standardised minimum density however. **Calculating this minimum housing density, which may require consultation and some comment by the developer sector, also implies additional work by the Council.**

3.4 **Rural Economy**

New NPPF adds to the current position the following (para 85) “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found outside existing settlements, and in locations that are not well served by public transport.” This could be taken to mean that the consideration of a site for sustainable development should not rest solely on its inability to be accessed by public transport.

3.5 **Viability**

Alongside New NPPF the government has produced new planning guidance (New PPG pages 4 to 12) on viability in planning as viability has, over the last few years, also proved to be a very contentious area in relation to developer contributions, such as those relating to affordable housing. Viability assessment is a complex process of assessing whether a site is financially viable to a developer after considering matters such as an LPA's requirements for developer contributions to offset its impact on local infrastructure and for affordable housing. All local plan policies, such as those in the Core Strategy such as planning obligations policies, are tested for their effect on overall viability at examination before the plan can be adopted.

These new proposals are also intended to work with the Community Infrastructure Levy (or CIL) legislation. While RVBC does not currently have a CIL it does negotiate developer contributions through Section 106 agreements. The New PPG viability proposals will directly relate to viability debates within section 106 agreements within particular planning applications.

The government's general position is that, given that the LPA's plan has already been tested for its effect on viability, viability debates on individual application proposals should not in principle be necessary. However, to reduce time consuming debate on issues related to key inputs into complex viability calculations relating to individual site proposals that can come to the LPA as planning applications, the government proposes to set standard definitions (New PPG pages 7 to 10) on matters such as Gross Development Value (GDV), Land Value, Existing Use Values and Development Profits (confirmed as 20% return on GDV).

Another important point is that a viability assessment "should be prepared on the basis that it will be made publicly available other than in exceptional circumstances" (New PPG page 11). A standard template to set out such publicly available assessments is being developed by government and this should be used to provide an executive summary of all Section 106 agreements.

3.6 **Other Matters relating to New NPPF**

In general terms, while there is some re-wording, New NPPF appears to maintain the current NPPFs general positions, with only minor changes, on matters such as economic issues, Green Belt, environmental and heritage matters, sustainable transport, design, communications infrastructure, climate change and flood risk, renewable energy and minerals and waste issues.

3.7 **Supporting Housing Delivery Through Developer Contributions Consultation. (New Contrib doc)**

As mentioned above, and parallel to the above consultations on New NPPF, the government is also holding a consultation on the above document (referred to below as New Contrib doc). This essentially deals with possible Community Infrastructure Levy (CIL) reforms. At present RVBC does not have a CIL, though there is a commitment to developing one within the Core Strategy. However the new proposals also refer to Section 106 contributions, which the Council does still engage in.

New Contrib doc (pages 17 to 18) states that the government wishes to withdraw the current restriction on the pooling of Section 106 monies, currently set to no more than 5 separate contributions. This may affect the Council in relation to future development on strategic sites.

- 3.8 As Members will note, this is a significant consultation and consequently it is proposed to hold an informal briefing and consultation meeting to which Members will be invited to discuss the draft proposals in more detail and contribute to the preparation of the Council's response. Details will be circulated separately. At this meeting it is proposed to review the government's consultation questions set out in the documents to generate a response.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – No direct in house staff and other in house resources will be required at this stage.
- Technical, Environmental and Legal – None.
- Political – No direct political implications.
- Reputation – It is important that the Council responds to important national planning policy consultations.
- Equality & Diversity – No implications identified.

5 **RECOMMENDED THAT COMMITTEE**

5.1 Note the consultation and instruct the Chief Executive to submit a response on behalf of the Council in consultation with the Chair of this Committee and as informed by the proposed Member Consultation event.

PHILIP DAGNALL
ASSISTANT PLANNING OFFICER

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Philip Dagnall, extension 4570

REF: Author/typist/committee/date

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

Agenda Item No.

meeting date: THURSDAY, 12 APRIL 2018
title: COMMUNITY INFRASTRUCTURE LEVY
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
principal author: COLIN HIRST – HEAD OF REGENERATION AND HOUSING

1 PURPOSE

1.1 To receive information on the position in relation to Community Infrastructure Levy.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – The matters contained in this report relate to the community objective of having in place appropriate planning mechanisms to deliver sustainable development.
- Corporate Priorities – This Community Infrastructure Levy is a key part of the Government's planning framework.
- Other Considerations – The matters set out in this report contribute to the Council's role of being a well-managed authority.

2 INFORMATION

2.1 Members will be familiar with the concept of Community Infrastructure Levy (CIL) as a means of supporting the provision of additional infrastructure in association with new development. The Council has not implemented CIL at the present time but has committed in the adopted Core Strategy to keep under review the move towards a CIL approach in line with Government policy.

2.2 An issue for the Council in moving to CIL in the past has been the ability to align a CIL process to new development that was already the subject of planning permission and commitment and the timeframe and statutory process to implement the regulations of a Community Infrastructure Levy and to develop a charging schedule. In the absence of CIL infrastructure has continued to be provided in support of development by way of planning obligations (Section 106 Agreements) and also through separate highway agreements to secure necessary highway work where appropriate.

2.3 CIL is subject to its own regulatory process and a separate Examination which can be run in parallel to the Local Plan Review but will need to have the resource implications considered through the Council's budgetary process. The Council will need to consider its approach to CIL as part of the Local Plan Review and this will be the subject of a further report to this Committee in due course following discussion at the Development Plan Working Group. As an initial part of the process an information report has been prepared on the Council's behalf by Urban Vision to establish a baseline for moving the consideration of CIL forward and to assist Members' deliberations.

2.4 A copy of the position review is attached at Appendix 1 to this report.

COLIN HIRST
HEAD OF REGENERATION AND HOUSING

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Colin Hirst, extension 4503.

REF: CH/CMS/P&D/12 APRIL 18



Ribble Valley Borough Council Community Infrastructure Levy Report

Final Report (20 March 2018)

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Introduction

1. Ribble Valley Borough Council commissioned Urban Vision to provide a report on how a Community Infrastructure Levy (CIL) might be developed as part of the proposed review of the Local Plan. This report consists of the following key aspects:
 - An update on the latest national policy background on CIL;
 - A brief consideration of the latest situation on infrastructure within Ribble Valley drawing on the Infrastructure Delivery Schedule (IDS) Urban Vision produced for the Housing and Economic Development Plan Document (HEDPD); and
 - Setting out how a CIL could be progressed alongside the proposed new Local Plan.
2. The assumption is that the current examination for the HEDPD will be concluded relatively swiftly thereby allowing the focus to move to the review of the Local Plan as a whole (i.e. the adopted Core Strategy and the anticipation of a swift adoption of the HEDPD). A key element of any new local plan will be the consideration of a Community Infrastructure Levy. Recent Government announcements in the budget (November 2017)¹ would appear to confirm that CIL will continue to operate albeit with some potential further changes including the relationship to section 106 (S106) obligations. Moreover, the Government has very recently issued for consultation² a document setting out potential reforms to the CIL and S106 processes. It is therefore timely to consider how CIL could be included as part of the proposed new Local Plan for Ribble Valley.
3. It is important to note that any adopted CIL charging schedule cannot be applied retrospectively to development that has received a planning permission. The only exception is where that permission lapses and a new planning permission is granted post the start date of an adopted CIL charging schedule.

National Policy Background

4. CIL was introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010. Guidance on the operation of CIL is

¹ Budget (November 2017) Link - <https://www.gov.uk/government/publications/autumn-budget-2017-documents/autumn-budget-2017>

² Ministry of Housing, Communities and Local Government (March 2018), Supporting housing delivery through developer contributions, Reforming developer contributions to affordable housing and infrastructure (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/686878/Developer_Contributions_Consultation.pdf)

available from the Government website: <https://www.gov.uk/guidance/community-infrastructure-levy>.

5. There have been a number of amendments made to the CIL regulations since 2010 primarily to address various issues identified as causing either confusion or leading to unintended consequences. Amendments have been issued as follows:
 - The Community Infrastructure Levy (Amendment) Regulations 2011³
 - The Community Infrastructure Levy (Amendment) Regulations 2012⁴
 - The Community Infrastructure Levy (Amendment) Regulations 2013⁵
 - Community Infrastructure Levy (Amendment) Regulations 2014⁶
 - Community Infrastructure Levy (Amendment) Regulations 2015⁷
6. The frequency of amendments to the CIL regulations highlights the potential complexity that comes with developing and operating a CIL. Moreover, the inextricable links between CIL and the continuation of S106 obligations has led to a considerable degree of confusion and lengthy debates between developers/landowners and local authorities. The latest consultation, launched on 5 March 2018, is heralded with a foreword which whilst specifically referring to S106, has resonance with the operation of CIL:

“It is vital that developers who are building these homes know what contributions they are expected to make towards affordable housing and essential infrastructure and that local authorities can hold them to account. It is right to consider whether a higher proportion of affordable housing can be delivered where there is a higher uplift in land value created by development.

However, it is clear that the current system of developer contributions is not working as well as it should. It is too complex and uncertain. This acts as a barrier to new entrants and allows developers to negotiate down the affordable housing and infrastructure they agreed to provide.

This is why we are reforming the National Planning Policy Framework and developer contributions, as announced at Autumn Budget 2017 and as set out in this consultation. The reforms set out in this document could provide a springboard for going further, and the Government will continue to explore options to create a clearer and more robust developer contribution system that really delivers for prospective homeowners and communities accommodating new development.”

³ <http://www.legislation.gov.uk/uksi/2011/987/contents/made>

⁴ <http://www.legislation.gov.uk/uksi/2012/2975/contents/made>

⁵ <http://www.legislation.gov.uk/uksi/2013/982/contents/made>

⁶ <http://www.legislation.gov.uk/ukdsi/2014/9780111108543/contents>

⁷ <http://www.legislation.gov.uk/uksi/2015/836/contents/made>

7. The consultation identifies that there are a number of issues that have arisen in the roll out and operation of CIL since 2010 including:
 - A patchy take up of CIL with a tendency for it to be introduced in areas where land values are higher and hence a greater opportunity to set a CIL charge that provides a meaningful return in terms of CIL revenue to be invested in infrastructure within a local authority area;
 - Where CIL has been introduced, difficulties in varying the CIL rate (beyond the indexation that is incorporated into the regulations) which would necessitate a review of CIL with the attendant consultation stages and updating of viability evidence;
 - A perception that there still remains a lack of transparency particularly in respect to what CIL revenue is spent on – CIL was set up in part to improve transparency with respect to infrastructure funding.

8. Alongside the issues raised with respect to CIL, the consultation also notes similar issues with respect to planning obligations. In addition, specific issues are identified with respect to planning obligations:
 - Delay to developments as a result of protracted negotiations in agreeing S106 agreements;
 - The opportunity for developers to renegotiate planning obligations with a perception from communities that this reduces transparency and trust in what infrastructure will be delivered, particularly in terms of affordable housing; and
 - Despite a rise in house prices since 2011/12, there appears to have been little change in the level of planning obligations per dwelling⁸.

9. The proposed reforms set out in the consultation seek to deliver the following objectives:
 - Reducing complexity and increasing certainty for local authorities and developers, which will give confidence to communities that infrastructure can be funded.
 - Supporting swifter development through focusing viability assessment on plan making rather than decision making (when planning applications are submitted). This speeds up the planning process by reducing scope for delays caused by renegotiation of developer contributions.
 - Increasing market responsiveness so that local authorities can better target increases in value, while reducing the risks for developers in an economic downturn.

⁸ Internal MHCLG analysis. Figures adjusted for inflation, and to reflect changes in distribution of planning permissions across regions between 2011/12 and 2016/17.

- Improving transparency for communities and developers over where contributions are spent and expecting all viability assessments to be publicly available subject to some very limited circumstances. This will increase accountability and confidence that sufficient infrastructure will be provided.
- Allowing local authorities to introduce a Strategic Infrastructure Tariff to help fund or mitigate strategic infrastructure, ensuring existing and new communities can benefit.

10. In terms of streamlining CIL processes, the consultation document identifies two key proposals. Firstly, it is proposed that the consultation requirements for setting and revising a CIL charging schedule are changed. The current system of two formal stages of consultation is proposed to be replaced with a requirement to publish a statement on how an authority has sought an appropriate level of engagement. This would be considered through the examination process, and would allow authorities to set schedules more quickly, and to expedite revising them in response to changes in circumstance. Secondly, there is an intention to align the requirements for evidence on infrastructure need and viability required to set a CIL with the evidence required for local plan making. This links to proposals that seek to ensure more explicit infrastructure requirements related to development identified (usually as allocations) are set out in local plans. This is intended to reduce the need for site by site negotiations through planning obligations apart from more complex strategic sites and any other circumstances that will have to be defined in the local plan.

11. A further amendment set out in the consultation is to lift the pooling restriction that currently operates with planning obligations. Currently, under Regulation 123 local authorities are prevented from using more than five section 106 planning obligations to fund a single infrastructure project. It is proposed that the pooling restriction will be removed in areas:

- that have adopted CIL;
- where authorities fall under a threshold based on the tenth percentile of average new build house prices, meaning CIL cannot feasibly be charged; and
- or where development is planned on several strategic sites – two possible options are suggested:
 - a) remove the pooling restriction in a limited number of authorities, and across the whole authority area, when a set percentage of homes, set out in a plan, are being delivered through a limited number of large strategic sites. For example, where a plan is reliant on ten sites or fewer to deliver 50% or more of their homes;
 - b) amend the restriction across England but only for large strategic sites (identified in plans) so that all planning obligations from a strategic

site count as one planning obligation. It may be necessary to define large strategic sites in legislation.

12. Further amendments to the operation of CIL include:

- Allow CIL charging schedules to be set based on the existing use of land. This will allow local authorities to better capture an amount which better represents the infrastructure needs and the value generated through planning permissions. Local authorities will continue to have the ability to set CIL at a low or zero rate to support regeneration;
- Changing the approach to indexation of CIL rates in adopted charging schedules; and
- Improving transparency with respect to information on what CIL will fund and how CIL revenues are being spent with the introduction of Infrastructure Funding Statements – these will replace the current Regulation 123 Lists that authorities have to produce as part of an adopted CIL.

Infrastructure Delivery in Ribble Valley

13. The Core Strategy, adopted in 2014, sets out the primary approach the Council has utilised to deal with infrastructure provision generated by development in the Borough. The Core Strategy states:

“It is anticipated that planning obligations will be used under the plan, as identified in the development strategy as a key delivery tool. It is considered more appropriate to look to the system of planning obligations to secure the necessary infrastructure that will be required to enable development to be accommodated. These will be used in order to deliver the services and improvements associated with new development. Planning applications will ensure that developers will contribute to these necessary improvements as part of the application process. However, within the plan period the Council anticipates moving to the application of a Community Infrastructure levy approach as the means by which necessary infrastructure can be delivered.”

14. Key Statement DMI 1 in the Core Strategy deals specifically with planning obligations and is reproduced below.

KEY STATEMENT DMI1: PLANNING OBLIGATIONS

Planning Obligations will be used as a mechanism to deliver development that contributes to the needs of local communities and sustainable development. Contributions can either be in kind or in the form of financial contribution with a clear audit trail of how any monies will be spent and in what time frame.

Obligations will be negotiated on a site-by-site basis. The council has resolved to seek contributions in the following order of priority:

Affordable Housing (also taking into consideration the detailed Affordable Housing Key Statement)

Improvements required for highway safety that cannot be covered by planning condition or S278 Agreement

Open Space

Education

Where there is a question of viability the council will require an open book approach to be taken when agreeing development costs, and developers will be required to meet the Council's costs for independent evaluation. The Council will develop, as appropriate, a Community Infrastructure Levy approach to infrastructure delivery.

15. The Council's approach, as set out in the Core Strategy, was governed by the need to apply a pragmatic solution that enabled the capture of necessary infrastructure costs in a timely manner. The most appropriate route was to pursue a policy that set out how planning obligations would be utilised rather than attempt to develop a CIL charging schedule. It is important to note that the production of a CIL charging schedule has to follow its own specific regulatory route including the need for two rounds of statutory consultation lasting six weeks on each occasion (identified as good practice by the CIL regulations). It was considered that there was a risk that infrastructure costs would not be sufficiently captured in the Borough due to the likely timescale required to deliver an adopted CIL charging schedule. Moreover, this approach is justified in the light of information noted in the current consultation on reforms to CIL. Experience from local authorities that have an adopted CIL charging schedule is that the process of developing and adopting a CIL charging schedule took between one to two years.

16. Urban Vision produced an Infrastructure Delivery Schedule (IDS) in 2017 to accompany the submission version of the Housing and Economic Development Local Plan (HEDPD). The IDS outlined the level of new or improved infrastructure required to deliver the growth proposed in the Local Plan, comprising the adopted

Core Strategy and emerging HEDPD. Ribble Valley Borough Council previously published a Local Infrastructure Plan (LIP) which provided details on the range of provision of various elements of infrastructure at that point in time (2012). The LIP provided supporting evidence for the examination of the Core Strategy.

17. The IDS provided updates to the following categories of infrastructure that featured in the LIP:

- Road Network;
- Public Transport;
- Education;
- Water Supply and Waste Water;
- Healthcare;
- Green Infrastructure; and
- Flood Risk

18. Whilst the IDS did not quantify the infrastructure requirements under each category it did provide an update on where investment is likely to occur. A summary of the key infrastructure matters is set out in Table 1 below.

Infrastructure Type	Requirements
Road Network	<p>East Lancashire Highways and Transport Masterplan (2014) identified two aspects of transport infrastructure where potential improvements will benefit communities in Ribble Valley – the A59 corridor and the rail line linking Clitheroe to Manchester Victoria. The Masterplan proposed a Ribble Valley Growth Corridor Study with the main purpose to identify where junctions needed to be improved or where other highway works were required to ensure that capacity, reliability and safety issues did not hinder economic growth. Time has moved with the development of Transport for the North and their publication of a draft 30 year investment plan (out for consultation until 17th April 2018).</p>
Public Transport	<p>East Lancashire Highways and Transport Masterplan provides information on improvements to the rail link between Clitheroe and Manchester Victoria including double tracking a number of short sections around Darwen to enable a half hourly service to operate; platform extensions to the four rail stations in Ribble Valley; and the development of a community rail partnership along the entire route from Manchester Victoria to Clitheroe. An East Lancashire Rail Connectivity Study was commissioned by LCC which concluded that improving service frequency and journey times would deliver the greatest level of benefit, with electrification of the routes between Preston and Leeds / Colne and Clitheroe / Blackburn and Bolton / Manchester together with associated rolling stock improvements and enhanced service frequencies making the most significant contribution. Bus services continue to be provided through a mix of commercial and county council subsidised services.</p>
Education	<p>Lancashire County Council’s Education team responded to the HEPD consultation and noted the information in the IDS on education matters. They provided further comment on future proposals for educational requirements in Ribble Valley as follows:</p> <p><i>“Currently scoping is being undertaken at local primary and secondary schools in the Ribble Valley planning area to identify the potential for expansion which could permit an increase in admission numbers. A statutory consultation process would have to be followed if a significant expansion is a possibility. Also we are investigating the possibility of increasing the admission number in a number of primary schools in the area to meet the demands of the housing developments in Langho and Whalley as previously mentioned</i></p>

	<p><i>in the IDP. It is expected that these additional places will be provided by 2019. Discussions are also underway with a local secondary school to investigate the possibility of expansion. Whilst the Strategy states that the preferred solution to the need for new school places is via the expansion of existing schools, this is not always possible. Therefore, it is essential that, where a housing development (or group of developments) is of sufficient scale to justify a need for a new school, the district works with LCC strategically to secure sites and contributions towards the provision of new schools, where appropriate.”</i></p>
Water Supply and Waste Water	<p>The comments from United Utilities within the previous Local Infrastructure Plan were based on the emerging Core Strategy housing proposals (4,000 dwellings). The subsequent uplift to 5,600 dwellings during the examination stage of the Core Strategy involved further discussions with United Utilities culminating in their written submission to the examination (May 2014) . United Utilities were supportive of the spatial strategy in the plan with its focus on development in Clitheroe, Longridge and Whalley. It was recognised that the detailed requirements for additional water infrastructure would only become clearer as site specific proposals were brought forward.</p>
Healthcare	<p>Ribble Valley is principally covered by the East Lancashire CCG . The exception is an area covering the western part of the borough including Longridge which falls within the Greater Preston CCG area, however only around 13,000 people resident within Ribble Valley are served by this CCG; and an area in the southern part of the borough where some 8,000 residents are served by the Blackburn CCG. The East Lancashire CCG published its five year strategic plan in 2015 covering the period up to 2018/19. The strategic plan sets out the challenges facing the area and identifies the approach that will be adopted to improving services across the area. It is notable that the CCG covers a very diverse area in terms of a mix of urban and rural environments and the challenges faced in Ribble Valley reflect the particular rural nature of the borough. The CCG has accounted for this in their operations through the establishment of five localities that mirror the five local authority areas covered by the CCG.</p>
Green Infrastructure	<p>Much of Ribble Valley is within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). The main areas of population in the borough fall beyond the AONB’s boundaries. The Core Strategy identifies the importance of Green Infrastructure in Key Statement EN3 and provides further detail in Policy DMB4. The HEPD provides further detail on the approach to open space noting the role that open space and green infrastructure makes to quality and attractiveness of areas within the Borough.</p>

Flood Risk	A Level 1 Strategic Flood Risk Assessment was prepared to inform the Core Strategy in consultation with the Environment Agency and other relevant organisations. The SFRA considered borough-wide flood risks and general management of flood risk demonstrating that the intended development strategy could be delivered in a manner that minimised potential flood risks. The allocations included in the HEPD have been considered in terms of potential flood risk issues and no specific problems have been identified. Work is underway in the neighbouring area of Pendle with respect to flood management that will provide additional benefits to areas downstream in Ribble Valley.
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19. The IDS did provide a quantitative analysis of the current state of play (at July 2017) in terms of planning obligations within the Principal Settlements; and Tier 1 and Tier 2 Settlements. Table 2 below provides a summary of planning obligations secured against the key types of infrastructure.

Table 2 - Infrastructure Funding in Ribble Valley

	Transport	Education	Open Space	Other	Notes/phasing
Section 106 – Infrastructure Funding					
Principal Settlements	£4,939,380	£8,257,752	£351,433	£1,489,280	Phasing will be in line with the specific details set out in each s106 agreement
Tier 1 Settlements	£483,000	£4,995,455	£106,986	£56,160	
Tier 2 Settlements		£275,924	£23,520	£8,640	
TOTAL	£5,422,380	£13,529,131	£481,939	£1,554,080	

CIL and the new Ribble Valley Local Plan

20. The latest Local Development Scheme (LDS) for Ribble Valley was published in October 2017. The programme for the proposed new Local Plan covers the period February 2018 to July 2020.

21. An important consideration will be viability and the LDS notes the need for a viability study to accompany the emerging Local Plan. Given the current consultation on planning obligations and CIL, it is timely to assess the scope of any viability work that may be required by the Council. The viability work is inextricably linked with evidence that will be commissioned to assess the housing and employment requirements for the Borough and the associated infrastructure that will be necessary. The steer from the latest consultation is that it is anticipated that evidence commissioned for understanding the viability needs emanating from the local plan will also serve the purpose of assessing whether a CIL charging schedule can be introduced; and if so the level of charging rates that would be proposed.

Recommendation 1

It is recommended that the Council consider setting a brief for any viability study commission to account for a scope that encompasses information that would inform the preparation of a CIL charging schedule.

22. The proposed simplification of the CIL process – replacing two rounds of formal consultation with a statement on how an authority has sought an appropriate

level of engagement – affords an opportunity to align the development of a CIL charging schedule alongside the consultation arrangements for the emerging Local Plan. The precise details of what the “...statement on how an authority has sought an appropriate level of engagement” will consist of has not been set out as yet. It is possible that such a statement could be incorporated into the wider statement of consultation that is required as part of the Local Plan process.

Recommendation 2

The simplification of the CIL process has potential positive merits in developing CIL alongside the Local Plan particularly with respect to consultation arrangements. Whilst further details may be forthcoming on the precise nature of a “...statement on how an authority has sought an appropriate level of engagement”, it is recommended that the Council consider how any consultation arrangements can be aligned with proposals for consulting on the Local Plan as a whole.

23. The proposal in the consultation to improve transparency with the introduction of Infrastructure Funding Statements, replacing the current Regulation 123 Lists, represents an opportunity to more closely align work that will be required on assessing infrastructure requirements. The Council has identified the need for an updated Infrastructure Delivery Plan is Schedule (IDP/IDS) in the latest LDS. Again, clarity on the scope and content of the proposed Infrastructure Funding Statements may be forthcoming post the current consultation. It is however likely that there will be a high degree of common characteristics between what would be set out in an IDP/IDS and any future Infrastructure Funding Statement.

Recommendation 3

The Council should consider the opportunity to develop the IDP/IDS for the Local Plan to also meet the purpose of the proposed Infrastructure Funding Statement (IFS) subject to any further details on what will constitute the scope and content of the IFS.

24. The consultation identifies a further amendment proposing to lift the pooling restriction that currently operates with planning obligations. This will be for authorities that have an adopted CIL or where development is planned on several strategic sites. If the Council were to proceed with CIL, this proposal brings some potential benefits in the management of planning obligations where pooling has led to an increasingly complex approach to monitoring S106 agreements. Moreover, the Council has a significant strategic site at Standen within the current Local Plan that forms a key part of the delivery of housing within the Borough over the plan period to 2028.

Recommendation 4

The removal of the pooling approach to planning obligations would be beneficial to the Council in its delivery of development and the attendant necessary infrastructure. This adds a potential significant additional benefit in developing a CIL charging schedule. Notwithstanding that benefit, the proposals for strategic sites would also be a positive step in terms of the delivery of the Standen site, and any potential future strategic sites that may be identified in the emerging Local Plan.



Appeal Decision

Site visit made on 13 February 2018

by **Helen Cassini BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 February 2018

Appeal Ref: APP/T2350/W/17/3178692

Countess Hey, Elmridge Lane, Chipping PR3 2NY

- 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 Hugh Gornall against the decision of Ribble Valley Borough Council.
 - The application Ref: 3/2017/0192, dated 20 February 2017, was refused by notice dated 20 April 2017.
 - The development proposed is a change of use of former agricultural building to 1 no. dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site is located outside the settlement of Longridge and is therefore within the open countryside. The building is a former agricultural barn which consists of three main sections; a central core and two identical sides. It is predominately constructed from blockwork and has a pitched roof and gable on the southern elevation.
4. Paragraph 55 of the National Planning Policy Framework (the Framework) states that new isolated homes in the countryside should be avoided, unless there are special circumstances. Furthermore Policy DMH4 of the Ribble Valley Borough Council Core Strategy 2008-2028, A Local Plan for Ribble Valley 2014(the CS) deals specifically with the conversion of barns and other buildings to dwellings. The policy states that planning permission will be granted where the dwelling is 'not isolated within the landscape, i.e. it is within a defined settlement or forms part of an already group of buildings'. Existing residential dwellings are located in proximity to the barn and it is recognised that the proposal, being part of a cluster of dwellings, would not represent an isolated feature in the landscape.
5. Policy DMH4 of the CS also lists a number of criteria that converted buildings should comply with. Criterion 1 states that the building should be structurally sound and capable of conversion without the need for extensive building or

- major alterations. A structural report¹ was prepared on behalf of the appellant and confirmed that the building is in good condition and would require relatively minor finishing activities to make it habitable. However, the Council consider that the works required for the proposed change of use would constitute a 'new build' rather than a 'conversion'.
6. Following the proposed conversion works, a substantial amount of the existing structure would remain. Furthermore, the basic structure of the building would not require significant rebuilding or strengthening. Accordingly, the proposed works are found to be necessary for the building to function as a dwelling and would not constitute a new build.
 7. Criterion 3 of Policy DMH4 further states that the building and its materials should be worthy of retention because of its intrinsic interest or potential or its contribution to the setting. In addition, the character of the building and its materials should be appropriate to its surroundings.
 8. Due to its derelict state and construction from mainly blockwork, the existing building has no traditional features. Thus, the building in its current state has limited merit and intrinsic interest. The building therefore has a neutral effect on the character and appearance of the surrounding area.
 9. The site is located within the Forest of Bowland Area of Outstanding Natural Beauty (the AONB). It is recognised that the Framework encourages the conversion of redundant or disused rural buildings where it would lead to an enhancement of the immediate setting. However, the Framework also makes it clear that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. As AONBs have the highest status of protection in relation to landscape and scenic beauty, great weight should be given to the conservation of them.
 10. The area adjacent to the appeal site is characterised by open and verdant countryside. A modest number of dwellings and farm buildings are also evident. The residential dwellings vary in scale but are predominately 2-storey, finished in local stone.
 11. The planning history of the site is noted, in particular that the site has been the subject of a previous refusal for planning permission² for a similar scheme. The amendments made to the proposal before me, in light of the previous refusal, are acknowledged.
 12. The proposed removal of the existing gable on the southern elevation and replacement of existing roof tiles with blue/grey slates would allow the dwelling to be more reflective of the surrounding farm buildings. The proposed use of local stone to clad the exterior elevations and on the headers and cills would also reflect the characteristics of the surrounding locality.
 13. An external amenity area is proposed on the western side of the dwelling, following the demolition of approximately 5 metres of the existing building. This area would be screened by the existing stone wall and construction of a new wall to the south. Landscaping is also proposed on the southern and eastern boundaries, with the intention of providing additional screening.

¹ Jackson & Jones Limited Structural Condition Report April 2016

² Council reference 3/2016/0437

14. In addition to the proposed external amenity area, a lawned garden would surround the dwelling. In total the garden space would be approximately 800 square metres and as such, cannot be considered to be of a modest scale. Moreover, in order to enable access to the dwelling, a gravel driveway is also proposed which would be located adjacent to the integral double garage on the northern elevation.
15. By virtue of the proposal, the character of the site would be amended as the use would become residential. It is acknowledged that through the use of sympathetic materials the dwelling would be reflective of local characteristics. This would represent an enhancement to the immediate setting of the building.
16. However, the creation of a substantial garden area and gravel drive would result in the introduction of domestic paraphernalia on what is currently open agricultural land. It is accepted the enclosed external may well be used to house a washing line or provide a secluded area for relaxing in. However, given the scale of the garden area, domestic paraphernalia is likely to be introduced into this substantial space. Combined with the gravel drive, a resultant urbanising effect would be experienced.
17. The introduction of the gravel drive, lawned area and domestic paraphernalia would therefore undoubtedly harm the existing open, agricultural character of the site. Although the proposal would be set back from the Loud Bridge Road, the identified adverse impact would be apparent in views along the public footpath which runs adjacent to the site. To a lesser extent, the proposal would also be noticeable in longer views from within the AONB.
18. Whilst relatively localised in its extent, the proposal therefore represents a harmful visual intrusion that would be at odds with the existing character of the appeal site and surrounding area. As such, despite finding no harm with regard of the proposed character of the dwelling, it is considered that the garden area and gravel drive would have a materially adverse effect on the character and appearance of the area contrary to the purpose of conserving and enhancing the natural beauty of the AONB.
19. It is acknowledged that the proposal would provide family accommodation. Furthermore, the appellant claims that the Council has failed to deliver a significant proportion of their housing requirement since the start of the development plan period in 2008 and is also unable to demonstrate a 5-year supply of housing. This matter is disputed by the Council.
20. Nevertheless, as identified, the proposal would cause harm to the character and appearance of the area. Such harm, significantly and demonstrably outweighs the limited provision of a single unit of family accommodation. Thus it follows that the proposal is contrary to Policies DMH4, DMG1, DMG2 and Key Statement EN2 of the CS. When taken together these policies seek, amongst other things, to ensure that development is sympathetic to existing land uses and the character of the locality.

Other Matters

21. It is recognised that the outcome of the application will have been a disappointment to the appellant. Furthermore, there is no doubt that communication is an important part of the planning process. However, there is

no substantive evidence before me which would lead me to conclude that a inadequate level of communication was provided by the Council.

Conclusion

22. In light of the above, and having regards to all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini
INSPECTOR