

# RIBBLE VALLEY BOROUGH COUNCIL

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date: 28 August 2018

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Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** is at **6.30pm** on **THURSDAY, 6 SEPTEMBER 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 meetings held on 17 July and 2 August 2018 – copy enclosed.
3. Declarations of Pecuniary and Non-Pecuniary Interests (if any).
4. Public Participation (if any).

### DECISION ITEMS

- ✓ 5. Revisiting Member/Officer Protocol – report of Chief Executive – copy enclosed.

- ✓ 6. Planning Applications – report of Director of Economic Development and Planning – copy enclosed.
- ✓ 7. Confirmation of TPO at land off Chatburn Old Road, Chatburn TPO 2018 – report of Director of Economic Development and Planning – copy enclosed.

INFORMATION ITEMS

- ✓ 8. Revenue Outturn 2017-18 – Report of Director of Resources – copy enclosed.
- ✓ 9. Revenue Monitoring 2018-19 – report of Director of Resources – copy enclosed.
- ✓ 10. Capital Monitoring 2018-19 – report of Director of Resources – copy enclosed.
- ✓ 11. 2017/18 Year End Performance Indicators – report of Director of Resources – copy enclosed.
- 12. Appeals:
  - a) 3/2018/0153 – Remove conservatory, increase size of extension, ground and first floor, rebuild in natural stone with blue slate roof at 1 High Cliffe Greaves, Grindleton – appeal allowed.
- 13. Reports from Representatives on Outside Bodies (if any).

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

NONE

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No. 5

meeting date: 6 SEPTEMBER 2018  
 title: MEMBER/OFFICER PROTOCOL  
 submitted by: CHIEF EXECUTIVE  
 principal author: DIANE RICE, HEAD OF LEGAL AND DEMOCRATIC SERVICES

## 1 PURPOSE

1.1 To revisit the Member/Officer Protocol.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives - }
  - Corporate Priorities - }
  - Other Considerations - }
- The Protocol is a public document which provides the framework within which Members and officers should operate.

## 2 BACKGROUND

2.1 In November 2017 the Council was the subject of a Peer Challenge Review, one of the recommendations of the Review was that the Council should re-visit its Member/Officer Protocol. No details about the issues that had been identified was provided.

2.2 A copy of the Protocol is attached as Appendix 1.

2.3 The Council's Chief Executive has asked that the Protocol be presented as a standing item to each Committee to remind Members and Officers of the guidance contained within the Protocol about the respective roles of Members, officers and how the relationship between Members and officers should be managed.

2.4 it is also an opportunity to make suggestions to the Accounts and Audit Committee on how the protocol could be strengthened and improved.

## 3 ISSUES

3.1 Any issues identified in relation to the Protocol by Committee, will be collated at each meeting and, if necessary, form the basis of changes to the Protocol as required, which will be considered by the Accounts and Audit Committee at their meeting in October.

## 4 RISK ASSESSMENT

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

- Resources – N/A.
- Technical, Environmental and Legal – N/A.
- Political – N/A.
- Reputation – N/A.

- Equality & Diversity – N/A.

**5 RECOMMENDED THAT COMMITTEE**

- 5.1 Note the terms of the Council's Protocol for Member/Officer Relations.
- 5.2 Consider whether to suggest any changes to the Protocol to the Accounts and Audit Committee

DIANE RICE  
HEAD OF LEGAL & DEMOCRATIC SERVICES

MARSHAL SCOTT  
CHIEF EXECUTIVE

**BACKGROUND PAPERS**

(If any)

For further information please ask for Diane Rice, extension 414418.

REF: DERtCMS/ALL

<b><u>INDEX OF APPLICATIONS BEING CONSIDERED</u></b>						
<b><u>MEETING DATE: 6 SEPTEMBER 2018</u></b>						
	<b><u>Application No:</u></b>	<b><u>Page:</u></b>		<b><u>Officer:</u></b>	<b><u>Recommendation:</u></b>	<b><u>Site:</u></b>
<b>A</b>	<b>APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS:</b>					
					NONE	
<b>B</b>	<b>APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR APPROVAL:</b>					
	<a href="#">3/2018/0143</a>	1		SK	AC	The Barn, Shaw House Fm Clitheroe Road, Whalley
	<a href="#">3/2018/0380</a>	8		JM	AC	St Peter's Church Clayton-le-Dale
	<a href="#">3/2018/0435</a>	17		JM	AC	32 Hall Street Clitheroe
<b>C</b>	<b>APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL:</b>					
	<a href="#">3/2018/0488</a>	29		SK	R	Land off Sheepfold Crescent Barrow
	<a href="#">3/2018/0582</a>	38		AB	R	Chatburn Old Road Chatburn
	<a href="#">3/2018/0595</a>	47		AB	R	Lord Nelson Langho
<b>D</b>	<b>APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED</b>					
	<a href="#">3/2018/0008</a>	52		JM	DEFER	30 Peel Park Avenue Clitheroe
	<a href="#">3/2018/0361</a>	66		SK	DEFER	Victoria Mill Sabden
	<a href="#">3/2018/0575</a>	89		AB	DEFER	Hawkshaw Farm Clayton le Dale
	<a href="#">3/2018/0635</a>	98		AB	DEFER	Fellside, Birdy Brow Stonyhurst
<b>E</b>	<b>APPLICATIONS IN 'OTHER' CATEGORIES:</b>					
					NONE	

**LEGEND**

AC Approved Conditionally

R Refused

M/A Minded to Approve

AB Adam Birkett

AD Adrian Dowd

HM Harriet McCartney

JM John Macholc

RB Rebecca Bowers

RM Robert Major

SK Stephen Kilmartin

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 6 SEPTEMBER 2018  
title: PLANNING APPLICATIONS  
submitted by: DIRECTOR OF COMMUNITY SERVICES

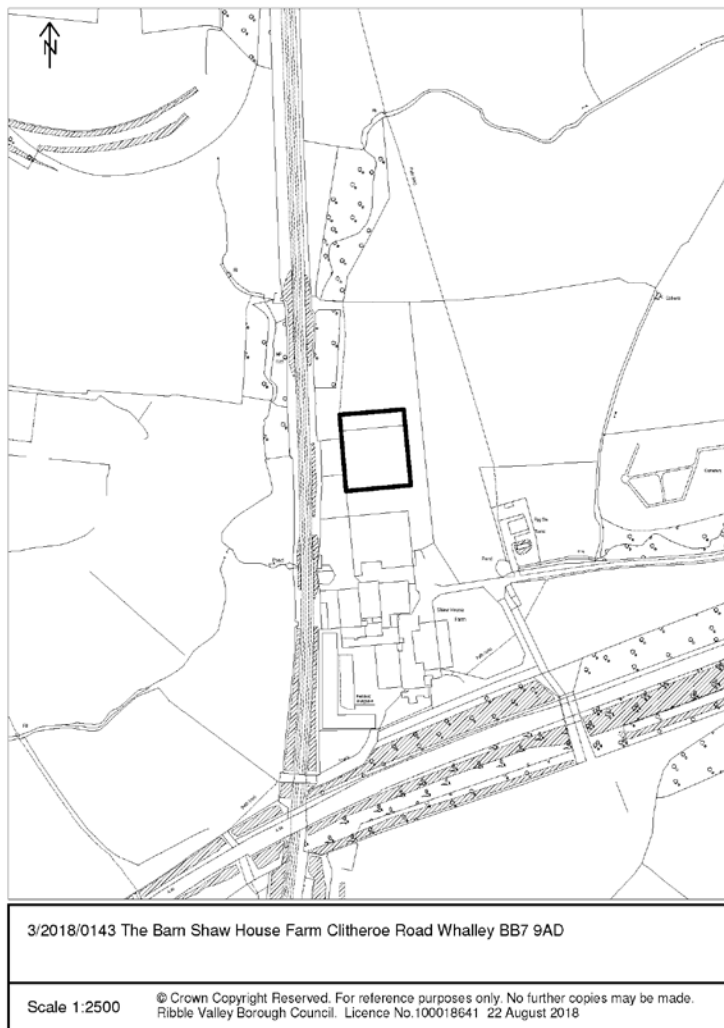
## PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

**APPLICATION REF: 3/2018/0143**

GRID REF: SD 373128 437134

### DEVELOPMENT DESCRIPTION:

CHANGE OF USE FROM AGRICULTURAL TO B8 STORAGE AND DISTRIBUTION AT THE BARN, SHAW HOUSE FARM, CLITHEROE ROAD, WHALLEY BB7 9AD



## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **WHALLEY PARISH COUNCIL:**

Whalley Parish Council have raised no objection to the proposal.

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

The Highways Development Control Section have raised no objection to the proposal subject to the imposition of conditions.

### **UNITED UTILITIES:**

No objections.

### **ADDITIONAL REPRESENTATIONS:**

One letter of representation has been received objecting on the following grounds:

- Additional traffic impacts
- Inadequate access point
- Immediate highway network is inadequate to accommodate large vehicles
- Noise and pollution

#### **1. Site Description and Surrounding Area**

- 1.1 The application relates to an existing agricultural building located to the west of Clitheroe Road Barrow. The building forms part of a grouping of agricultural buildings associated with Shaw House Farm, being located at the northern extents of the complex. Vehicular access is provided off Clitheroe Road by an existing formally surfaced track serving the farm.
- 1.2 The site is bounded to the south by the A59 and by greenfield agricultural land to the north and east with the Clitheroe rail-line being located to the west. The site is located within the defined open countryside being located approximately 420m to the south-west of the defined settlement boundary of Barrow.
- 1.3 Three dwellings lie to the southern extents of the farm-building complex two of which are named Shaw House Farm with the other being named Paddock Bungalow.

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

- 2.1 Consent is sought for the change of use of an existing building from agricultural use to that of B8 storage and distribution. The building occupies a footprint of approximately 2091Sqm being largely open-fronted and being of a typical agricultural appearance partially clad in vertical timber cladding and sheet metal.
- 2.2 It is proposed that the building will be divided into three elements to serve three different operators as follows:
  - Building 01 - Storage of Plants
  - Building 02 - Storage of Scaffolding
  - Building 03 - Storage of small scale building materials

The submitted details state that there will be no direct sales from site or manufacturing undertaken on the premises. No alterations to the existing building are proposed, with the storage proposed largely being informal in nature.

- 2.3 It is proposed that two vehicular passing places will be provided on the existing access track both measuring 10m x 3m, with one being located at the western extents of the track and the other being located mid-way down the track. Ten new parking spaces will be created within the site directly to the east of the proposed storage building with a vehicular turning head also being created adjacent the northern extents of the building to enable vehicular manoeuvring within the site.

### 3. **Relevant Planning History**

**3/2016/0404** - Retention of unauthorised use of former agricultural building as stables for personal and livery use, and associated horse turnout area. (Approved)

**3/2003/0225** - Proposed agricultural building extension. (Approved)

### 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 DMB1 – Supporting Business Growth

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

### 5. **Assessment of Proposed Development**

#### 5.1 **Principle of Development:**

5.1.1 Key Statement EC1 states that ‘in considering the development of land for economic development and in determining where this land will be located, 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. It is accepted that the current land, although developed, would not be considered as ‘previously developed land’ (as defined within the National Planning Policy Framework (July 2018), however Policy DMB1 states that proposals that are intended to support business growth and the local economy will be supported in principle.

5.1.2 The submitted details do not propose that the B8 use will create any additional employment, largely by virtue of the storage being associated with existing off-site businesses or businesses that operate on a mobile basis. The B8 use proposed is likely to therefore be largely utilitarian in nature with the distribution



element, where applicable, likely to be restricted to that of the distribution of plants/Christmas Trees.

- 5.1.3 In this respect I can find no direct conflict with the aims and objectives of the adopted development plan insofar that the proposal aims to support existing businesses whom operate within the Borough and may also play a role in assisting their future expansion.

## 5.2 Impact upon Residential Amenity:

5.2.1 Three dwellings are located approximately 100m to the south of the building to which the application relates, consisting of two dwellings named Shaw House farm with the other being Paddock Bungalow. Whilst it is accepted that there may be an increase in vehicular movements associated with the B8 use it is not considered that they would be of such a frequency, over and above that of the working farm, that would result in any measurable level of detriment to residential amenity.

5.2.2 The remaining on-going day to day functions/operations associated with the B8 use are likely to cause little disruption or have little impact upon residential amenity given the nature of the storage uses proposed and that any distribution from the site will be restricted to that of normal working hours.

5.2.3 Taking account of the above matters it is not considered that the proposed change of use and associated works will be of detriment to existing or future residential amenity.

## 5.3 Matters of Design/Visual Amenity:

5.3.1 The submitted details do not propose any alterations to the existing building. It is proposed that ten car-parking spaces will be created on site including a new vehicular turning head. These are likely to have limited visual impact given the parking areas are located on an area that is currently used for vehicular movements associated with the farm.

5.3.2 The proposed turning head will also be accommodated on the aforementioned area with the extents of the manoeuvring area extending 7m into an adjacent field. However, this encroachment is likely to be read in context with the larger farm complex and as a result be of minimal visual impact.

5.3.3 Two vehicular passing places are to be located on the southern side of the existing access track which will partially encroach upon existing greenfield land, however in the context of the larger operational farm these are unlikely to result in a visual impact of any measurable significance. It is for the above reasons that it is considered the proposal will not be of detriment to the character or visual amenities of the area or wider landscape.

## 5.4 Highway Safety and Accessibility:

5.4.1 The Highways Development Control section have made representations during the course of the application which has led to the submission of revised/additional information. Subsequently LCC Highways have raised no objection to the proposal stating the following:

In response to the previous email dealing with my queries regarding the application, the additional information is acceptable and would provide adequate facilities for the proposed development. The indicated uses are small scale and there is no direct service delivery to the customers with confirmation that the proposals will be for storage distribution. On this basis I would raise no objection to the proposal. In one of your responses you mentioned whether or not the access will be resurfaced. The response was that nothing was planned. Whilst I would have no issue with this I would require the proposed passing places (both the 2 new plus the existing) to be appropriated surfaced following construction to ensure that the passing places provided remain useable.

5.4.2 The Highways Development Control section further recommend that should consent be granted that conditions are imposed regarding the surfacing of the vehicular passing place and parking area including a condition that would preclude the external storage of goods or materials.

5.5 Landscape/Ecology:

5.5.1 No direct implications resultant from the proposed change of use or associated operations/functions.

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

6.1 The Highways development Control Section have stated that it will be necessary for a condition to be imposed that requires the passing places to be made available for use and surfaced prior to the use first becoming operative. It is also required that the proposed parking bays also be surfaced, marked out and made available for use prior to the B8 use(s) becoming operative.

6.2 Given the wide remit of potential storage/distribution functions that could be undertaken from the site it is considered appropriate that a condition be imposed that limits the B8 storage uses to that of which is shown on the submitted details (building materials, Christmas trees and scaffolding). This is to ensure that more intensive storage or distribution operations could not be undertaken from site without allowing for further consideration relating to highways matters or other matters relating to development management considerations.

6.3 For the reasons outlined above the proposed development is considered to be in broad accordance with the aims and objectives of the adopted development plan insofar that it would assist exist business operators within the borough and do not consider that there are any reasons that would warrant the refusal to grant planning permission.

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 within the submitted information and drawings:

5563-02 Proposed Elevations (Including floorplans)  
5563-04 Proposed Site Entrance  
5563-05 Proposed Entrance and Passing Points  
5536-06 Proposed Parking provision and Site Manoeuvring Area

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

3. Unless 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 storage and distribution and for no other purpose, including any other purpose within Use Class B8.

REASON: For the avoidance of doubt and to ensure that the development remains compatible with the character of the area in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

4. The B8 storage/distribution use(s) hereby approved shall be limited to those as indicated on drawing 5563-06 and in the email dated 03rd of April 2018. For the avoidance of doubt the storage/distribution operations on site, unless otherwise agreed in writing by the Local planning Authority, shall be limited as follows:

Building 01 – Storage of plants/trees  
Building 02 – Storage of scaffolding and associated equipment  
Building 03 – Storage of building materials

REASON: To clarify the nature of the consent hereby approved, to ensure the proposals compatibility with the area and to ensure the proposal does not result in an unacceptable highways impact in accordance with in accordance with Key Statement DMI2 and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

5. The hours of operations within the premises shall be restricted to the period from 0800 to 1800 hours on Mondays to Fridays and 0900 to 1300 on Saturdays only. No operations associated with the B8 use hereby approved shall take place in the buildings on Sundays, Bank or Public Holidays.

REASON: In order to protect the amenities of the area and to ensure the use(s) hereby approved are not of detriment to residential amenity in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

6. There shall be no deliveries or collections to/from the B8 use(s) hereby approved other than between 09:00-18:00 Monday to Friday, between 00:00-13:00 Saturday and not at all on Sunday and bank Holidays.

REASON: In order to protect the amenities of the area and to ensure the use(s) hereby approved are not of detriment to residential amenity in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

7. The car parking, passing places and manoeuvring areas as indicated on drawings(s) 5563-04, 5563-05 and 5563-06 shall be formally surfaced and marked out in accordance with a scheme that shall have first been submitted to and approved by the Local Planning authority prior to the B8 use hereby approved being first brought into use. The approved vehicular manoeuvring area and car-parking bays shall thereafter be permanently maintained thereafter clear of any obstruction that would preclude the parking or manoeuvring of motor-vehicles.

REASON: To allow for the safe and effective use of the parking areas in the interest of highway safety in accordance with Key Statement DMI2 and Policy DMG3 of the Ribble Valley Core Strategy.

8. No goods, plant or materials associated with the B8 use(s) hereby approved shall be deposited or stored externally on site or around/adjacent the building to which the application relates.

REASON: To ensure a satisfactory appearance of the site in the interests of the character and visual amenities of the area in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

9. There shall be no sales undertaken from the site and no customers shall visit the site in association with the B8 use(s) hereby approved.

REASON: To clarify the nature of the consent hereby approved and to ensure the proposals compatibility with the area in accordance with in accordance with Key Statement DMI2 and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

## BACKGROUND PAPERS

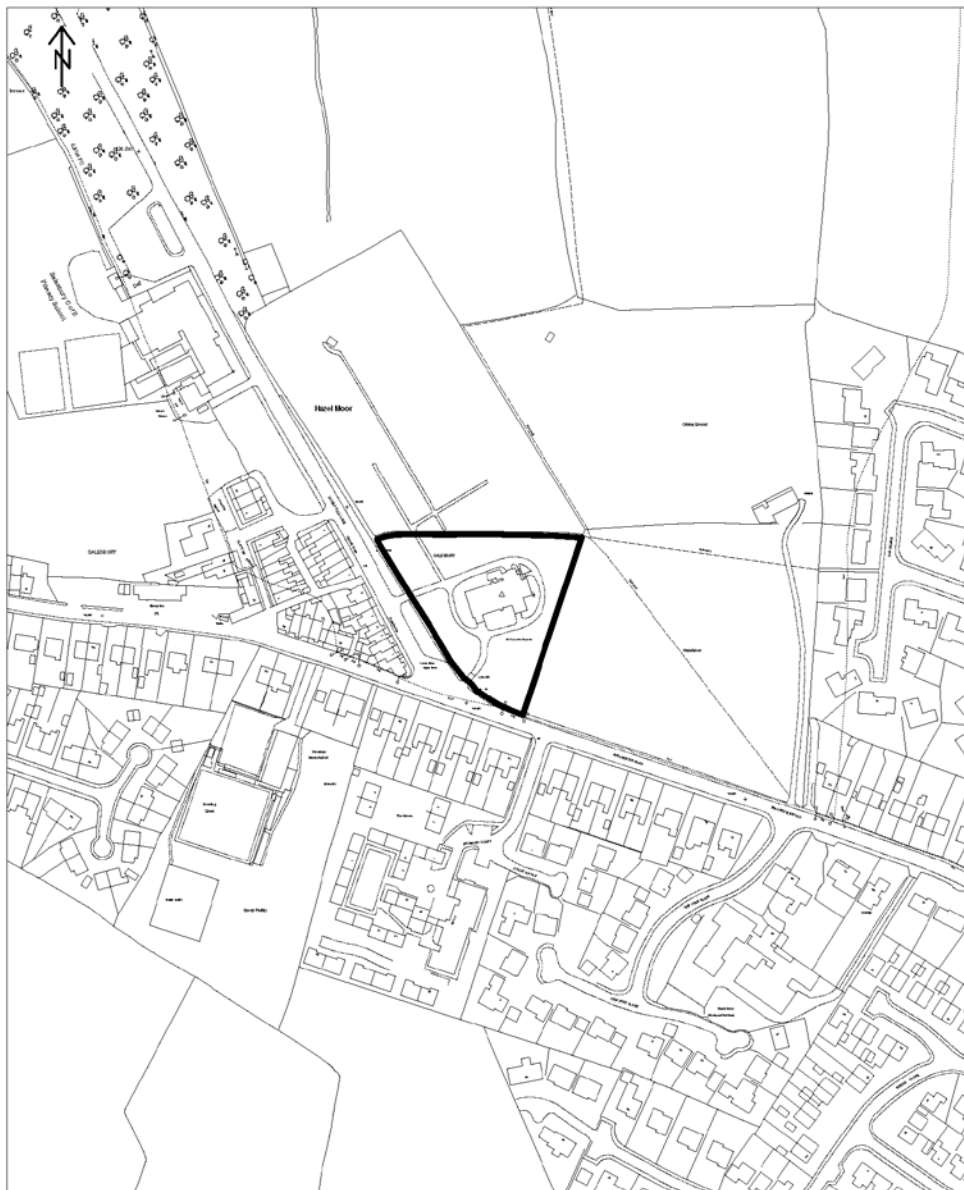
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0143](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0143)

**APPLICATION REF: 3/2018/0380**

GRID REF: SD 368134 432869

**DEVELOPMENT DESCRIPTION:**

PROPOSED EXTENSION TO THE CHURCH TO INCORPORATE NEW CAR PARKING FACILITY AT ST PETERS CHURCH, RIBCHESTER ROAD, CLAYTON LE DALE BB1 9EQ



3/2018/0380 St Peters Church Ribchester Road Clayton le Dale BB1 9EQ

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## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

Clayton le Dale: Object to the development as the extension would detract from the beauty of the building and established graveyard.

Wilpshire: Happy with the appearance but have concerns about the economic impact on the nearby facilities at Salesbury Memorial Hall and Wilpshire Methodist Church. Also concerns about the parking.

Salesbury: No observations received.

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

The proposal raises no highway concerns and I would therefore raise no objection to the proposal on highway grounds but should your council be minded to approve this application then I would request that the following condition be attached to any permission that may be granted to manage and minimise any disruption during the construction phase.

1. 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.

- 2 No development shall take place, including any works of demolition, 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. It shall provide for:

- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Details of working hours
- HGV delivery times and routeing to / from the site
- Contact details for the site manager

### **LAAS (LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE)**

The only strictly archaeological issue with the proposed development is with regard to the existence of burials within the development footprint, as no earlier remains are considered likely to exist here.

The 1807 chapel of ease at Salesbury and the present parish church are noted on the Lancashire Historic Environment Record as PRN 6717. The earlier chapel was located c.130m to the north of the present building (the latter erected as a replacement in 1887) and is shown with an associated surrounding graveyard on the OS 1:10,560 sheet of 1848 (sheet Lancashire 62, surveyed 1844-6, reproduced as Figure 7 of the Heritage Statement (HS, C J O'Flaherty,

2018)). The 1893 OS 1:2,500 mapping showing the present church (sheet Lancashire 62.04, surveyed 1892) has the words 'Grave Yard' written just to the north of the church within the triangular development plot. There is, however, no boundary between this area and the older graveyard site to the north, so the label may denote an intention to extend the burial area rather than denoting where burials had actually occurred.

The HS does not consider archaeological deposits or burials, although it does note that "...To the north there is a large graveyard ..." (section 2.2). The Design and Access Statement (DAS, Byrom Clark Roberts, 2017) also does not consider potential remains, although it does state that "... All the burials are in the cemetery on the north side of the footpath..." (section 1.1), with "the footpath" presumably meaning the path at the north side of the proposed development plot. This would seem to be supported by digital aerial photographic coverage held by LCC, which show the older graveyard being gradually extended to the east towards the cricket ground, rather than south into the proposed development plot. It would be sensible, however, to ask for a specific confirmation from the applicants that they have checked the relevant burial records and that no known burials exist within the proposed development area.

With regard to the design of the proposed new structures themselves, we note that there has been significant pre-application discussion with the council, including the drawing up of a (rejected) draft scheme. We also note that the proposed scheme only requires the removal of the 1968 choir vestry and the conversion of a single window to a doorway (extant tracery and leaded light to be re-used in the new fanlight). The detail of the junction between the present building and the new extension has not been provided, but there seems to be no reason to suppose that this will be particularly difficult or damaging to the older structure. As such we are content to leave comment on the architectural merits and potential impact on the existing church and its setting to your Conservation.

LAAS have raised no objection to the proposal.

#### **ADDITIONAL REPRESENTATIONS:**

12 letters of objection have been received as well as a petition with 129 signatures and separate letters attached to the petition. The issues raised in the petition include highway safety, overbearing design, visual amenity and the usage of the building.

The points raised in the objection letters include the following:

- Highway safety issues as a result of lack of off-street parking would cause congestion to the local highway network which is predominantly residential and also reduces the capability of emergency vehicles on the highway network.
- Loss of trees and green open space would cause visual harm.
- Visual impact of the building and that it is an inappropriate design.
- Adequate facilities already exist in the locality.
- The design of the extension would have an adverse impact on the relationship with the local church to the visual detriment.
- Would lead to loss of community cohesion due to the weakening of links between the church and the school and in the memorial hall.
- Pollution and noise issues as a result of the activity.
- The proposal does not comply with the remit of the parochial church Council of St Peter's.
- Loss of privacy caused by visual intrusion and parking issues.

1. **Site Description and Surrounding Area**

1.1 The proposal is on the edge of the settlement boundary of Wilpshire but within the Parish of Salesbury. It is within the defined Green Belt. Access to the site is from Lovely Hall Lane. The site itself is bounded to the north by a graveyard. Residential properties are adjacent to the site on the opposite side of Lovely Hall Lane.

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

2.1 Consent is sought for an extension to the existing church to create a church lounge and 11 parking spaces. The extension is single storey and located to the north of the existing church building and is attached to the building with direct access to the main church by a doorway being created by extending and altering one of the existing 3 paned stone tracery windows as well as the existing doorway from the choir vestry.

2.2 The total new floor space created is approximately 400m<sup>2</sup> with a projection northwards from the church towards the graveyard by 22m. The extension is staggered with a minimum set back of 4m from the main church building where it fronts towards Lovely Hall lane. The flat roof link has a maximum height of 4m with highest point of the stone fronted mono pitch building being 6.5m and the glazed lean to building being approximately 5m.

2.2 The proposed extension is attached to the main church building by a flat roofed glass link which itself is then attached to a mono pitched stone building and to the north of this element is a predominantly glazed structure. The materials as a consequence of the design are glass and stone with the roof constructed of glass and.....

2.3 The proposed parking area has access from Lovely Hall lane and includes 11 spaces. The trees fronting the site are to be retained but there will be some trees removed to accommodate the extension.

3. **Relevant Planning History**

The site has no planning history that is directly relevant to the determination of the current application.

4. **Relevant Policies**

**Ribble Valley Core Strategy**

Key Statement DS1 – Development Strategy

Key Statement EN1 - Greenbelt.

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement DMI2 – Transport Considerations

Key Statement EN5 – Heritage Assets

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME4 – Protecting Heritage Assets

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 in the defined Green Belt and as such it is appropriate to have regard Green Belt policies in assessing the principle. Paragraph 145 bullet point C accepts the extension and alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. I am of the opinion that although the footprint of the extension is in the region of 400m<sup>2</sup> I consider that given its single storey nature it is still subservient to the main church building and as such would comply with the NPPF.

### 5.2 Impact upon Residential Amenity:

5.2.1 I note the concerns raised in the objection letters regarding amenity issues but I consider that given the existing use and although recognising that this proposal may lead to more activities resulting from the new lounge I do not consider that any noise as a result of the extension would be significant to warrant refusal. The extension itself is approximately 50 m from the nearest dwelling. I do not consider that the proposal would lead to any significant privacy issues resulting from the development due to the separation distance between the extension and the windows of the nearest properties.

5.2.2 In relation to parking issues and the associated amenity concerns this proposal offers some off street parking which is currently unavailable so may actually reduce the need to park on the adjacent highway. Taking account of the above and the non-objection from the Highway authority I am satisfied that the proposal would not lead to a significant adverse impact on the residential amenity of the neighbouring dwellings.

### 5.3 Matters of design/Visual Amenity:

5.3.1 The application has been subject to pre-application discussion and significant engagement during the course of the application with various design options considered. As a result the proposal has been modified and is a combination of a traditional language and contemporary language with a mixture of materials including stone and glass as the dominant material. The extension despite its footprint given its single storey nature remains subservient and does not compete with the architectural language of the main church.

5.3.2 The fenestrational language of the new building is contemporary with elements of asymmetry and integrated. I am satisfied that that the proposal would not have an adverse impact on the visual amenity of the locality or character of the existing building but accept that the car park and the building would result in a built development in what is current an open space.

### 5.4 Heritage Issues

5.4.1 The building itself is not statutorily listed the building must be considered as anon designated heritage asset. It is therefore important that any proposal seeks to ensure that significance of the Church is conserved.

- 5.4.2 The proposed extension is on the northern side of the building which has already been altered by the addition of a choir vestry which in my opinion detracts from the aesthetic and visual of the building. The choir vestry is to be demolished as part of the proposal. I consider that the proposal is in the correct location and the extension would not harm the most important elements of the building.
- 5.4.3 In assessing any impact regard must be given to the scale and height of any proposal and its subsequent visibility. As previously indicated the extension has a large footprint but has been designed as low rise with 3 specific sections that assist in reducing the visual impact. The use of materials such as glass allows visual permeability and also allows direct views through the building. I note the concerns expressed regarding its design but I am of the opinion the building conserves the visual dominance of the main church building and does not compete with the existing architectural language.
- 5.4.4 The design of the extension is a modern addition to a historic building and can be interpreted as an addition. However the extension also makes some reference to the architectural style of the church with the design of the lean to central portion which echoes the aisle abutting the church with the introduction of stone and a lean to roof. I am satisfied that the design has a satisfactory relationship to the host building.
- 5.4.5 In relation to the NPPF guidance is given in Section 16 paragraph 197 regarding consideration of proposals on non-designated heritage assets. It advises that a balance judgement should be made having regard to the scale of any harm and the significance of the heritage asset. In this case the only loss to the building would be the removal of the modern choir vestry. I am of the opinion that given the possible benefits associated with the extension to the church and the wider community that any impact on the non-designated heritage asset is not significant to warrant a refusal.

5.5 Highway Safety and Accessibility:

- 5.5.1 I Note the concerns raised by the objectors but is clearly evident from the advice of LCC Highways that they do not have any concerns regarding the proposal.as they Section have raised no objection to the proposal subject to conditions being imposed in relation to construction management.

5.6 Landscape/Ecology:

- 5.6.1 The application is accompanied by a Bat Survey that has found no evidence of bats within the buildings affected by the proposal. The report also finds that the location is also considered to provide suitable foraging habitat. The report recommends a follow up survey be carried out.
- 5.6.2 The application has been supported by the submission of an Arboricultural Impact Assessment for the whole site including areas outside of the application site. The proposal results in the removal of 9 small trees located adjacent to an existing internal pathway. I do not consider that the loss of these trees have any significant impact on the landscape or are of any specific arboricultural value. I am of the opinion that the proposal would not have an adverse impact on the local landscape or ecology. A construction management plan which includes details of tree protection and siting for a site compound which is located at off

Lovely Hall Lane where the proposed car park is to be sited. The plan shows the compound outside of the Root Protection Area of the trees with a Herras fence along the perimeter.

- 5.6.3 The submitted scheme also includes additional planting adjacent to the proposed new car park which itself would have the parking bays as reinforced grass.

## 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 will not have a detrimental impact on the building nor residential amenity and as such is in broad accordance with the aims and objectives of the adopted development plan and NPPF and I do not consider that there are any reasons that would warrant the refusal to grant planning permission.

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

### *Time*

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.

### *Plan related*

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 (drawing ref. 5115-0782 (01)001\_2.2)  
Existing site plan (drawing ref. 5115-0782 (01)002\_2.2)  
Existing ground floor plan (drawing ref. 5115-0782 (02)001\_2.2)  
Existing roof plan (drawing ref. 5115-0782 (02)002\_2.2)  
Existing section A-A (drawing ref. 5115-0782 (04)001\_2.2)  
Proposed site plan (drawing ref. 5115-0782 (06)001\_2.2)  
Proposed ground floor plan (drawing ref. 5115-0782 (07)001\_2.2)  
Proposed roof plan (drawing ref. 5115-0782 (07)002\_2.2)  
Proposed elevations (drawing ref. 5115-0782 (08)001\_2.2)  
Proposed section A-A (drawing ref. 5115-0782 (09)001\_2.2)  
MLD\_18129\_001 RevA – Landscape masterplan  
MLD\_18129\_002 – Planting plan  
Construction Management Plan (drawing ref. 51/2015/0782/18)  
Proposed new double door (drawing ref. 51/2015/0782/17)

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

### *Materials*

3. Precise specifications or samples of all external surfaces, including surfacing materials including details of the glazing, windows/door framing and details of the proposed shopfront(s) of the development hereby approved shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development.

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

#### *Detailing*

4. Notwithstanding the submitted details, prior to the commencement of the development section details at a scale of not less than 1:20 of each elevation of the buildings/alterations hereby approved shall have been submitted to and approved by the Local Planning Authority.

For the avoidance of doubt the sections shall clearly detail all eaves, guttering/rain water goods, soffit/overhangs, window/door reveals and the proposed window/door framing profiles and materials including details of all shutters and balustrades/balconies. 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 and to protect the character and appearance of the defined Conservation Area in accordance with Key Statement EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy.

#### *Highways*

5. No development shall take place until a Construction Method Statement for the relevant phase has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted statement shall provide details of:

The location of parking of vehicles of site operatives and visitors  
The location for the loading and unloading of plant and materials  
The location of storage of plant and materials used in constructing the development  
The locations of security hoarding  
Days and hours of operation for all construction works  
Contact details for the site manager

The approved statement shall be adhered to throughout the construction period of the development.

REASON: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

6. The car parking area shown on the submitted plan Proposed site plan (drawing ref. 5115-0782 (06)001\_2.2) shall be fully implemented to the satisfaction of the LPA before occupation of the new building and there after retained in perpetuity.

REASON: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

### *Landscaping*

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

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

8. All tree works/tree protection shall be carried out in strict accordance with the submitted drawing Construction Management Plan received on 17/8/18. The specified tree protection measures shall remain in place throughout the construction phase of the development and the methodology hereby approved shall be adhered to during all site preparation/construction works.

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

### BACKGROUND PAPERS

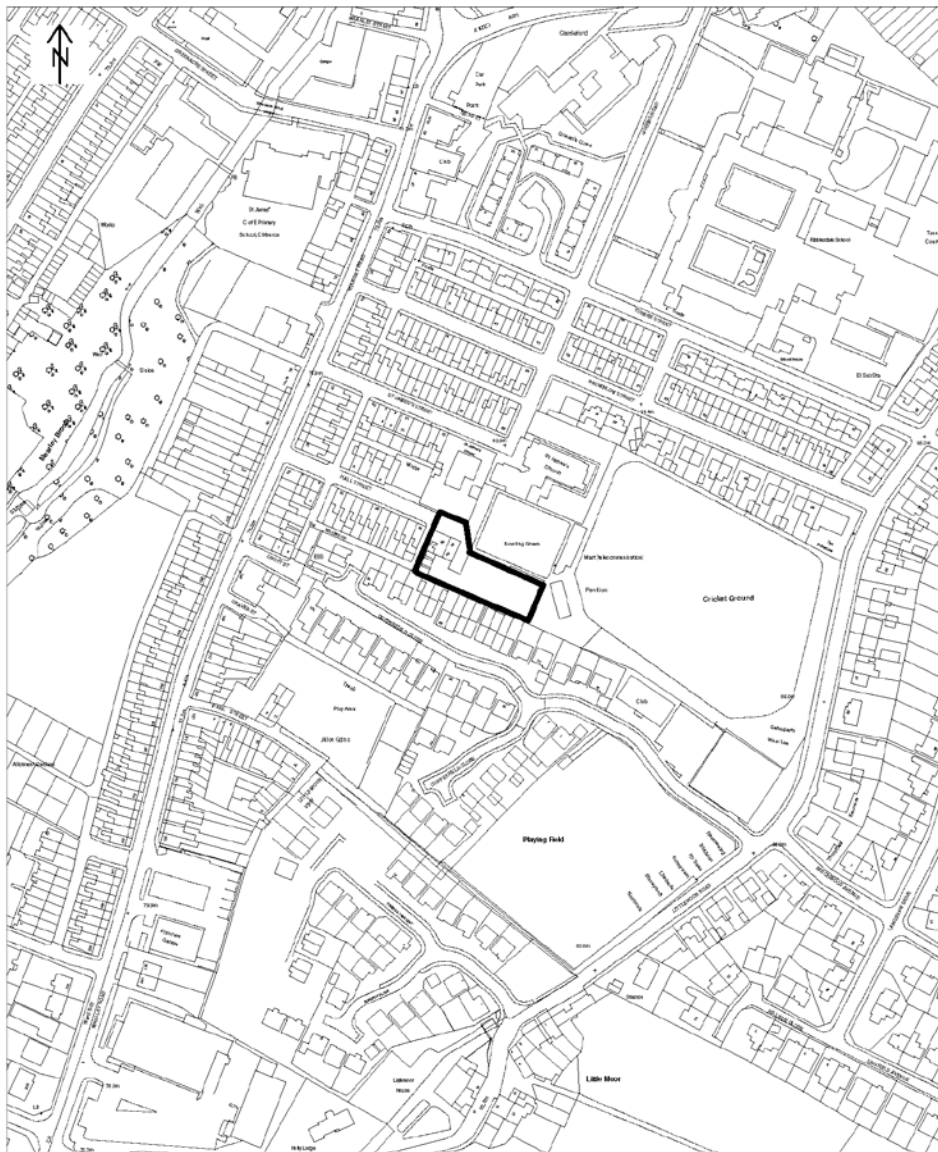
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0093](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0093)

**APPLICATION REF: 3/2018/0435**

**GRID REF: SD 374247 441101**

**DEVELOPMENT DESCRIPTION:**

**DEMOLITION OF EXISTING PROPERTY AND ASSOCIATED OUTBUILDINGS AND  
ERECTION OF SIX DWELLINGS AT 32 HALL STREET, CLITHEROE, BB7 1HJ**



18 0435 32 Hall Street Clitheroe BB7 1HJ

Scale 1:2500

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## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

Clitheroe Town Council objects on the grounds of over-intensive development of the location. Access along Hall Street is already considered difficult. The proposed layout would result in new properties up against the gardens of Copperfield Close and 30 Hall Street could lose access to the garage at the rear of the property.

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

With respect to this application the County Surveyor does not wish to raise any objections. There are however a number of concerns regarding the development. These can be allayed by way of further submissions prior to planning permission being granted or the can be suitably conditioned. There are concerns regarding:-

- The access from Hall Street, this should be widened to allow 2 cars to pass through the opened gate and beyond for a distance of at least two car park space lengths (9.6m).
- There appears to have been no provision made for pedestrians or cyclists to access the development without opening the main gate across the carriageway
- Nor does there appear to be any provision for pedestrians within the development.
- There is no provision for access to the rear of the plot at the gable of 30 Hall Street without passing through the dwelling.
- Nor has there been any indication regarding the provision of any street lighting or surface water drainage.
- A swept path analysis should be undertaken to ensure that a refuse collection vehicle can enter and exit the development in a forward gear.
- With the exception of the plot with the garage, suitable covered and secure storage should be provided for at least 2 cycles per dwelling.

### **LEAD LOCAL FLOOD AUTHORITY:**

No comments.

### **CLITHEROE CIVIC SOCIETY:**

Though somewhat outside the general remit of our Society, we do have concerns about the implications of further residential development within the Civil Parish of Clitheroe. The proposed redevelopment of 32 Hall Street, with six new dwellings, is above and beyond the most recent approved targets for residential development in accordance with the conditions of the Adopted Core Strategy.

Further residential development approval beyond that approved in the adopted Core Strategy and its revised targets, and the potential for 12 additional vehicles which could be associated with the development, will inevitably have further adverse effects on the historic town centre and the conservation areas which it contains. For this reason this application should be refused in our opinion.

### **ADDITIONAL REPRESENTATIONS:**

Letters of objection have been received from 18 separate addresses and raise the following concerns:

- Over-development of the site with high density housing contrary to NPPF and DMG1.
- Scale, mass and proximity to the boundary with neighbouring properties would have an adverse impact on residential amenity of neighbours; loss of light, loss of privacy, noise and disturbance.
- Overbearing impact and sense of enclosure within rear gardens of properties on Copperfield Close.
- Gardens on Copperfield Close are north-facing but all benefit from a good deal of morning sunlight. This would be lost and the gardens overshadowed.
- The proposals would not provide sufficient parking – there is no visitor parking which would make parking on Hall Street or Whalley Road worse.
- As existing, already unacceptable parking of vehicles on public footway.
- Additional traffic would increase congestion.
- Adverse impact on natural local environment – bat foraging in the area is high.
- A number of trees have been felled prior to the tree survey.
- Only the fronts of the proposed buildings are of stone/stone brick with the gable ends and rears being of render.
- No mention of drainage is mentioned in the application.
- The proposals would restrict access to the rear garage of 30 Hall Street.
- No pedestrian or cycle access is provided.
- Disruption to residents during building phase.
- Drains from the bowling green must not be compromised.
- Leyland Cypress tree is causing damage to the bowling shelter and needs to be removed.
- Height of the development would cast shadows on the bowling green.
- Previous applications have been refused on Hall Street due to highways concerns.
- Emergency services struggle to gain access.
- Refuse wagons only come a short distance into Hall Street and bins have to be wheeled down to them by residents.

Following the receipt of amended plans neighbouring properties have been re-consulted and 5 further letters of representation have been received and are covered in this report.

## 1. **Site Description and Surrounding Area**

1.1 The development site is located within the settlement of Clitheroe in an established residential area. The site is accessed via Hall Street which adjoins the east side of Whalley Road, Clitheroe. As existing, the application site comprises a single detached residential property and its associated gardens and outbuildings. It is noted that the building functioned previously as three separate dwellings (no.32 to 36 Hall Street).

1.2 The site adjoins Ribblesdale Wanderers Cricket and Bowling Club to the north. To the south are residential properties along Copperfield Close which have their rear elevations and gardens facing the application site.

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

2.1 The application proposes the demolition of the existing buildings and the erection of 6 no three-bedroomed houses. The proposed dwellings would be arranged in two blocks of three each comprising a detached and two semi-detached dwellings each. The properties would have an eaves height of 4.8m and a ridge height of 7.9m. The front façade of the buildings would be constructed using random natural stone with stone



detailing. The side and rear elevations would have a render finish. The dwellings would provide a kitchen and lounge at ground floor, two bedrooms and family bathroom at first floor and a master bedroom with en-suite would be provided in the roof space. In order to accommodate a master bedroom there is a requirement rear pitched-roof dormers on each property which would be faced in materials to match the walls of the main buildings.

- 2.2 The site would be accessed from the eastern end of Hall Street. Parking space would be provided within the site to accommodate 2no. vehicles per dwelling. Each property would benefit from rear gardens which would be bounded by 1.8m high close boarded timber fencing. There are a number of low quality trees on site some of which would require removal should the site be developed as proposed.

3. **Relevant Planning History**

3/2013/0913 - Outline application for nine dwellings including three affordable units following demolition of existing dwelling. Withdrawn.

4. **Relevant Policies**

**Ribble Valley Core Strategy**

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 – Landscape

Key Statement H1 – Housing Provision

Key Statement H2 – Housing Balance

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME1 – Protecting Trees and Woodland

Policy DME2 – Landscape and Townscape Protection

Policy DME3 - Site and Species Protection and Conservation

**Other Material Considerations:**

National Planning Policy Framework (NPPF)

Technical Guidance to the National Planning Policy Framework

Planning Practice Guidance (PPG)

5. **Assessment of Proposed Development**

- 5.1 In determining this application the main considerations are the principle of development, its visual appearance, its effect on the residential amenities of neighbouring occupiers and its impact on highway safety, trees and ecology.

5.2 **Principle of Development**

5.2.1 The Development Strategy put forward in Key Statement DS1 of the Core Strategy seeks to direct the main focus of new house building to the Strategic Site, the Principal Settlements of Clitheroe, Longridge and Whalley. The application site is located in the settlement of Clitheroe where residential development is acceptable in principle.

5.2.2 It is considered that the provision of six dwellings within the settlement of Clitheroe would not result in any harm to the development strategy nor would it result in any undue pressure on the services, facilities and infrastructure of the settlement itself to warrant refusal of the application. It is considered therefore that the proposal would contribute to the Council's supply of housing land and would be acceptable in principle subject to other development management considerations.

### 5.3 Design and appearance

5.3.1 The area is characterised by a mix of house types and a palette of materials including stone and render. The terraced housing on Hall Street is faced predominantly with stone, as are the dwellings on Copperfield Close. There have been some objections raised in relation to the proposed use of render on the side and rear elevations of the dwellings. However, it must be noted that the existing building at the site is finished with render as are other properties in the local area including buildings on Hall Street, St James' Street and Brownlow Street. As such, the use of render on the side and rear of the dwellings does not raise any concern.

5.3.2 In terms of the size and scale of the proposed dwellings, they would reflect the surrounding buildings. The three dwellings closest to the east of the gable elevation of no.30 Hall Street would be set back from the established building line of the existing terraced row. Boundary treatments to the site as existing comprise evergreen hedgerows, close boarded fencing and a high stone wall along the sites boundary with St James's House. The stone wall is considered to be a traditional feature that is worthy of retention in accordance with Core Strategy Policy DME2. It is recommended that the existing boundary hedges are retained and maintained and would be preferable to the close boarded fencing proposed by the applicant.

5.3.3 Whilst objections have been raised regarding the density of the site, it is considered to be in keeping with the urban grain of the area which is characterised by high density terraced and semi-detached housing. Taking account of all of the above, the proposals would not result in any adverse harm to the visual appearance of the area and would comply with Key Statement H2 and policies DMG1, DME2.

### 5.4 Impact on neighbouring residents

5.4.1 The application site is surrounded by existing development and would be in close proximity to houses along its southern and western boundaries. The rear elevations of 25-35 Copperfield Close face the application site with rear gardens of these properties ranging in length from 8.5m to 11.5m. It is important to ensure that the privacy, outlook and light enjoyed by the occupants of these dwellings is not unduly affected by the proposed development. The development would maintain a 21m gap between facing windows at first and second floor of the rear elevations of 25-27 Copperfield Close and the proposed dwellings and this is the generally accepted interface distance at which point there is no significant adverse impact on privacy. It is noted that there would be some overlooking of the rear gardens of the proposed dwellings from first and second floor windows of 25-27 Copperfield Close due to the short rear gardens of these existing properties but this would not in my opinion justify refusal of the application given

it would be no different to the current arrangement insofar that the rear windows of Copperfield Close already facilitate some overlooking of the private garden of 32 Hall Street.

5.4.2 The proposed development would result in a blank two-storey gable elevation facing the rear elevations of 32-33 Copperfield Close. There would be a separation distance of 13m which is accepted as the minimum distance from a blank two storey gable elevation to avoid any undue loss of light and outlook from ground floor habitable room windows and a space of around 3.5m would be retained between the gable wall of the proposed dwelling and the rear garden boundary of 32-33 Copperfield Close. It is noted that there is a single storey conservatory to the rear of 32 Copperfield Close which projects closer to the boundary with the development site however conservatories are not classed as habitable rooms. In terms of any overshadowing of private gardens, applications will only be refused where a development would seriously overshadow private amenity space. Objections have been raised in relation to overshadowing of the private rear gardens of dwellings along Copperfield Close. However, these gardens are north-facing and whilst they may benefit from some limited morning sunlight the proposals would not result in overshadowing of large areas of garden for prolonged periods of the day to warrant refusal.

5.4.3 Objections have been received which raise issues including noise disturbance from future occupants and increased traffic. Yet, the site is located in an established residential area and the proposals would not result in any additional disturbance than already experienced. Should consent be granted there would be a requirement for the developer to provide a construction management plan to ensure that the impact on the amenity of the area is limited during the construction phase.

## 5.5 Effects on Wildlife/Ecology/Trees

5.5.1 The application is supported by a Bat Scoping Survey Report. No evidence was recorded to suggest bats were roosting within the existing buildings and no bats were observed using the buildings for roosting. As such, there would be no direct impact on bats arising from the proposed development.

5.5.2 Neighbours have commented that bats have been seen foraging in the area and the survey acknowledges that the foraging potential for bats can be considered moderate to low. Should consent be granted, a landscaping and lighting scheme would be required to be submitted to the Council which must take into account any key flight lines identified. Taking into account the requirements of the NPPF and Policy DME3 of the Core Strategy, in order to conserve and enhance biodiversity it is recommended that bat roosting features be incorporated into the dwellings and maintained thereafter.

5.5.3 In relation to trees, those existing on site are low quality with limited amenity value. Objections indicate that tree felling has taken place prior to the submission of this planning application. None of the trees that are alleged to have been removed were protected by tree preservation orders nor are they located within a Conservation Area and, as such, the LPA cannot prevent their removal. The Bowling Club have asked that T1 (Leyland Cypress) be removed as it is causing damage to the bowling shelter. The removal of T1 is not relevant to the development, however; the applicant has agreed to its removal. Should consent

be granted, a scheme of hard and soft landscaping would be required to ensure the provision of a satisfactory visual appearance. This would include the planting of replacement trees and shrubs.

## 5.6 Highways Safety

5.6.1 In relation to highway safety, the County Highways Surveyor does not raise any objection but did note a number of concerns with the proposed layout as submitted. The proposed site plan indicates the provision of two parking spaces for each dwelling as required by Lancashire County Council parking standards. Residents have raised concerns in relation to the restricted amount of on-street parking available on Hall Street and at the junction with Whalley Road including cars parked illegally. The Highway Authority can impose parking restrictions to improve the safety of road users using a Traffic Regulations Order if considered necessary. The development will provide sufficient vehicular parking to serve the proposed dwellings and the County Surveyor has raised no concerns in relation to its impact on parking availability along Hall Street and Whalley Road.

5.6.2 The applicant has amended the site layout so that the parking requirements can be accommodated within the site to the satisfaction of the County Surveyor. This includes the provision a turning head within the development site which could accommodate the turning of a refuse wagon; there is no turning area available at the end of Hall Street at present and so this is a particular benefit of the scheme. The amended layout includes the provision of a pedestrian footway into the development. The applicant would be required to enter into an appropriate legal agreement to provide off-site highway works including a new pedestrian dropped kerb at the gable of no.30 Hall Street to allow prams etc. to cross to the new dwellings. The County Surveyor has stated that the layout of the development would not be to an adoptable standard and there would a conditional requirement for the submission of details confirming funding, management and maintenance regimes to ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential and highway safety. Nonetheless, in my opinion the development complies with the transport related policies of the Core Strategy, Key Statement DMI2 and Policy DMG3, insofar that is it in a highly sustainable location close to Clitheroe town centre and provision has been made for access to the development by pedestrians.

## 6. Conclusion

6.1 Taking into account the above, the proposed development is in a highly sustainable location and would contribute to housing land supply in the Borough. No objections have been received from the Highways Authority in relation to highway safety and it is considered that the proposals would not have an undue adverse impact on the appearance of the area or the residential amenity of neighbouring occupants. As such it is recommended that the application is approved subject to conditions.

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

### *Timings and Commencement*

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

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

2. 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:

Proposed Plans and Elevations GRAHA/01 Dwg 02A received 26.06.2018  
Proposed Plans and Elevations (Site Plan) GRAHA/01 Dwg 02B received 18.07.2018  
Proposed Plans and Elevations GRAHA/01 Dwg 03  
Location Plan GRAHA/01 Dwg 04  
Proposed Plans and Elevations GRAHA/01 Dwg 07A received 26.06.2018

REASON: For the avoidance of doubt since the proposal was the subject of agreed design improvements/amendments and to clarify which plans are relevant to the consent.

### *Matters of Design*

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

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

4. Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

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

5. The existing stone wall on the northern boundary of the site to St James House shall not at any time be demolished in whole or in part, nor shall it be altered in any way, without the prior written permission of the Local Planning Authority.

REASON: In order to ensure the protection of this historic feature of the locality, in the interests of visual amenity and the amenities of existing nearby residents and in order to comply with Policies DMG1 and DME2 of the Ribble Valley Core Strategy (Adopted Version).

6. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-

enacting that Order, the dwellings hereby permitted shall not be altered or extended and no buildings or structures shall be erected within the curtilage of the new dwellings 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 residential amenity in accordance with Policies DMG1 and DME2 of the Ribble Valley Core Strategy.

### *Landscape and Ecology*

7. Notwithstanding the submitted details, prior to the commencement of the development, full details of the proposed landscaping shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the landscaping details shall indicate all trees and hedgerows identified to be retained or how those adjacent to the proposed development and/or application area/boundary will be adequately protected during construction, in accordance with BS5837; 2012 'Trees in relation to design, demolition and construction' equivalent unless otherwise agreed. The agreed protection measures shall be put in place and maintained during the construction period of the development.

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

REASON: To protect trees and hedges on and adjacent to the site and to ensure the proposal is satisfactorily landscaped and appropriate to the locality in accordance with Policies DME1 and DME3 of the Ribble Valley Core Strategy.

8. No development shall take place until details of the provisions to be made for artificial bat roosting (in the form of bricks/tiles/boxes) have been submitted, and approved by the local planning authority. The details shall identify the actual wall and roof elevations into which the above provisions shall be incorporated. These shall be incorporated into the building during the actual construction and before the development is first brought into use, unless otherwise agreed in writing by the local planning authority and shall be permanently maintained and retained at all times thereafter.

REASON: To safeguard the favourable conservation status of the bat population in accordance with Policy DME3 of the Ribble Valley Core Strategy

### *Drainage and Flooding*

9. Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution.

10. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

### *Highways*

11. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for have been submitted to and approved in writing by the local planning authority in consultation with the Highway Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

REASON: In the interest of highway safety and to ensure a satisfactory appearance to the highways infrastructure serving the approved development in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

12. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

REASON: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/ highway safety and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

13. No part of the development hereby approved shall commence until a scheme for the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.

REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site

14. The parking and garaging and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

REASON: In the interests of visual amenity and to facilitate adequate vehicle parking and/or turning facilities to serve the site in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

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

REASON: To ensure that adequate parking provision is retained on site in accordance with the Core Strategy Policy DMG3.

#### *Further Control over Development*

16. No development shall take place, including any works of demolition, 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. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

REASON: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway during the construction phase of the development in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

17. Unless otherwise agreed in writing by the Local Planning Authority, no building or engineering operations within the site or deliveries to and from the site shall take place other than between 07:30 hours and 18:00 hours Monday to Friday and between 08:30 hours and 14:00 hours on Saturdays, and not at all on Sundays or Bank Holidays.

REASON: In order to protect the amenities of existing residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

#### INFORMATIVES

1. This consent requires the construction, improvement or alteration of an access to the public highway and other of site works such as street lighting improvements. Under the Highways Act 1980 Section 278, the County Council as Highway Authority must specify the works to be carried out, Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any works can start you must complete the online quotation form found on Lancashire County Council's



website using the A-Z search facility for vehicular crossings. For multiple vehicular crossings please ring 0300 123 6780 and ask for a bespoke quotation.

2. The developer should be aware that the any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk) or on 01772 533433
3. The applicant is advised that to discharge condition 12 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

### **UPDATE FOLLOWING 2<sup>ND</sup> AUGUST 2018 PLANNING AND DEVELOPMENT COMMITTEE MEETING:**

Committee resolved on the 2<sup>nd</sup> August 2018 to be minded to refuse the application and was Deferred to the Director of Community Services for appropriate refusal reasons relating to matters of residential and visual amenity and highway safety and parking. Further advice has been sought from the highway authority and they are unable to support a refusal reason relating to highway safety and/or parking.

Should Committee be minded to refuse the application it is suggested that the application be refused for the following reasons:

1. The proposed development, by virtue of its design and density, would result in an unsympathetic and incongruous scheme of development that would be harmful to the character, setting and visual amenities of the wider built environment. This would be contrary to Policy DMG1 of the Ribble Valley Core Strategy.
2. The proposed development, by virtue of its scale, design, mass and proximity to the neighbouring properties, would result in a development that would have an overbearing impact resulting in loss of natural light and outlook. This would be detrimental to the residential amenity of the occupants of neighbouring properties and would be contrary to Policy DMG1 of the Ribble Valley Core Strategy.

### **BACKGROUND PAPERS**

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0435](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0435)

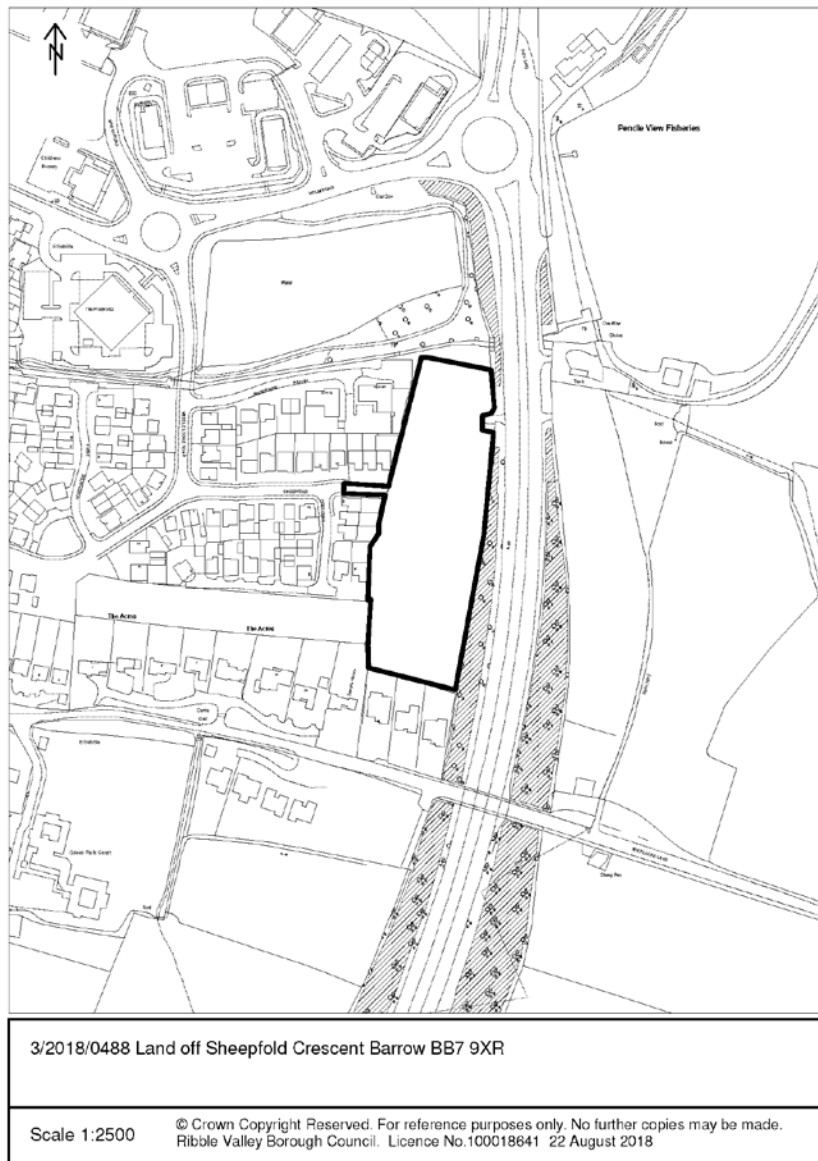
**C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL**

**APPLICATION REF: 3/2018/0488**

GRID REF: SD 374154 438021

**DEVELOPMENT DESCRIPTION:**

APPLICATION FOR OUTLINE CONSENT FOR 20 BUNGALOWS FOR THE ELDERLY (6 DETACHED TWO-BED AND 14 SEMI-DETACHED ONE-BED) AND 9 AFFORDABLE, TWO-BED APARTMENTS WITH ASSOCIATED ROADS, ANCILLARY WORKS LANDSCAPING AND ACCESS. RESUBMISSION OF APPLICATION 3/2017/0962. LAND OFF SHEEPFOLD CRESCENT, BARROW BB7 9XR



## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

Barrow Parish Council wishes to object to the application on the following grounds:

- The proposal is contrary to Key Statements DS1, DS2 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy. Approval would lead to the creation of new residential dwellings in the defined open countryside, located outside of a defined settlement boundary, without sufficient or adequate justification and this would cause harm to the Core Strategy.
- The Core Strategy states that there is zero residual need for additional housing in Barrow. Allowing an additional 29 dwellings is not sustainable and is contrary to Key Statement DS1. Whilst housing numbers do not represent upper limits, additional housing should only be considered in areas that have not already been exploited for residential development, disproportionate to other targeted development areas in the borough. This is especially important considering nearby traffic levels, the lack of sustainability, and the environmental risks of this application.
- The application states that 'the site is in an accessible location with bus stops and the Barrow service area with its shops to meet day to day needs of residents being in close proximity'. It should be noted that there is only one temporary bus stop that is poorly served and one shop connected to a petrol station.
- The application also states that there are 'economic and social benefits by the provision of elderly bungalows and affordable housing units' but does not provide any evidence. Any limited social and economic benefits arising from the development would fail to outweigh the harm to the Core Strategy. The site does not benefit from walkable access to a full range of services and facilities, particularly for the elderly with mobility problems, and would perpetuate an already unsustainable pattern of development. Adding more houses in Barrow would put a strain on the village's infrastructure that is already struggling to cope with the increased population and housing growth in recent years.
- Whilst the Parish Council understands that there is a need for elderly housing in the borough, the proposed site is not suitable. Meeting a perceived need on an unsuitable site should not be allowed as an exception to the Core Strategy. Ribble Valley Borough Council recently gave consent to Bloor Homes to reduce the number of bungalows and the percentage of social housing on the adjacent site so fulfilling a requirement with this application cannot be considered a priority.
- Planning consents granted on appeal in other parishes do not mean that the same development principles should be applied to this application. Each application should be considered on its own merits and the threat of an appeal should be disregarded.
- Traffic leaving the proposed site through the Barrow Brook Enterprise Park would increase the amount of congestion that exists at the McDonald's roundabout on the A59. There are already significant waiting times at this junction but Lancashire County Council will not take any action to improve safety and traffic flow until there has been a serious accident.
- The application states that foul water sewage and surface water disposal are 'unknown'. Barrow experienced incidents of flooding in 2015 and the Parish Council objects to the loss of yet more green fields and the impact this will have on the whole village. The development's impact on the flood risk must be carefully considered and the Lead Flood Team at LCC must be consulted.
- The application form states that the development is not within 20m of a watercourse. This is incorrect as Barrow Brook and Barrow Lodge are nearby.

- The application form states that the site cannot be seen from a public road. This is incorrect as the proposed development would be visible from the A59, the bridge over the A59 on Whiteacre Lane and by residents of the Bloor Homes Estate.
- Pendle Fisheries is mentioned in the Ecological Survey but there is no mention of Barrow Lodge which is adjacent to the proposed site and feeds Barrow Brook.
- Granting consent to the proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals and would damage the implementation of Ribble Valley Borough Council's planning policies under the Core Strategy and NPPF.

#### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

LCC Development Control Section have offered the following observations:

*The proposed development is described as being for elderly residents and offers mobility friendly accommodation. On this basis I would envisage that the peak hour traffic generation by the development will be less than generated by a traditional family unit due to less work and school trips.*

*Site observations would suggest that at peak times, whilst there is an element of queueing on Holm Road and its junction with the A59 roundabout, the delays encountered by drivers are not such that the impact of the development can be classed as severe in the context of the NPPF, however it has been noted that the development has a poor accessibility score and as such the highway authority would seek a financial contribution in the region of £24,000 to promote and support the recently introduced bus service on Holme Road.*

*There is an option to link the site to the path around the pond to the north of the, this would improve pedestrian accessibility to the PFS / convenience store and bus service and should therefore be explored.*

Subject to the above being addressed adequately the Highways Section have raised no objection to the proposal subject to the imposition of conditions relating to the erection of a fence/wall adjacent the A589 embankment, construction management and other highways related matters.

#### **LOCAL LEAD FLOOD AUTHORITY (LLFA)**

The LLFA is currently unable to provide a substantive response due to insufficient information having been submitted in support of the application. Amended and revised information has been received and a consultation response is currently awaited.

#### **UNITED UTILITIES:**

No response received in respect of the application

#### **LANCASHIRE FIRE AND RESCUE:**

Lancashire Fire and Rescue have offered the following observations:

*It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'. If Document B, Part B5 cannot be fully complied with then, in certain circumstances, the installation of a residential sprinkler system may be used as a compensatory feature, but professional advice should be sought in such cases.*

*It should be ensured that the proposal is provided with suitable provision of Fire Fighting water. Any provisions should comply with National Guidance*

## **ADDITIONAL REPRESENTATIONS:**

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

- Increase in traffic in the area
- Increase in noise for immediate existing neighbours
- Disruption and damage during the construction phase of the development
- Loss of land that is of local amenity value
- Increased flood risk
- The proposal will alter the character of the area
- Increased pollution
- The land serves as a green buffer between the A59 and existing housing
- Loss of privacy
- Contrary to the Development Plan

### **1. Site Description and Surrounding Area**

- 1.1 The application relates to a greenfield area of land 1.075 Hectares in size. The site is located to the eastern extents of an existing housing development (Pendle Hill View). The site is located within the defined open countryside, outside but directly adjacent the settlement boundary of Barrow as defined within the Regulation 22 Draft Proposals Map.
- 1.2 The site is bounded to the north by an area of open land associated with the Barrow Brook attenuation pond with the site being bounded to the east by a graded highways verge which fronts the A59. Located to the south of the site is numbers 15-19 Whitacre Lane.
- 1.3 The site is bounded to the west for the most part by Pendle Hill View with an area of woodland and usable open space for the adjacent development bounding the south western extents of the site. The immediate surrounding area is predominantly residential in both character and scale of built-form save that of the A59 being located within close proximity to the east.

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

- 2.1 Outline consent (Matters of access) is sought for the erection of 20 open market bungalows for the 'elderly' and 9 affordable two-bedroom apartments with associated ancillary works and landscaping.
- 2.2 The submitted indicative layout proposes that the primary vehicular and pedestrian access to the site will be provided by way of a direct interface with Sheepfold Crescent located to the west. The submitted details propose a layout whereby the main spine road diverges both north and south off the primary access. It is proposed that the southern extents of the site will accommodate bungalows orientated in two cul-de-sac arrangements with the northern extents of the site accommodating a proposed apartment block and associated parking court.

- 2.3 The submitted details propose that 30% of the housing to be provided on site will be affordable in accordance with Policy H3 of the adopted Core Strategy, being brought forward in the form of 9 x 2 bedroom apartments.
- 2.4 The open market element will be brought forward in the form of bungalows with a housing mix of 14 x 1 bedroom and 6 x 2 bedroom units. The applicant has indicated that whilst these bungalows are to be for open market sale, it is proposed that the occupancy of the bungalow units will be controlled through an age restriction limiting occupation to those over 55 years of age.

3. **Relevant Planning History**

**3/2017/0962:**

Application for outline consent for 20 bungalows for the elderly (6 detached two-bed and 14 semi-detached one-bed) and 9 affordable, two-bed apartments with associated roads, ancillary works landscaping and access. (Refused – Appeal Lodged)

4. **Relevant Policies**

**Ribble Valley Core Strategy**

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement DMI2 – Transport Considerations

Policy DMB4 – Open Space Provision

Policy DMB5 – Footpaths and Bridleways

Policy DME1 – Protecting Trees and Woodland

Policy DME2 – landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME6 – Water Management

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DMH1 – Affordable Housing Criteria

Policy DMH3 – Dwellings in the Open Countryside

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The application site is located outside but directly adjacent the Defined Settlement Boundary for Barrow. A fundamental component of Key Statement DS1 is to guide the majority of new housing development towards the principal settlements within the Borough and in addition to these locations development will be focused towards the Tier 1 settlements, one of which being Barrow.

- 5.1.2 The latest formal published housing monitoring position (March 2018) concludes that the Local Authority currently benefits from a 5.3 year supply of housing. In relation to residual housing need for the settlement of Barrow, the adopted Core Strategy determines that there is currently no outstanding residual housing need for the settlement. Taking account of consents granted within and adjacent the settlement boundary of Barrow it is clear that the housing need, in terms of numbers, has been both met and significantly exceeded.
- 5.1.3 Turning to locational matters, the proposal site lies outside the settlement boundary in an area currently defined as open countryside. Policy DMG2 (Strategic Considerations) states that 'outside of the defined settlement areas development must meet at least one of the following considerations:
1. The development should be essential to the local economy or social well-being 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 and identified needs and is secured as such
  4. The development is for small scale tourism or recreational developments appropriate to a rural area
  5. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated
  6. The development is compatible with the enterprise zone designation.

In taking account of the above criterion it is clear that residential development in this location would only be acceptable in principle if it sought to meet an 'identified local need', a need which the applicant has failed to adequately demonstrate.

- 5.1.4 Whilst it is accepted that an element of the proposal seeks to meet identified affordable need within the Borough, the remainder of the proposal is for open market sale. The applicant has proposed that out of the 29 units proposed, 20 will be for open market sale, albeit with an occupancy restriction limiting occupation to those over 55 years of age.
- 5.1.5 Whilst the applicant seeks to justify the proposal through the provision of open market housing for a specific demographic group (over 55's), the Local Authority can also demonstrate an equitable if not greater need for housing for those under 55, particularly younger demographic groups. The proposed demographic restriction of the occupancy of these open market dwellings does not and would not allow for such a proposal to be held in a higher regard than other open market housing in this location, nor should it be considered as an exception to the criterion of Policy DMG2. The fundamental matter remains that the majority of the housing will be for open market sale and therefore is considered to be in direct conflict with the requirements of DMG2.
- 5.1.6 In respect of the above matters the Councils Planning Policy Section have clarified that the proposal is considered to be in direct conflict with the Development Plan for the Borough by virtue of its locational aspects being outwith a defined settlement boundary. The Policy team have further added that should it be identified that there is an outstanding identified need in the area that the proposal may be considered as acceptable.

- 5.1.7 Clarification has been sought from the Strategic Housing Team in respect of the issue of identified need. Whilst it has been identified that accommodation for the over 55's, particularly in the form of bungalows, is a priority within the Borough, other such parallel and equal housing priorities similarly exist. Meeting such priorities or perceived 'need' does not automatically ensure that such a proposal will be treated as an exception to the overall aims and objectives of the Development Plan in relation to housing, particularly the overarching Development Strategy and its embodied aims and objectives in relation to the location of housing.
- 5.1.8 Further to this, the Local Authority's Strategic Housing Officer has clarified that any existing evidenced need is being met through existing commitments/consents granted within the Parish and adjacent parishes with no outstanding need being evidenced. The officer has additionally raised fundamental concerns in relation to the location of the site and its inability to provide walkable access to a full range of services and facilities, particularly given the proposed demographic of the majority of the occupiers of the development.
- 5.1.9 It is therefore considered that the proposal is in direct conflict with Key Statements DS1, DS2 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that it would lead to the creation of new open market residential dwellings in the defined open countryside, located outside of a defined settlement boundary, without sufficient or adequate justification.

## 5.2 Impact upon Residential Amenity:

- 5.2.1 As the application is made in outline with matters of layout and appearance being reserved for consideration at a later date no definitive assessment can be made in respect of the potential impacts upon residential amenity resultant from the proposal. Notwithstanding this matter the Local Planning Authority consider it is appropriate to give due consideration to potential conflicts or issues that may arise as a result of the indicative layout proposed.
- 5.2.2 The proposal site is bounded to the west by a recently constructed housing development with the proposal having a direct interface with an existing cul-de-sac, Sheepfold Crescent. The location of the proposed vehicular access is off a small portion of road that currently accommodates a terrace of three bungalows which will directly front the access, with another bungalow to the south being orientated 90 degrees to the access point.
- 5.2.3 In relation to the orientation and layout of the proposed dwellings, those that are located adjacent the site to the west for the most part adopt a layout that acts as a continuation of existing building lines, with the proposed bungalows being orientated parallel to their neighbouring counterparts. As such it is unlikely that such an arrangement is likely to be of detriment to existing or future residential amenity.
- 5.2.4 The indicative orientation and siting of Plot 06 results in a side to rear elevation relationship with numbers 23 and 25 Sheepfold Crescent resulting in an indicative offset distance of 17m measured from the principal rear elevation of the existing dwelling (at its closest point) to a garage located on the west elevation of Plot 06. This distance is in excess of what the authority would



normally seek to achieve in such situations and consider the distance proposed to be adequate to protect the residential amenities of both existing and future occupiers.

- 5.2.5 It is proposed that the northern extents of the site will accommodate a block of 9 x 2 bedroom apartments, no details have been provided in respect of the anticipated scale or height of the aforementioned apartments other than reference to it being potentially three-storey in height within the submitted Planning Policy Statement. Notwithstanding this matter the indicative layout proposes an offset distance of approximately 25 from existing apartments located to the west. Provided the scale of the proposed apartment block is commensurate with the scale of its neighbouring counterpart and primary habitable windows were orientated to take account of potential direct overlooking, it is not considered that the proposal would be of significant detriment to existing or future residential amenity.

### 5.3 Highway Safety and Accessibility:

- 5.3.1 The Highways Development Control section have raised no objection to the proposal subject to the imposition of conditions and have stated that the developer will be requested to provide a financial contribution in the region of £24,000 to promote and support the recently introduced bus service on Holme Road.
- 5.3.2 The Highways Officer has further stated that there is an option to link the site to the path around the pond to the north of the, this would improve pedestrian accessibility to the PFS / convenience store and bus service and should therefore be explored. Subject to the aforementioned matters being addressed the Highways Section have raised no objection to the proposal subject to the imposition of conditions relating to the erection of a fence/wall adjacent the A589 embankment, construction management and other highways related matters.

### 5.4 Landscape/Ecology:

- 5.4.1 The applicant has submitted a Phase 1 Habitat Survey in support of the application. The report finds that the site is largely composed of single semi-improved poor grassland that shows signs of having been poorly managed, this is evidenced through a build-up of thatch and some developing rankness.
- 5.4.2 The report concludes that the development will only directly affect semi-improved grassland, tall ruderal herb, a single hedgerow and a small number of self-seeded sapling trees. It is considered that the proposal contains sufficient landscape margins to accommodate adequate mitigation and enhancement which could be secured are the relevant detailed reserved matters stage.
- 5.4.3 The report further notes that any hedgerow removal must be undertaken outside of the breeding season do avoid any direct impact upon nesting birds and that any loss of habitat could be compensated for by the provision of new tree/shrub planting of an appropriate species. The report has further identified that an Ash tree on site (T3) may have bat roosting potential and that further surveys may be required should any works proposed at the detailed reserved matters stages directly affect the tree.

## 5.5 Affordable Housing Provision:

5.5.1 The applicant has submitted a commitment to meet the Core Strategy requirements in relation to overall housing mix and affordable housing provision on site. It is proposed that 30% of the dwellings on site will be for affordable housing provision being brought forward in the form of apartments with no occupancy restriction.

5.5.2 However, Key Statement H3 requires that 15% of the overall number of dwellings on site should be for occupation by those over 55 years of age with half of this provision (7.5%) being provided within the affordable housing provision and the remainder being provided on an open market basis.

5.5.3 It is recognised that the proposal significantly exceeds the 7.5% open market requirement for over 55 accommodation however no details have been provided in respect of the remaining 7.5% of such provision, which if to align with the requirements of Key Statement H3, should be provided on an affordable basis.

## 5.6 Flood Risk and Drainage:

5.6.1 The LLFA have stated they are currently unable to provide a substantive response due to insufficient information having been submitted in support of the application. Amended and revised information has been received which has resulted in reconsultation with the LLFA, to which a response is currently awaited.

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

6.1 For the reasons outlined above the proposed development is considered to be in direct conflict with the adopted Development Plan insofar that approval would lead to the creation of open market dwellings without sufficient justification, in the defined open countryside, in a location that does not benefit from walkable access to a full range of services and facilities perpetuating an already unsustainable pattern of development.

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

1. The proposal is considered contrary to Key Statements DS1, DS2 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that the approval would lead to the creation of a new residential dwellings in the defined open countryside, located outside of a defined settlement boundary, without sufficient or adequate justification which would cause harm to the development strategy for the borough.
2. The proposal is consider to be contrary to Key Statement DS1 and DS2 and Policy DMG2 of the Ribble Valley Core Strategy in that the proposal would contribute to a level of development that already significantly exceeds the anticipated level of housing development embodied within the Ribble Valley Core Strategy in terms of the planned residual need for the settlement of Barrow. It is further considered that the level of over-supply of housing, as a result of the proposed development would undermine the Development Strategy for the Borough which seeks to critically establish both the pattern and intended scale of development in relation to housing numbers in order to achieve a sustainable pattern of development across the Borough for the duration of the plan period.

**APPLICATION REF: 3/2018/0582**

GRID REF: SD 376631 443898

**DEVELOPMENT DESCRIPTION:**

RESIDENTIAL DEVELOPMENT OF UP TO NINE UNITS AT LAND TO THE SOUTH OF CHATBURN OLD ROAD, CHATBURN



18 0582 Land to the south of Chatburn Old Road Chatburn

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## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

Chatburn Parish Council has the following observations:

- Not enough time to respond to the application
- Chatburn has reached its residential requirement set out in the Core Strategy
- Site is outside the village settlement boundary in the open countryside.
- Development would be harmful to the character of the village
- Site is in close proximity to a working quarry
- Additional pressure on the narrow exit junction to the congested Ribble Lane
- Concerns about soak away and drainage of the site
- Five-year requirement has already been achieved

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

No objection. Further consideration will need to be given at the technical details stage.

### **LCC MINERALS AND WASTE:**

None received.

### **ADDITIONAL REPRESENTATIONS:**

20 letters of objection have been received and raise the following concerns:

- More cars and more noise – junction at end of Old Lane would not be safe
- More houses that are not needed
- Old Road is only a country lane and is heavily congested
- Bats and other wildlife present at the site
- Problems with site drainage
- More school places would be needed
- Noise and dust from existing development
- Request assurance of foul and surface water drainage proposals
- Too much development in Chatburn
- Notice of application not circulated widely enough
- Insufficient information to make considered response
- No site notices displayed
- Loss of sunlight/daylight and privacy in gardens and adjacent houses
- Impact on trees and wildlife
- No pavement for pedestrians to access the site
- Overdevelopment and unacceptable visual impact
- Noise during construction

#### **1. Site Description and Surrounding Area**

- 1.1 The application site is located to the south of Chatburn Old Road, Chatburn. The greenfield site slopes down in level towards the east and south and is mainly grassland with bushes and trees along its boundaries. The site is located on the edge of the settlement of Chatburn and is in the open countryside as defined on the draft Proposals

Map adopted for Development Management Purposes (as of Dec 2016). The site is bounded to the north-west by a residential development of 10 dwellings approved by planning consent 3/2011/0025 and then 3/2014/0618 (varied by planning consent 3/2016/0748) which is currently under construction.

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

- 2.1 This application seeks permission in principle for the erection of up to nine dwellings at land to the south of Chatburn Old Road, Chatburn.
- 2.2 The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.
- 2.3 The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission. It is not possible for conditions to be attached to a grant of permission in principle nor can planning obligations be secured and its terms may only include the site location, the type of development and amount of development.
- 2.4 The technical detail stage will provide the opportunity to assess the detailed design of the scheme to ensure that any impacts are appropriately mitigated and that the contributions to essential infrastructure, for example, are secured. If the technical details are not acceptable, the local authority can refuse the application.

## 3. **Relevant Planning History**

No relevant planning history.

## 4. **Relevant Policies**

### **Ribble Valley Core Strategy:**

Key Statement DS1 – Development Strategy  
Key Statement DS2 – Sustainable Development  
Key Statement H1 – Housing Provision  
Key Statement H2 – Housing Balance  
Policy DMG2 – Strategic Considerations  
Policy DMG3 – Transport and Mobility

### **National Planning Policy Framework**

## 5. **Assessment of Proposed Development**

- 5.1 The application proposes a residential development of between 1 and 9 dwellings at the application site. As stated above, the scope of permission in principle is limited to location, land use and amount of development; the detailed design of the scheme will be

considered at technical detail stage. Whilst I note objections raised by residents these relate predominantly to matters that would be given full consideration at the technical detail stage.

## 5.2 Principle of Development

5.2.1 The development plan for the Borough is the Ribble Valley Core Strategy which was formally adopted in December 2014. The Inspector for the Core Strategy, Simon Berkeley, concluded in his final report dated 25 November 2014 that the Ribble Valley Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF.

5.2.2 Key Statement DS1 states that:

*'The majority of new housing development will be concentrated within an identified strategic site located to the south of Clitheroe towards the A59 and the principal settlements of Clitheroe, Longridge and Whalley.'*

5.2.3 In addition to the strategic site at Standen and the borough's principal settlements, development will be focused towards Tier 1 Villages, which are the more sustainable of the 32 defined settlements. Key Statement DS1 identifies Chatburn as a Tier 1 Village and therefore some development will be directed towards the settlement. Key Statement DS1 confirms that:-

*'the scale of planned housing growth will be managed to reflect existing population size, the availability of, or the opportunity to provide facilities to serve the development and the extent to which development can be accommodated within the local area.'*

5.2.4 The proposal site lies immediately adjacent to the settlement boundary of the village of Chatburn. The local planning authority does not dispute that in terms of proximity to services, the site could be deemed to be a sustainable location. The provision of up to 9 dwellings on the edge of the settlement of Chatburn would reflect the existing population size and would not result in any quantifiable or measurable harm to the Development Strategy presented by Key Statement DS1 of the Core Strategy, particularly given that it seeks to focus some new housing development towards the Tier 1 settlements. Therefore, it is confirmed that proposals would not harm the settlement strategy.

5.2.5 The application site lies outside the Chatburn settlement boundary in an area defined as open countryside. Core Strategy Policy DMG2 (Strategic Considerations) states that:-

*'Development should be in accordance with the Core Strategy development strategy and should support the spatial vision.'*

*1. Development proposals in the principal settlements of Clitheroe, Longridge and Whalley and the Tier 1 Villages should consolidate, expand or round-off development so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement.'*

- 5.2.6 This part of Policy DMG2 does not apply to the proposal as the development site is not within a Tier 1 Village, but is in the open countryside. Development in the open countryside is dealt with by the following part of the policy:-

*Within the Tier 2 Villages and outside the defined settlement areas development must meet at least one of the following considerations:*

- 1. The development should be essential to the local economy or 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 developments appropriate to a rural area.*
- 5. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.*
- 6. The development is compatible with the enterprise zone designation.*

- 5.2.7 As the application site lies outside a defined settlement area it must meet at least one of the considerations listed in Policy DMG2. Core Strategy Policy DMH3 relates specifically to dwellings in the open countryside and AONB. Policy DMH3 reads:-

*Within areas defined as Open Countryside or AONB on the proposals map, residential development will be limited to:*

- 1. Development essential for the purposes of agriculture or residential development which meets an identified local need. In assessing any proposal for an agricultural, forestry or other essential workers dwellings a functional and financial test will be applied.*
- 2. 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.*
- 3. The rebuilding or replacement of existing dwellings subject to the following criteria:*
  - the residential use of the property should not have been abandoned.*
  - there being no adverse impact on the landscape in relation to the new dwelling.*
  - the need to extend an existing curtilage.*

- 5.2.8 In order to satisfy policies DMG2 and DMH3 in principle residential development in the open countryside or AONB must meet an identified local housing need or one of the other criteria, none of which would apply in this case.

- 5.2.9 It is relevant at this stage to note that the settlement boundaries for the Borough have been reviewed and are contained on the emerging Proposals Map that was formally submitted, alongside the Council's Housing and Economic Development (HED) DPD, to the Secretary of State on 28 July 2017. Prior to this the settlement boundaries used for Development Management purposes pre-dated the Core Strategy and were part of the District Wide Local Plan (Adopted June 1998). These settlement boundaries were not amended during consideration of the Core Strategy.

- 5.2.10 The HED DPD will include relevant allocations, including housing and employment land and policies for the town centres of Clitheroe, Longridge and Whalley, as well as existing open spaces and revised settlement boundaries all of which will be reflected on a new Proposals Map. As part of the plan preparation for the HED DPD the settlement boundary for Chatburn has been reviewed in accordance with the Interim Settlement Boundary Definition Topic Paper (March 2016) which formed part of the HED DPD evidence base.
- 5.2.11 Unforeseen and lengthy delays have led to the postponement of the HED DPD Examination in Public (EiP) and during this time the Council's housing requirement position has changed. A report titled 'Proposed Additional Housing Allocations' was presented to Planning and Development Committee on the 17 July 2018 and notes that sites have not been completed as expected, fewer permissions have come forward and the recent appeal decision at Higher Road, Longridge raised the issue of housing land supply.
- 5.2.12 The Planning Statement submitted in support of the application challenges the Council's housing land supply position making reference to the recent appeal decision at Higher Road, Longridge (report dated 22 May 2018) where the Inspector states at paragraph 30 of his report:

*"When having regard to my above findings with respect to the disputed sites, the Council's housing land supply is reduced by a further 136 dwellings in total during the five year period. As a consequence, I find that on the basis of the evidence before me the deliverable housing land supply demonstrated is approximately 4.5 years, including the application of a 20% buffer, the existing shortfall of delivery, 10% slippage applied to sites with planning permission not started and a windfall allowance, in accordance with the Framework. In that respect, even if the Council's predictions relating to some of the sites prove to be more accurate, it would not significantly alter the housing land supply position and would only marginally reduce the shortfall within the range of 4.5 years and a maximum of 4.7 years of deliverable housing land supply."*

- 5.2.13 In the absence of a five year supply of deliverable sites the relevant policies for the supply of housing would not be considered up to date and therefore the presumption in favour of sustainable development, laid out in the NPPF (and below), would apply.

*"For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*



5.2.14 The failure to demonstrate a five year supply would reduce the weight that could be attributed to Core Strategy Policy DMH3 in the decision-making process and would tilt the balance towards the grant of permission.

5.2.15 However, since the appeal decision at Higher Road, Longridge, there has been a fundamental change in planning policy at a national level. The revised National Planning Policy Framework was published on 24 July 2018 and introduces changes to how local planning authorities calculate housing land supply. Paragraph 73 of the revised NPPF states that "*local planning authorities should identify and update annually a supply of specific deliverable site sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies...*

*The supply of specific deliverable site should in addition include a buffer (moved forward from later in the plan period) of:*

*a) 5% to ensure choice and competition in the market for land*

*b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*

*c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply*

5.2.16 The Inspector at the Higher Road appeal considered a 20% buffer should be applied due to '*a persistent record of under-delivery of housing in Ribble Valley*'. The previous Framework did not define the term '*persistent record of under-delivery*' and there were uncertainties in relation to the time period over which it was thought historic housing completions should be measured against housing requirements. The revised NPPF provides clarity, specifying a delivery period of three years. Over the past four years housing completions in the Ribble Valley have exceeded housing requirement targets and as such there is no record of 'significant' under delivery to warrant the imposition of a 20% buffer. The Council's latest position is contained in the Housing Land Availability Schedule April 2018 which states that on 31<sup>st</sup> March 2018 the Council was able to demonstrate a 5.3 year supply of housing land with a 5% buffer.

5.2.17 Thought must also be given to additional changes introduced by the Housing Delivery Test which provides a standardised method for calculating housing delivery for plan-making authorities, to start in November 2018. The standardised method will use national household growth projections adjusted based on the affordability of an area. The most recent household growth and affordability ratio statistics for Ribble Valley would result in a reduced minimum annual local housing need figure when compared with the current figure of 280 dwelling per annum in the Core Strategy.

5.2.18 Another significant matter on which the revised NPPF is silent is the consideration of any backlog within the calculation. This was included in previous methodology and arises where completions lag behind overall requirements in the plan period to date. Whether or not a factor to reflect any backlog should be

included in the calculation is not made explicit but, if not, it would result in the removal of 630 dwellings from the Council's housing requirement figures over the next five years as part of the housing land supply calculation.

5.2.19 The five year supply calculation published in the Housing Land Availability Schedule April 2018 based on the current annual housing requirement of 280 dwellings and including backlog is therefore considered to be a 'worst case scenario'. Based on this calculation the Council can demonstrate a 5.3 year supply of housing land. However, the direction of travel indicated by the Housing Delivery Test is towards a reduced annual requirement for the Ribble Valley and possible removal of backlog from the calculation. The result of this would be a significantly higher housing land supply figure.

5.2.20 Having regard to the above, it is considered that the Council can demonstrate a five year supply of housing land with a 5% buffer. The use of a 5% buffer is supported by the recently published revised NPPF and therefore, even in the 'worst case scenario' (including backlog and ignoring direction of travel towards a reduced annual housing need figure using the standard method set out in the Housing Delivery Test, to start in November 2018) the Council can demonstrate a five year supply. The relevant policies for the supply of housing contained in the adopted Core Strategy can be afforded full weight and the presumption in favour of sustainable development is not engaged.

5.2.21 Taking into account all of the above, there is no overwhelming need at this time for the Council to release additional open countryside land for residential development. The residual housing need for the plan period (2008-2028) for Chatburn, identified in Core Strategy table 4.12, has been met. Taking account of completions and permissions, the minimum housing requirement for the borough for the plan period (5,600 dwellings) has been exceeded and the Council can also demonstrate a five year supply of deliverable sites. Given that the proposed scheme is for the erection of up to 9 open market dwellings, the development would fail to comply with policies DMG2 and DMH3 of the Core Strategy. The benefit of the provision of open market dwellings would not, in this case, overcome the harm that would arise from the conflict with Policy DMG2 which underpins the settlement hierarchy for the purposes of delivering sustainable development and Policy DMH3 which seeks to protect the open countryside and designated landscape areas from sporadic or visually harmful development and is necessary to deliver both sustainable patterns of development and the overarching Core Strategy vision.

### 5.3 Other Considerations

5.3.1 I note concerns raised in relation to the capacity of Chatburn Old Road to absorb additional traffic that would be generated by the proposals and am mindful of the consideration given to highway capacity and safety issues in the Inspectors report for the development of 10 dwellings at the adjacent site that was allowed on appeal. As a requirement of that consent 3/2011/0025 improvements were secured at the junction between Chatburn Old Road and Ribble Lane. In regard to that appeal scheme, the Highway Authority had no concerns in principle regarding on-street parking activity and the capacity of highways to accommodate the additional traffic associated with the dwellings proposed. It is acknowledged that more detailed consideration would need to be given to the impact of development on the local highway network at the technical details

stage and the highways officer has indicated this may include the provision of waiting restrictions close to the junction with Ribble Lane.

- 5.3.2 In relation to the sites proximity to Lanehead Quarry, a thorough assessment of the potential implications of residential development in this location were undertaken as part of the determination of the planning application for housing on the adjacent site. The Inspector for application 3/2011/0025 noted at paragraph 43 of his report *'it is evident that if the appeal scheme were to be developed, with careful management it should be possible to commercially extract mineral on the eastern face of the quarry, while both meeting the relevant planning conditions regarding blasting vibration, and successfully addressing the potential for complaints to be made. As such, there would be no 'permanent in-direct sterilisation' of reserves in the quarry.'* Furthermore, it was considered that noise attenuation measures could be installed to ensure future occupants would enjoy an acceptable level of residential amenity. No comments have been received from the Minerals and Waste section at Lancashire County Council and taking the above into account there is no in-principle reasons for refusal of this application on highway safety or residential amenity grounds.

## 6. **Conclusion**

- 6.1 Having considered all of the above, in principle a development of up to 9 dwellings in the open countryside is considered to be contrary to Core Strategy policies DMG2 and DMH3 which seek to limit development within Tier 2 villages and outside the defined settlement areas unless a specified exception is met. The limited social and economic benefits arising from the development would fail to outweigh the conflict with the development plan.
- 6.2 If approved, the proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals without sufficient justification which would have an adverse impact on the implementation of the planning policies of the Council contrary to the interests of the proper planning of the area in accordance with core principles and policies of the NPPF.

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

1. The proposal is considered contrary Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation of new dwellings in the open countryside without sufficient justification. The proposed development would create a harmful precedent for the acceptance of other similar unjustified proposals which would have an adverse impact on the implementation of the planning policies of the Council contrary to the interests of the proper planning of the area in accordance with core principles and policies of the NPPF.

## BACKGROUND PAPERS

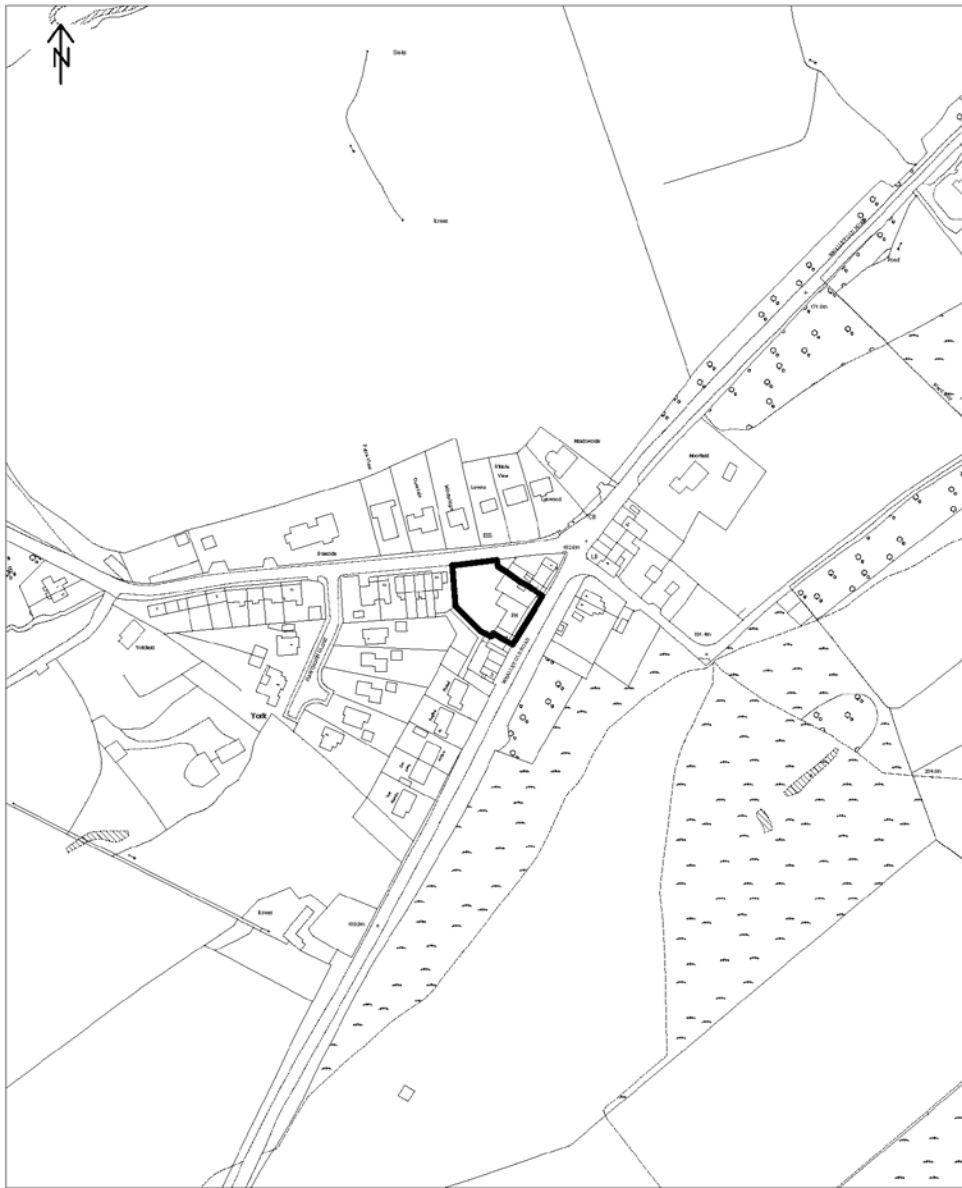
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0582](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0582)

**APPLICATION NO: 3/2018/0595/P**

GRID REF: SD 371022 433653

**DEVELOPMENT DESCRIPTION**

PROPOSED RAISED TERRACE TO REAR AT THE LORD NELSON PUBLIC HOUSE,  
WHALLEY OLD ROAD, LANGHO, BB6 8DU



3/2018/0595 The Lord Nelson Public House Whalley Old Road Langho BB6 8DU

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## PARISH/TOWN COUNCIL:

None received.

## HIGHWAYS (LCC):

No objection.

## ADDITIONAL REPRESENTATIONS:

Letters have been received from the occupants of 12 neighbouring properties and have raised concerns with the proposed development as follows:

- The pub does not need to add this terrace in order to prosper.
- Terraces elevation and siting would give rise to major problem of overlooking gardens.
- Noise issue that exists would become worse.
- Proposed steel framed terrace would be an ugly blot.
- The application does not include any noise assessment.
- Customer use of the ground floor level patio area has previously resulted in a number of noise complaints.
- Raised area will allow noise to travel more widely.
- Light pollution from the site.
- Strongly urge the Council to consider conditions restricting terrace opening times, outdoor illumination and provision of noise mitigation to the boundaries with residential properties.
- In breach of previous planning conditions.
- Odour of food from the balcony.
- Lack of parking and highway safety concerns.

### 1. **Proposal**

- 1.1 The proposal is to form a raised terrace, accessed from the ground floor bar, to the rear of the public house. This would replace the existing timber staircase. The proposed platform would be 2.8 metres above ground level and would measure 4m x 7m. It would be constructed from steel with a glass balustrade. The applicant has confirmed that the terrace would be used as an outdoor seating area. The proposed times of use are 16.00-21.30 Monday to Thursday and 12.00-22.00 Friday to Sunday.

### 2. **Site Location**

- 2.1 Planning consent is sought for the erection of a raised terrace to the rear of The Lord Nelson Public House, Whalley Old Road, Langho. The Lord Nelson is a traditional village pub facing onto Whalley Old Road, Langho. The pub is part of a small terrace of properties. It is adjoined on the south side by no.9 Whalley Old Road, which is in the applicant's ownership and used as bed and breakfast accommodation and, beyond that, no.11 which is a residential dwelling. The public house is not directly adjoined to the north – however, there is a terraced row of three dwellings, 3-7 Whalley Old Road, approximately 9 metres from the gable end.
- 2.2 The cluster of buildings which The Lord Nelson forms part of is located outside the main settlement of Langho and is known as York Village. The site is located within the

designated Green Belt. The Lord Nelson is a stone building and is of considerable age being denoted on the 1845 1:10,000 historic map.

- 2.3 The front elevation of the public house is two storeys. Due to a change in levels from front to back, the rear elevation is three storeys in height. To the rear of the building is the garden which can be accessed via an existing staircase with landing. The pub garden bounds the residential gardens of no.11 Old Whalley Road, no.1 Hawthorn Close and no.18 York Road.

3. **Relevant History**

3/2003/0164 - Extension of licensed area into adjacent cottage and formation of staircase to rear. Withdrawn.

4. **Relevant Policies**

**Ribble Valley Core Strategy**

Key Statement EN1 – Green Belt

Policy DMG1 – General Considerations

Policy DMB1 – Supporting Business Growth and the Local Economy

**Other Material Considerations:**

National Planning Policy Framework (NPPF)

Technical Guidance to the National Planning Policy Framework

Planning Practice Guidance (PPG)

5. **Assessment of Proposed Development**

- 5.1 The main considerations in determining this application are the impact of the development of the visual appearance of the existing building and the surrounding area, its effect on the residential amenities of neighbouring residents and its impact on the Green Belt.

5.2 **Designated Green Belt**

5.2.1 Having regard to Green Belt policy, the proposed raised terrace is an alteration to an existing building and does not result in disproportionate additions over and above the size of the original building. As such, it is deemed that the proposals are not inappropriate development in the Green Belt.

5.3 **Visual appearance and design**

5.3.1 As noted above, the public house is a stone building with a traditional appearance. The erection of a raised terrace constructed from steel and glass would not reflect the host building's character. The Lord Nelson is a building of some historic merit by virtue of its historic, cultural and aesthetic significance. Whilst the impact of the development would not result in sufficient visual harm to justify refusal of the application consideration should be given to the use of traditional materials and, in the officer's opinion, a timber framed structure would be a more sympathetic addition.

## 5.4 Impact on the residential amenity of neighbours

- 5.4.1 In assessing the application the impact of development on the residential amenity of neighbouring occupants is a material consideration. The application building is located within a predominantly residential area. On the south side the proposed terrace would be located 4.5 metres from the boundary with the garden of no.11 Whalley Old Road. As submitted, patrons would have a close, elevated and unobscured view of the private rear garden of no.11 Whalley Old Road resulting in an unacceptable loss of privacy for this neighbour and some loss of privacy for the neighbours further south.
- 5.4.2 To the rear of the application site are the rear gardens of 1 Hawthorn Close and 18 York Lane. The boundaries for these gardens are approximately 20m from the proposed balcony. During my site visit it was noted that high deciduous shrubs and trees obscured clear views of the private amenity space associated with these properties. The evergreen hedge to the rear of the site along the boundary with 18 York Lane is located on land owned by the applicant and therefore their retention and ongoing maintenance could be secured by condition. There would be a requirement for the hedge to be maintained at a height of 2-2.5 metres and the immediate replacement of any dead, dying or dangerous plants in order to maintain privacy levels. There are a number of trees and shrubs within the garden of 1 Hawthorn Close which would maintain an acceptable level of privacy for the occupants of that particular dwelling.
- 5.4.3 To the north there is a degree of separation between the north side of the proposed raised terrace and no.7 Whalley Old Road. The pub building projects rearwards on its north side and this rear projection would provide some screening of views towards the private garden of 7 Whalley Old Road. The terrace does however project out to a point where some views towards the rear garden of no.7 would be possible.
- 5.4.4 In order to reduce the level of overlooking of gardens to the north and south, the Council could impose a requirement for the erection of 1.8m high privacy screens. However, it is the planning officer's view that in this case the erection of privacy screens along the north and south sides would fail to reduce the harm to residential amenity to an acceptable level. Views could still be gained from the rear (east) of the balcony to the rear garden of no.11 Whalley Old Road and the erection of the raised balcony in such close proximity to this neighbouring property would be severely detrimental to the occupant's ability to enjoy their private space.
- 5.4.5 In addition to a loss of privacy, the erection of the raised terrace would raise concerns regarding noise and disturbance in the area. Consideration has been given to noise guidance set out in The Framework (revised July 2018), the National Planning Practice Guidance (NPPG), and the Noise Policy Statement for England. It is noted that there have been a small number of complaints received by the Council in relation to noise from the site. The applicant has stated that the proposed development would not result in any additional noise when compared with the existing use. It was evident from a visit to the site that the pub garden is used as an outside seating area, however, the existing licensing agreement for the Lord Nelson does not include the garden area to the rear and, as such, based on the current license there is no outdoor drinking permitted.

5.4.6 Regardless of the license conditions, which could be subject to change, noise would still result from customers using the rear garden. The existing pub garden is bound on the south side by a high fence. Hedging and fencing also bound the garden to the north and west and these boundaries would provide some noise attenuation from sound emitted at ground level. The result of raising the area from which noise would originate is that it would project over the boundaries of the site and, without a detailed assessment of noise to suggest otherwise, it is considered that the provision of a raised terrace, in particular so close to the rear windows and boundary of no.7 Whalley Old Road, would result in a considerable amount of disturbance and a significant adverse effect which would cause a material change in the behaviour and/or attitude of neighbouring residents. As such, the development would be contrary to Core Strategy Policy DMG1 and paragraphs 127 and 180 of the NPPF.

## 6. **Conclusion**

6.1 Despite highway safety being raised as a concern by neighbours, no objections have been received from the County Surveyor. Having regard to the above, it is recommended that the application be refused due to the significant adverse impact that would arise from noise and disturbance and loss of privacy.

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

1, The proposed development, by virtue of the raised terrace's siting and elevated position, would fail to accord with Policy DMG1 of the Ribble Valley Core Strategy. The use of the balcony would result in unacceptable noise and disturbance, especially during evenings and weekends, which is likely to have a negative impact on the amenity of existing residents and would impact on the ability of neighbours to enjoy their gardens peacefully. Furthermore, it would facilitate overlooking of residential gardens resulting in an undue loss of privacy.

## BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0595](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0595)



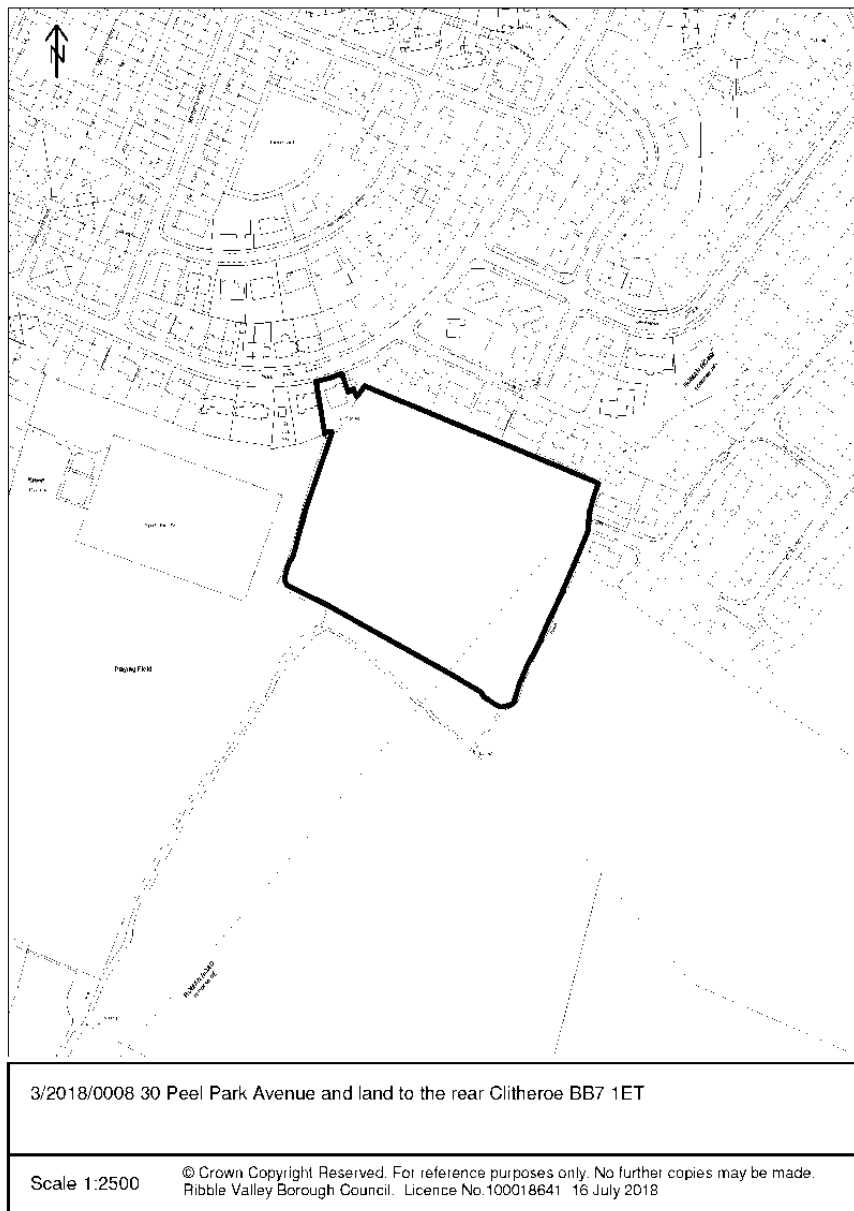
**D APPLICATIONS ON WHICH COMMITTEE 'DEFER' THEIR APPROVAL SUBJECT TO WORK 'DELEGATED' TO THE DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED**

**APPLICATION REF: 3/2018/0008**

GRID REF: SD 374748 441061

**DEVELOPMENT DESCRIPTION:**

DEMOLITION OF EXISTING DWELLING AND ERECTION OF 34 BUNGALOWS FOR THE OVER 55S WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING AND OPEN SPACE AT 30 PEEL PARK AVENUE AND LAND TO THE REAR CLITHEROE BB7 1ET



## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **TOWN COUNCIL:**

Object on grounds of over intensification of the site and poor site access

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

Initially raised no objections but requested amendments so that the road would be capable of adoption. Following further correspondence with the developer accepted the original layout subject to technical conditions relating to road specifications, access details, lighting requirements and construction method statement. Following submission of further information from the applicants highways consultant no amendments were secured in relation to the requests relating to changes to the internal road layout.

### **LEAD LOCAL FLOOD AUTHORITY:**

The Lead Local Flood Authority originally objected due to the absence of an acceptable Flood Risk Assessment (FRA) but following receipt no longer raise any objections subject to appropriate conditions. These are incorporated in the report.

### **UNITED UTILITIES:**

Following our review of Flood Risk Assessment, we can confirm the proposals are acceptable in principle to United Utilities. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. B2030 Peel Park Avenue, Dated 07/12/17) which was prepared by Michael Lambert Associates. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding. Also recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

### **ENVIRONMENT AGENCY:**

Not required to be consulted on this application.

### **LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE:**

No objection and recommend imposition of a recording brief condition.

### **ADDITIONAL REPRESENTATIONS:**

16 letters of objection have been received; these include one letter with a petition from 90 signatures many of which have also sent separate objection letters, 13 letters from individual households which raise the following concerns:

- The impact the development would have on the local habitat and loss of wildlife.

- Concern over drainage and flooding impact.
- If approved there would need to be a mechanism to control development for the bungalows only and restrict any further extensions.
- Concern over traffic implications and in particular the generation of vehicular traffic as a result of the development on the existing highway network as well as the new access point.
- The site is not identified as a development site in the Core Strategy or in the housing and economic document and was rejected as a SHLA site and therefore is inappropriate.
- There are more than enough houses that have already been granted in Clitheroe in excess of the Core Strategy figure and this would result in further loss of greenfield sites.
- The scheme makes no reference on how to address sustainability issues.
- Loss of privacy as a result of development caused by construction traffic, noise and overlooking if the development was to go ahead.
- There is an environmental impact.
- There is a lack of support in infrastructure to facilitate a development and in particular schooling, doctors surgery, shops and access to a reasonable bus service.
- There is concern that this is just a money grabbing exercise by Clitheroe Grammar School.
- The morality of such a decision is questioned.
- There is concern over the red line on the plan that is inaccurate and in particular the maintenance of a local ditch.
- Consider the revised FRA to be incomplete.

#### 1. **Site Description and Surrounding Area**

- 1.1 The land is agricultural land of 1.97 hectares and situated in the south east part of Clitheroe and within the main settlement boundary of Clitheroe. It is bound by residential development to the north and west and to the south by open fields which forms part of y the Strategic Mixed Use development site Standen. There is also a sports pitch that borders the site.

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

- 2.1 The application seeks full planning consent and is for 34 bungalows that would be specifically for over 55's of which 4 would be Affordable bungalows.
- 2.2 In terms of materials the bungalows would be finished in natural stone and render with the properties beyond being finished in artificial stone and render.
- 2.3 Vehicular access to the residential development would be provided via a new access point to be taken off Peel Park Avenue which is facilitated by the demolition of number 30 Peel Park Avenue.
- 2.4 Each dwelling would be provided with at least two designated car parking spaces with some properties having integral garages and/or cycle sheds in the rear garden.

#### 3. **Relevant Planning History**

None

#### 4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy  
Key Statement DS2 – Sustainable Development  
Key Statement EN2 – Landscape  
Key Statement EN3 – Sustainable Development and Climate Change  
Key Statement EN4 – Biodiversity and Geodiversity  
Key Statement H1 – Housing Provision  
Key Statement H2 – Housing Balance  
Key Statement H3 – Affordable Housing  
Key Statement DMI1 – Planning Obligations  
Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations  
Policy DMG2 – Strategic Considerations  
Policy DMH1 – Affordable Housing Criteria  
Policy DMG3 – Transport and Mobility  
Policy DMB4 – Open Space Provision  
Policy DME3 – Site and Species Protection and Conservation

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

#### 5. **Assessment of Proposed Development**

##### 5.1 **Principle of Development:**

- 5.1.1 The application site is located within the Settlement Boundary of Clitheroe, which is categorised as one of the principal settlements in Key Statement DS1 of the Ribble Valley Core Strategy. Key Statement DS1, along with Policy DMG2, seeks to ensure new housing is located within either the three principal settlements of Clitheroe, Whalley or Longridge, the strategic site or the nine Tier 1 Villages which are considered to be the more sustainable of the 32 defined settlements.
- 5.1.2 The application site is adjoined by the Strategic Mixed Use development site Standen and existing residential development and sports pitch. As such the site is considered to be located within a sustainable location and the principle of residential development on this site would accord with the fundamental aims of the Development Strategy within the adopted Core Strategy.
- 5.1.3 With regard to housing land supply, at the time of writing this report it is considered that the latest published figures (March 2018) the Council has a 5.3 year housing land supply. In light of the fact that the Council can demonstrate completions above our annual requirement for the past 4 years it is of the opinion that the 5% buffer is applied for the purposes of calculating our 5 year supply (as per paragraph 73 of the new NPPF).
- 5.1.4 In respect of residual need, the Core Strategy proportions a total of 1280 houses to be built in Clitheroe during the plan period (2028). Whilst the housing requirement for Clitheroe has already been exceeded by I do not consider such an over provision would not cause harm to the development strategy, particularly

given that the application site is located within the settlement boundary of one of the principal (most sustainable) settlements in the borough, and the proposed development would further add to the borough's housing land supply, including the provision of both a housing mix comprising of 1,2,and 3 bedroom bungalows for the over 55's including market and affordable units.. Additionally the residual need figures are expressed as a minimum requirement as opposed to a maximum.

- 5.1.5 In view of the above, it is considered that the broad principle of developing this site for residential use, within the Settlement Boundary of Clitheroe, complies with Key Statements DS1 and DS2, along with Policy DMG2, of the Core Strategy.

## 5.2 Viability Assessment in respect of affordable housing contribution.

- 5.2.1 In relation to Affordable Housing the proposal does not offer the minimum of 20% Affordable Housing. Viability assessments have been carried out and it has been concluded that given the nature of the development being bungalows it can provide for 4 units which is approximately 10% and therefore sits below the minimum threshold. One option would be to simply refuse the development on that basis and anticipate other sites will come forward to meet the provision or the existing site could be altered in its housing mix to promote a higher density development incorporating 2 storey dwellings which would allow for a different financial return to make the site more viable. A meeting has took place between the applicant, the LPA, and the Independent Surveyor in order to consider a on a scheme that would be viable and seek to obtain the maximum amount of financial contributions and affordable housing, whilst still being acceptable in all other aspects of planning. After these lengthy discussions and negotiations the applicant has agreed to provide the following as part of this application:

- 4 Affordable Bungalows
- Off site sport and recreation contribution of £14,000;
- Ecology Contribution of £3,000;

- 5.2.2 Discussions and negotiations have taken place throughout the application process and the above offer from the applicant is considered to be the maximum/best that is financially viable having regard to the submitted scheme. In assessing the overall scheme it should be recognised that the scheme is for 34 bungalows and would be only one of a few sites of this size for bungalows only and the applicant has also agreed to allow the marketing scheme to allow for Clitheroe residents to have the first option during an initial marketing of the site. A similar condition worked successfully on a smaller bungalow development at barrow.

- 5.2.3 It is evident from the response of the Regeneration and Housing section that there is no objection in principle to the scheme but is not supported by the Housing Strategy Officer as it under delivers in relation to Affordable Housing as it only provides 10 % rather than the minimum 20%. In relation to the revised NPPF Paragraph 64 states that Major applications should provide a minimum of 10 % of homes should be for affordable home ownership. However one of the exemptions relates to specialist accommodation which may include purpose built accommodation for the elderly.

### 5.3 Impact upon Residential Amenity:

- 5.3.1 I note the concerns of the local residents with regards to highway issues and privacy on the basis of the advice from LCC highways do not consider it significant enough to warrant a refusal and in terms of privacy I consider there is adequate distance between the proposed dwelling that face towards the rear gardens of Claremont Drive and fencing or landscaping could further reduce any impact.
- 5.3.2 With regard to the relationship between the proposed dwellings within the development site, the proposal would accord with the Council's recommended separation distances so as to ensure that acceptable levels of amenity are provided for proposed residents.
- 5.3.3 In view of the above it is considered that the proposed dwellings would result in an acceptable relationship with existing neighbouring properties/uses, and mitigation measures can be included to ensure the future occupiers of the proposed dwellings are not unduly affected by neighbouring land uses, in accordance with the relevant sections of Core Strategy Policy DMG1.

### 5.4 Layout/Visual Amenity/External Appearance

- 5.4.1 In respect of the proposed dwellings there is a mixture of detached, semi detached as well as two blocks of 3 bungalows. The larger 3 bedroom detached bungalows have integral garages and the smaller detached bungalows have individual garages. The semi detached units have individual driveways with the "terraced blocks" having parking at the front. I consider the layout itself to be acceptable as it offers a mixture of design features and given the nature of the proposal does not dominate the surrounding landscape. It does not offer the same amenity space as the immediate dwellings that border the site I am satisfied that the layout itself is visually acceptable.
- 5.4.2 It is considered that the layout and design/appearance of the proposed development is in keeping with the surrounding area and would provide a range of different bungalows with different design features including small gabled bay windows and brick and timber detailing at the eaves of the units. The proposal therefore complies with Policy DMG1 which requires all proposals to be sympathetic to existing land uses in terms of scale, style, features and materials.

### 5.5 Highway Safety and Accessibility:

- 5.5.1 The County Highway Officer has raised no objection to the application and requested certain changes to the internal road layout. Although these have not been secured I consider the additional requirements to be unreasonable, including the creation of the new vehicle access point off peel Park Avenue.

### 5.6 Landscape/Ecology/Trees:

- 5.6.1 The submitted application includes a detailed arboricultural report and landscape proposals
- 5.6.2 The proposal includes the retention of the trees and hedgerow on the site boundary. The landscaped areas within the site are private lawned areas. The

applicant has agreed to an off site contribution of £5,000 as biodiversity offset which could be used at Primrose or elsewhere such as the Local wildlife reserves.

5.6.3 The submitted application also includes an extended Phase 1 Habitat Survey and a Protected Species Survey. The Countryside Officer has reviewed these documents and raised no objection, subject to the imposition of conditions. A condition has also been included requiring habitat connectivity boundary treatments and details of bat and bird boxes to be installed throughout the site.

#### 5.7 Flood Risk and Drainage:

5.7.1 The application site is not located within Floodzone 2 or 3, however given the scale of development a Flood Risk Assessment and drainage strategy has been submitted with the application. As part of the consultation process the LPA have consulted with United Utilities. Following reconsultation the LLFA have raised no objection, subject to the imposition of recommended conditions to any approval.

#### 5.8 Developer Contributions:

5.8.1 The applicant has agreed make a financial contribution of towards the installation/improvement/maintenance of an area of Public Open Space and sports provision facilities (off-site).

5.8.2 The application site is located within proximity of two Nature Reserves (Salt Hill and Cross Hill) as well as Primrose Lodge and the Council's Countryside Officer has requested that the applicant make a contribution towards biodiversity on these sites, as an off-set to the works taking place on the application site which has some biodiversity value. The applicant has accepted this request and a sum of **£5,000**.

#### 5.9 Other Issues

5.9.1 In terms of heritage issues the location of a roman road within the site has been noted and an appropriate condition has been imposed in accordance with the advice of LAAS.

### 6. Conclusion

6.1 I recognise the concern expressed by the Strategic Housing Officer but consider the other benefits including the provision of bungalows for over 55's, an element of affordable housing, biodiversity offset contribution, Off site recreational financial contribution and the associated economic benefits from the development and given its suitability in terms of location render the scheme acceptable.

**RECOMMENDATION:** That the application be DEFERRED and DELEGATED to the Director of Community Services for approval subject to the satisfactory completion of a Legal Agreement, within 3 months from the date of this Committee meeting or delegated to the Director of Community Services in conjunction with the Chairperson and Vice Chairperson of Planning and Development Committee should exceptional circumstances exist beyond the period of 3 months and the following conditions:

*Timings and Commencement*

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:

- Location Plan – OS-01
- Site Layout – 17-15-SK01 A
- Street Scenes – 17-15-S01
- Garage Detail – GD-01
- Materials Plan – 17-15-SK02
- Boundary detail – 17-15-SK01
- House Type booklet
- Design and Access Statement

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

#### *Matters of Design*

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

REASON: The proposed materials are appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

4. Prior to the commencement of the development details of the design and position of the external meter boxes shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the details shall indicate that no meter boxes will be located on the primary elevations of the proposed dwellings or on locations that that are afforded a high level of visibility upon the streetscene. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality and results in acceptable standard of appearance in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

#### *Landscape*

5. The development hereby permitted shall be carried out in accordance with the boundary treatment proposals as detailed on approved drawing no. 17-15-SK01.

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



- 6 No development including any site preparation, scrub/hedgerow clearance shall commence until the measures to protect the trees identified in the approved Arboricultural Impact Assessment prepared by Ascerta and shown in Appendix 2, drawing no. P.904.17.02 A have been carried out in accordance with BS5837 (2012): 'Trees in Relation to Construction'. Such fencing shall be erected in its entirety prior to any other operations taking place on the site. This fencing should not be breached or removed during development. Furthermore within the areas so fenced the existing ground level shall be neither raised nor lowered and there shall be no development or development-related activity of any description including the deposit of spoil or the storage of materials unless expressly agreed by the Local Planning Authority.

REASON: To protect trees/hedging of landscape and visual amenity value on and adjacent to the site or those likely to be affected by the proposed development in accordance with Policies DMG1 and DME2 of the Ribble Valley Core Strategy.

### *Drainage and Flooding*

7. Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy DME6 of the Ribble Valley Core Strategy.

- 8 No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the post development surface water run-off rate will not exceed the pre-development greenfield run-off rate for the corresponding rainfall event. The maximum surface water run-off rate from the development will be no greater than 10.6l/s. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing watercourses (open or culverted) and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include a site investigation and test results to confirm infiltrations rates. If infiltration is shown to be a viable option for the disposal of surface water, then this should then be used as the

primary method for disposing of surface water from the site. Disposal via an ordinary watercourse will only be considered where infiltration is proved to be unsuitable.

- g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

REASON: To ensure that the proposed development can be adequately drained and to ensure there is no flood risk on or off the site resulting from the proposed development in accordance with Policy DME6 of the Ribble Valley Core Strategy.

9. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
  - i. on-going inspections relating to performance and asset condition assessments
  - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

REASON: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development. To reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system in accordance with Policy DME6 of the Ribble Valley Core Strategy.

- 10 No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

REASON: To ensure that the proposed development can be adequately maintained and to ensure there is no flood risk on or off the site resulting from the proposed development in accordance with Policy DME6 of the Ribble Valley Core Strategy.

## Highways

11. Prior to any building work commencing on site a scheme for the provision of facilities to charge electric vehicles within at least 30% of the dwellings hereby approved shall have been submitted to the Local Planning Authority for approval. The development shall be carried out in strict accordance with the approved details and the charging facilities shall be made available for use prior to the occupation of each dwellings house within which they will be installed.

REASON: To ensure that provision is made for electric powered cars and to support sustainable methods of travel in accordance with Key Statement DMI2 and Policy DMG3 of the Core Strategy.

12. 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.

13. No development shall take place, including any works of demolition, 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. It shall provide include:

- 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;
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made);
- Routes to be used by vehicles carrying plant and materials to and from the site;
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
- Details of working hours
- The method of demolition for the existing property
- The erection and maintenance of security hoarding
- Contact details for the site manager

REASON: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway during the construction phase of the development in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

14. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road.

REASON: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

15. The parking, garaging and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved Site Layout Drawing prior to the occupation of any of the dwellings. Such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

REASON: In the interests of visual amenity and to facilitate adequate vehicle parking and turning facilities to serve the site in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

16. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2015, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority in consultation with the Highway Authority.

REASON: In the interests of visual amenity and to facilitate adequate vehicle parking and/or turning facilities to serve the dwelling in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

#### *Further Control over Development*

17. Prior to the commencement of the development details of the design and position of the external meter boxes shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the details shall indicate that no meter boxes will be located on the primary elevations of the proposed dwellings or on locations that that are afforded a high level of visibility upon the streetscene. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality and results in acceptable standard of appearance in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

#### *Ecology and Trees*

18. The development hereby approved shall be carried out in complete accordance with the recommendations and mitigation measures detailed within the submitted Protected Species Survey (Dec 2016) and Phase 1 Habitat Survey (Dec 16).

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

19. 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.

#### *Residential Amenity*

20. Unless otherwise agreed in writing by the Local Planning Authority, no building or engineering operations within the site or deliveries to and from the site shall take place other than between 07:30 hours and 18:00 hours Monday to Friday and between 08:30 hours and 14:00 hours on Saturdays, and not at all on Sundays or Bank Holidays.

REASON: In order to protect the amenities of existing residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

#### *Archaeology and Heritage*

21. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of recording should comprise a Level 3 record, as set out in '*Understanding Historic Buildings*' (Historic England 2016). It should be undertaken by an appropriately experienced and qualified professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists.

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

#### INFORMATIVES:

1. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
2. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Environment Directorate for further information by telephoning the Developer Support Section on 0300 123 6780, or emailing the Developer Support Section, Lancashire County Council, Environment Directorate, at [lhscustomerservice@lancashire.gov.uk](mailto:lhscustomerservice@lancashire.gov.uk).

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

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0008](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0008)

**APPLICATION REF: 3/2018/0361**

GRID REF: SD 377579 437273

**DEVELOPMENT DESCRIPTION:**

FULL APPLICATION FOR THE DEMOLITION OF EXISTING STRUCTURES AND REMOVAL OF CULVERT TO SABDEN BROOK; DEVELOPMENT OF 30 DWELLINGS INCLUDING RECONSTRUCTION OF FORMER MARBIL OFFICE BUILDINGS AS NEW DWELLINGS; RECONSTRUCTION OF BASE OF MILL CHIMNEY AS AN ECOLOGY TOWER AND ASSOCIATED ACCESS AND LANDSCAPING. FORMER VICTORIA MILL WATT STREET SABDEN BB7 9ED



3/2018/0361 Former Victoria Mill Watt Street Sabden BB7 9ED

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## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **SABDEN PARISH COUNCIL:**

Sabden Parish Council have raised no objection to the proposed development.

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

The Highways Development Control Section have raised no objection to the proposal subject to the developer entering into a S278 agreement in relation to off-site highways works and the imposition of conditions relating to charging points for electric vehicles, construction management and wheel washing facilities.

### **LAAS (LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE)**

LAAS have confirmed they are in receipt of an acceptable record of Victoria Mill which includes the results of some trial excavation. The building record will be entered into the Lancashire Historic Environment Record.

Given the above, LAAS have confirmed that no archaeological conditions are required to be imposed and no further building recording is required.

### **UNITED UTILITIES**

No objection subject to the imposition of conditions relating to surface water drainage.

### **LLFA**

The Lead Local Flood Authority have withdrawn their objection to the proposal following the receipt of revised information. The LLFA therefore have no objection to the proposal subject to the imposition of conditions requiring an appropriate surface water sustainable drainage scheme to be submitted, the submission an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development and a requirement to submit details of how surface water and pollution prevention will be managed during each construction phase of the development.

### **ENVIRONMENT AGENCY**

The Environment Agency have withdrawn their objection to the proposal following the receipt of revised and additional information. The Agency further requires that conditions be imposed that limit occupation of the dwellings until the Sabden Brook culvert has been removed and the watercourse restored to open channel in accordance with the submitted details.

The Agency has further requested that a condition be imposed in relation to contaminated land and the need for further investigations to be undertaken relating to potential contaminated land and to feed back in to the Environmental Risk assessment which will further inform any potential required remediation works.

### **ADDITIONAL REPRESENTATIONS:**

Two letters of representation have been received objecting to the proposal on the following grounds:



- Increased flood risk
- Inadequate affordable housing provision
- Proposal does not enhance the natural beauty of the area given its location within the AONB
- Impact upon highways and increased traffic
- Services in the area already at capacity

One letter of support has also been received in respect of the application.

## 1. **Site Description and Surrounding Area**

- 1.1 The application relates to the Victoria Mill site in Sabden. The site is located within the defined Sabden Conservation Area (CA) and the also within the Forest of Bowland Area of Outstanding Natural Beauty. The application site is approximately 1.13 Hectares in area, being brownfield in nature.
- 1.2 The site currently accommodates the Victoria Mill complex consisting of five main elements comprising an office/preparation block, spinning block/mill , weaving shed, chimney two engine houses and other ancillary structures. The Mill chimney is identified as a 'focal building' within the Sabden Conservation Area Appraisal (SCAA) with the Spinning Mill and Marbil Office buildings also being identified as a buildings of townscape merit.
- 1.3 The application site is bounded to the south by residential properties that front Pendle Street West, with the site fronting Whalley Road to the north and Watt Street to the east. The site is bounded to the west by greenfield land accommodating an element of woodland with a small number of residential properties also being located within close proximity to the west.
- 1.4 Sabden Brook runs east to west through the site with the existing buildings partially and laterally over-spanning the Brook. The surrounding area is predominantly residential in character with the immediate surrounding area being typified and defined by two-storey terraced properties, the majority of which are faced in stone or render. Directly to the east of the proposal site, on the opposing side of Watt Street, is a number of recently completed dwellings, the majority of which are faced in reconstituted stone and are of a semi-modern appearance.

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

- 2.1 Consent is sought for the demolition of all structures on site and the erection of 30 residential dwellings including associated landscaping and public realm works. The proposed layout is divided into two distinct development parcels by Sabden Brook which runs east to west through the site. Vehicular access to the northern development parcel is provided off Whalley Road with vehicular access to the southern parcel being provided off Watt Street to the east of the site.
- 2.2 The northern development parcel accommodates six dwellings, three of which are two-storey detached properties (Plots 25-27) with the remaining three (Plots 28-30) being accommodated within a terrace block with integral undercroft garaging, plot 30 benefits from a semi-attached dedicated garage with home office within the roof-space.
- 2.3 The southern development parcel accommodates the remainder of the dwellings which adopt terraced, semi-detached and detached configurations. The majority of the

dwellings located in the southern development parcel are two-storey in height save that for plots 13, 14, 16, 17 and 21 which are 2.5 storeys in height by virtue of a feature gable on their primary elevation. A number of dedicated garage blocks are also proposed to serve the dwellings to be constructed.

- 2.4 It is also proposed that the southern development parcel also accommodates the 'rebuilt' Marbil Office building which directly fronts Sabden Brook. The submitted details propose that this building, due to structural failings, will be demolished and then a replacement building re-erected on its footprint which will be of a similar design and external appearance.
- 2.5 Members will note that the application proposes the full demolition of the existing mill-chimney on site which is currently identified as a focal-building within the Sabden Conservation Area Appraisal. The chimney itself has already been subject to partial demolition under a dangerous buildings notice with the chimney still showing signs of structural defects that limit its likely lifespan without significant immediate repairs/remediation.
- 2.6 Significant negotiation has secured the inclusion of two 'ecology towers' to mitigate the loss of the chimney, it is proposed that these 'towers' will be 7.5m in height with one being located on the southern development parcel adjacent Sabden Brook and the other on the northern parcel, once again directly adjacent the brook.
- 2.7 It is proposed that that the dwellings will be primarily faced in natural stone with natural slate roofs and benefit from natural stone head, sill, surround and mullion detailing. Variations within the streetscape are proposed within the main body of the development through transitions in varying surfacing with small pockets of amenity landscaping also being proposed.

### 3. **Relevant Planning History**

#### **3/2017/1096:**

Removal of all trees which are less than 75mm at 1.5m on the main stem throughout the vegetation detailed as G24 within the accompanying report (JCA Ref: 13611.AJB). (Approved with conditions)

#### **3/2016/0902:**

Resurfacing of weir with concrete-embedded natural rock to create a natural looking surface. Two diagonal boulder groynes to be constructed to direct water down the weir, elongating the flow path and creating a depth of water for fish to swim through. (Approved with conditions)

#### **3/2014/0188:**

Part demolition of existing mill and provision of 37 no. new-build houses, 3 no. dwellings in a converted retained mill building and associated hard and soft landscaping and demolition of chimney. (Deemed Disposed)

#### **3/2011/0129:**

Proposed demolition of part of Victoria Mill and conversion of former Spinning Mill into 22 apartments, conversion of former office building into 3 townhouses, erection of 4 affordable elderly care bungalows, other affordable dwellings, 18 dwellings and the creation of a new pond. (Approved with conditions)

**3/2011/0128:**

Partial demolition of Victoria Mill with retention of the mill chimney, offices and spinning block. (Approved with conditions)

4. **Relevant Policies**

**Ribble Valley Core Strategy**

Key Statement DS1 – Development Strategy  
Key Statement DS2 – Presumption in Favour of Sustainable Development  
Key Statement DMI2 – Transport Considerations  
Key Statement EN2 – Landscape  
Key Statement EN4 – Biodiversity and Geodiversity  
Key Statement EN5 – Heritage Assets  
Key Statement H2 – Housing Balance  
Key Statement H3 – Affordable Housing

Policy DMG1 – General Considerations  
Policy DMG2 – Strategic Considerations  
Policy DMG3 – Transport and Mobility  
Policy DME3 – Site and Species Conservation  
Policy DME4 – Protecting Heritage Assets  
Policy DMB4 – Open Space Provision

Sabden Conservation Area Appraisal  
National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The application site is located within the defined settlement boundary for Sabden which is identified as a Tier 2 Village Settlement. In respect of the settlements classification, Key Statement DS1 of the Ribble Valley Core Strategy states that development in such locations *'will need to meet proven local needs or deliver regeneration benefits'*.

5.1.2 Whilst the proposal does not propose to bring forward any local needs affordable housing it is clear that the proposal represents the significant regeneration and redevelopment of a currently underused brownfield site within the settlement of Sabden. As such, notwithstanding the lack of affordable housing provision, the proposal is considered to be in broad accordance with the aims and objectives of DS1 in relation to residential development within Tier 2 settlements insofar that it satisfies the requirement for the proposal to bring forward wider regeneration.

5.1.3 Policy DMG2 requires developments to be in accordance with the development strategy (as embodied within Key Statement DS1) and requires that developments should support the overall spatial vision for the Borough. The Policy contains no specific criterion relating to the regeneration of brownfield sites (in Tier 2 Settlements) which directly relate to the current proposal. However DMG2 is explicit in that it states within Tier 2 Villages; *development should meet at least one of six considerations, one of which being the*

*requirement for development to be of a small scale use appropriate to a rural area where local need or benefit can be demonstrated.*

- 5.1.4 In respect of DMG2 it is accepted that Sabden, as Tier 2 settlement, has no outstanding residual housing need identified for the remainder of the duration of the plan-period (2028). However it is considered that there are clear benefits brought forward by the proposal insofar that it represents the redevelopment of a brownfield site that is largely constrained by an existing watercourse. It is further considered that the granting of consent would result in the removal of a number of semi-dilapidated buildings, associated with a use that was brought into cessation a considerable number of years ago. It could also be argued that given the evolution of the remainder of Sabden in the intervening period since the Mill first ceased use that the redevelopment of the site, notwithstanding other considerations, would result in the removal of a potentially conflicting industrial use in an area that is now largely defined as being predominantly residential in character.
- 5.1.5 In relation to the previous commercial use of the site, Policy DMB1 states that proposals for the development or conversion of sites with employment generating potential for alternative uses will be assessed with regard to the following criteria:
- the provisions of policy DMG1, and
  - the compatibility of the proposal with other plan policies of the LDF, and
  - the environmental benefits to be gained by the community, and
  - the economic and social impact caused by loss of employment opportunities to the borough, and
  - any attempts that have been made to secure an alternative employment generating use for the site (must be supported by evidence (such as property agents details including periods of marketing and response) that the property/ business has been marketed for business use for a minimum period of six months or information that demonstrates to the council's satisfaction that the current use is not viable for employment purposes.)
- 5.1.6 In respect of the requirements DMB1, taking account of the significant state of dilapidation of a number of the structures on site and the already on-going partial demolition of a number of these structures, I consider it unlikely that the previous commercial use (or any other compatible use) could become active without a significant level of financial investment and redevelopment works. It is also considered pragmatic to assume that any such investment is likely to be better guided towards existing allocated employment areas/sites that benefit from more adequate access to infrastructure that would facilitate, allow or be more befitting to accommodate the logistical operations associated with modern commercial working practices.
- 5.1.7 In the above respects, notwithstanding other Development Management considerations, it is considered that the proposal would bring forward significant regeneration benefits through the redevelopment of a brownfield site. It is accepted that the proposal will result in the demolition and loss of a number of existing commercial buildings, however taking into account the current vulnerability of the structures/buildings on site, their dilapidated state and the likely constraints that the site possesses, it is not considered at present there is any viable likelihood of employment generating uses becoming re-established on

the site, either through complete redevelopment of the site or the re-use of the existing buildings. As such it is not considered that the proposed redevelopment of the site would result in the loss of viable employment generating land or the loss of a viable on-going employment generating use.

## 5.2 Impact upon Residential Amenity:

- 5.2.1 The proposal site only has a direct interface with the rear curtilages of residential properties fronting Pendle Street West, which are located directly to the southern extents of the site. The submitted details propose, at their closest point, a back to back interface distance of 21m from proposed plot 11 to the rear elevation of 31 Pendle Street West. Moving eastwards these interface distances increase to ranges between 25m and 28m. The aforementioned distances are considered to be in excess of the minimum 21m interface distance normally secured by the authority and in this respect do not consider that there will be any significant measurable detrimental impact upon the residential amenities of existing residents occupying the properties fronting Pendle Street west as a result.
- 5.2.2 Located to the east of the proposal on the opposing side of Watt Street are a number of dwellings which benefit from a primary westerly outlook over the site. The submitted details propose a number of dwellings that will also front Watt Street mirroring the arrangement (in outlook and orientation only) of those already fronting Watt Street, this results in a front-to-front interface distances ranging of approximately between 17m and 18m.
- 5.2.3 Whilst it is accepted the aforementioned distances fall short of that normally secured in respect of back-to-back interface distances (21m), primary elevation to primary elevation interface distances are commonly significantly less than 21m. This is particularly common where the relationships between built-form are largely influenced by a historic urban morphology/pattern of development whereby such distances are stereotypically close in proximity. In this respect it is not considered there will be any significant measurable detrimental impact upon the residential amenities of existing residents occupying the properties fronting Watt Street, located to the east, as a result of the proposal.
- 5.2.4 In assessing the proposal it is imperative to be mindful of the orientation and relationships between the proposed dwellings within the site. By virtue of the layout of the proposal a number of overlooking distances between proposed dwellings and proposed residential curtilages fall below that of the 10.5m normally secured by the authority. However taking account of the form, character and layout of development proposed it is accepted that close-proximity arrangements, to a degree, are to be expected given the proposal being located within existing historic urban fabric and it is considered that such relationships are likely in situations where development is influenced, defined, characterised or constrained by historic plan-form and/or built-form.
- 5.2.5 Taking these matters into account it is not considered that the proposal will have any undue negative impact upon residential amenity by virtue of an over-bearing impact, loss of light or direct loss of privacy.

### 5.3 Matters of Design/Visual Amenity:

- 5.3.1 The proposal has been subject to extensive pre-application negotiation and extensive engagement during the course of the determination of the application to ensure the development will contribute to and enhance the character, appearance and visual amenities of the area.
- 5.3.2 It is proposed that the dwellings will be brought forward in a multitude of forms including detached, semi-detached and terrace forms. The proposed dwellings are predominantly two-storey in scale save that for those which benefit from feature gables that accommodate living accommodation within the roofspace which is expressed externally, giving the impression of being three-storeys in height.
- 5.3.3 The proposed dwellings employ significant variations in elevation arrangements to ensure the development, when read as a whole, does not appear overtly homogenous and that the development contributes to the surrounding varied townscape. Cohesion of character is reinforced through a simplified materials palette which is restricted to that of predominantly natural stone, with the dwellings benefitting from natural stone jamb, head, sill and mullion detailing. A number of the dwellings also employ projecting stone corbel detailing and stone parapet gables.
- 5.3.4 For the most part the dwellings adopt a quasi-traditional language with variation being provided through the use of clad spandrel panels below sill level. Chimney detailing is present throughout the development to ensure adequate animation within the roofscape and to ensure the roofscape compliments and responds positively to the surrounding context which is largely typified by the presence of chimney detailing.
- 5.3.5 The northern development parcel accommodates a building that is to replace the existing 'spinning mill' which is set back from Whalley Road backing on to Sabden Brook. The building will accommodate three dwellings, each of which split over three levels, two of which benefitting from undercroft garaging arrangements. The building has been designed, in some respects, to reflect the scale and presence of the existing building. It is proposed that the replacement building will employ a sideward flat-roofed projection with bespoke window detailing to reflect the similar feature found on the existing building and to provide a degree of visual interest to the Whalley Road frontage. This feature is likely to be read in context with the northern ecology tower which will form part of the backdrop to the building when viewed from Whalley Road.
- 5.3.6 The southern development parcel accommodates a terrace of three dwellings that directly front Sabden Brook, it is proposed that these dwellings will benefit from an exaggerated eaves height and feature gables to the north elevation. The upper portion of the feature gables will accommodate a french door and balustrade arrangement contained within a stone surround with side-clad detailing. This element gives these dwellings a quasi-contemporary appearance whilst still responding positively to the language of the remainder of the proposal and wider context.
- 5.3.7 To the east of the terrace block it is proposed that the existing Marbil Office building will be demolished and replaced by a building that is of an almost like for

like appearance save that for the introduction of additional window openings, rooflight windows, glazed Juliette balcony addition and that the southern elevation will take on a more residential appearance compared to that of the existing.

- 5.3.8 The remainder of the proposed dwellings are of a typical quasi-traditional appearance employing gabled roof form and typically proportioned fenestrational arrangements. A number of the dwellings within the main body of the proposal will benefit from dedicated garaging provision arranged in 'shared blocks'. The majority of the boundary treatments fronting the public realm will be constructed of natural stone with those fronting the brook benefitting from intermediate railing panels to ensure the development presents an active frontage and positively addresses the watercourse.
- 5.3.9 The inclusion of the ecology towers was secured at the request of officers who considered that the inclusion of such features, particularly if constructed from reclaimed stone used in the construction of the existing chimney, would assist in some degree in ensuring the notion of a continued legacy or 'narrative' between the new development and the previous industrial site uses which are considered to be of wider heritage value.
- 5.3.10 Taking the above matters into account it is considered that the proposal will result in a development of an appropriate scale, layout and external appearance that will contribute to and enhance the visual amenities and character of the area.

#### 5.4 Impact upon Conservation Area/Heritage Assets:

- 5.4.1 The Sabden Conservation Area Appraisal (SCAA) identifies that '*Victoria Mill opened in 1847-8. Its heyday was in the 1890s when about 250 people were employed but the mill was badly affected by fires in 1892 and 1912. The mill closed in 1964 and following this period was used by a number of industries.*' The appraisal further states that '*fire, demolition, alteration and re-use has reduced the impact of former mill buildings on local townscape. However, the two tall chimneys at Victoria Mill and Union Mill, together with the spire of St Nicholas' church, stand out in distant views, announcing the village's industrial past.*'
- 5.4.2 The SCAA in broad terms identifies that '*the special interest that justifies designation of the proposed Sabden Conservation Area derives from ... the village's industrial past*'. The appraisal further concludes that the town's industrial history is its one of its most important positive features and that the Victoria Mill buildings are integral to this importance, largely due to their prominent location.
- 5.4.3 It is clear from the SCAA that the existing Victoria Mill complex was integral to the original Conservation Area Designation by virtue of their prominent role the complex plays in serving as a reminder of the villages industrial heritage. However a number of these buildings, including the mill chimney, have experienced significant structural faults or are in the process of reaching an advanced state of dilapidation.
- 5.4.4 The application has been accompanied by a steeplejacks report relating to the existing chimney stack. The chimney originally stood at a height of 35m and has

subsequently been reduced to a height of less than 13m following the serving of a dangerous buildings notice due to fear of imminent collapse. The report identifies defects related to the degradation of mortar, stone work and mild-steel retaining bands and bolts. A further structural report has identified that the faults in the chimney have *'likely been caused by the overburdening of the foundations and poor condition and movement of the surrounding structures. Due to the size of the crack and potential for further movement the risk of collapse is high therefore it is strongly recommended the chimney is totally removed. Although the chimney is part demolished which reduces the load on the foundations, the risk of collapse remains high as the historic overburdening is likely to have affected the foundations meaning they may no longer be structurally adequate'*

- 5.4.5 The structural report further identifies a number of structural faults/issues with the remainder of the structures on site with the poor state of the Spinning Mill roof having *'caused water ingress has affected the integrity of the first floor. The first-floor clinker floor would need to be replaced. If this floor was removed to be replaced it would compromise the stability of the structure and be dangerous for site operatives to work within due to the potential for the collapse of external walls'*. The report goes on to recommend that *'due to the potential for collapse and the instability in removing the floor, it is highly recommended that the structure is demolished carefully to avoid affecting the watercourse should any part of the structure collapse. Clinker floors can contain sulphates which react with any steels/reinforcement causing them to corrode. The water ingress would have accelerated any corrosion. Although no intrusive investigations have been done it's highly likely corrosion has occurred rendering the floor unsafe'* concluding that *'the north light section of the roof is in a severe state of disrepair and could collapse at any stage. The roof should be removed immediately followed by demolition of the building'*.
- 5.4.6 In relation to the Marbil Office building the structural appraisal finds that *'movement and cracks that can be seen throughout the office block are due to Sabden Brook undercutting the foundations on the northern elevation. This has caused the building to twist towards the brook resulting in serious structural movement – the building is moving vertically and horizontally in the area of undercutting causing the twist. The new floor joists that were installed reaffirm the twisting as they bring up and level the first floor gradually. The extents of vertical and lateral movement to the office block are beyond reasonable for any repair works to be safely carried out'*.
- 5.4.7 In relation to the long-term capability for the office building to be retained the report states that *'as the movement is that significant in the office block and the foundations are being undercut, and will continue to be undercut the structure is not safe and should be taken down as soon as possible. Should the building remain, the undercutting will cause the building to collapse into the brook which will cause environmental issues.'* Further stating that *'The recently installed fish pass is also causing the brook to flow into and against the office block which will eventually undercut the foundations in this area as it already has on the opposite side. No mitigation measures have been provided therefore the office block is unstable and the risk of collapse is extremely high'*.
- 5.4.8 It is overwhelmingly clear that the majority of the structures on site are structurally incapable of being converted with a number facing the likely prospect of imminent collapse. It is recognised that a number of these structures are



considered to be integral to the historic industrial character of Sabden and a number of them also play a vital role in terms of the overall heritage value of the Conservation Area. However, it is clear, regardless of the proposal to redevelop the site, it is likely that a number of these buildings, due to significant structural deficits/faults, are likely to be lost through the passing of time, particularly in the absence of any realistic prospect of significant refurbishment or repair. Given the severe dilapidated state of the buildings it is only pragmatic to assume it is unlikely that the structures, or site, could be put to any viable use that would secure such repair/refurbishment works particularly given a number of the structures themselves face imminent failure.

5.4.9 Whilst it is accepted that a number of the aforementioned structures are identified as buildings of townscape merit or focal buildings within the SCAA, it is considered that their contribution as such has largely been compromised and will continue to be further compromised as time progresses, particularly in the absence of any viable use being brought forward which would propose retention/conversion.

5.4.10 Despite their dilapidated state, the buildings to some degree, still serve as a notional reminder of the villages industrial past. It could be argued that it is this 'notion' or 'reminder' (taking account of the structural condition of the buildings) that at present is of the upmost value. As such, officers have keenly pursued the agenda of including elements within the public realm that would continue to serve as a reminder of the sites link to the villages historic past. As a result ecology towers, reminiscent of the appearance of the mill chimney have been included as part of the proposal with the aim of a continued narrative between the previous site uses and the evolution of the village. It is also proposed that the Marbil Office building will be replaced with a building of similar scale and appearance to that of which is to be lost. Whilst it is accepted that these 'mitigation measures' may not fully replace the significance or scale of the structures on site that are to be lost, it must also be accepted that it is likely that these structures currently face a very limited lifespan and are likely to be lost to demolition and significant structural failings in any case.

5.4.11 In relation to the proposed developments integration into the designated Conservation Area - significant negotiation has resulted in a proposal that is consider to not only compliment but also enhance the character and visual amenities of the designated area. It is proposed that the dwellings will be faced primarily in natural stone with natural slate roofing to ensure the outward facing elevations do not appear anomalous or incongruous when read in context with surrounding built form. The scale of the proposed development has been reduced from that of previous iterations to once again ensure a sensitive integration into the surrounding built-fabric with the elevational language being employed also responding positively to the local vernacular and employing archetypes found within the immediate vicinity. As such the proposal is considered to be in broad accordance with Policy DME4 which requires that *'proposals within, or affecting views into and out of, or affecting the setting of a conservation area will be required to conserve and where appropriate enhance its character and appearance and those elements which contribute towards its significance.'*

## 5.5 Highway Safety and Accessibility:

- 5.4.1 The Highway Development Control section have made observations during the course of the application relating to the internal highways arrangement of the proposal. These observations have resulted in the submission of amended details to take into account and mitigate original concerns relating to the internal highways arrangement and the ability for vehicles to adequately manoeuvre.
- 5.4.2 There will be a requirement for the developer to enter into a S278 agreement with the Highways Authority to provide a number of off-site highways improvements as follows:
- Street lighting improvements (subject to a street lighting survey)
  - Waiting restrictions at the Watt Street/Whalley Road junction
  - 20mph speed limit on the southern estate road
  - Provision of a bus shelter to replace the existing brick shelter on Whalley Road. The location, type and maintenance of which is to be agreed with the Parish Council
  - Construction of additional lengths of footway to the northern extents of the site fronting Whalley Road adjacent the northern site access. Footways to extend 12.5m eastward and 15m westward from the centre-line of the access point
- 5.4.3 Subject to the above matters being agreed/resolved the Highway Development Control Section have raised no objection to the proposal subject to the imposition of conditions relating to construction management, site access details, wheel washing facilities and a requirement that all garage facilities shall have the provision of an electrical supply suitable for the charging an electric motor-vehicle.

## 5.6 Landscape/Ecology:

- 5.6.1 The application is accompanied by a number of surveys/reports in respect of ecological/protected species matters with the applicant having submitted a combined phase 1 habitat survey and bat survey report, a combined otter, water vole and white-clawed crayfish survey/report and a combined great crested newt survey report.
- 5.6.2 The submitted Great Crested Newt (GCN) Survey identifies that there are seven non-statutorily designated sites within 2km of the site. The closest is being located 645m southeast of the proposed development site. All these designated sites are outside the radius of influence of proposed works at the site and it is concluded that the proposed development will not have an effect on these sites. The existing mill pond is the only pond within 500m of the proposed development site which was judged to have an average suitability for GCN. No GCN were caught or identified, nor any evidence of breeding GCN were found in pond during presence/absence surveys. The survey confirms that after four presence absence surveys, no GCN were found to be present in or around the pond. As no GCN were found to be present in the pond following four presence/absence surveys, no further recommendations are made within the report. The report advises that works should proceed with caution and that if any GCN are discovered during works, works should cease immediately, and Natural England contacted for further advice.

- 5.6.3 The Extended Phase 1 Habitat Survey and Bat Report concludes that the proposal site contains a number of habitats of moderate ecological value and makes the following recommendations:
- 5.6.4 Birds: If any trees on site are to be removed during the nesting bird season (March- September), a nesting bird survey will need to be conducted. Once concluded, if no nesting birds are found, all surveyed vegetation must be removed within 24 hours of the survey. Outside this period, trees can be removed without the need for a survey. Enhancement for birds should be included in a Biodiversity Enhancement Plan
- 5.6.5 Bats: As the site had been considered to have a high potential of supporting bat roosting sites, it was recommended that dawn/dusk emergence surveys should be carried out to establish the absence/presence of roosting bats. These were completed on the 27/09/2017 and found 5 separate roosting locations. Winter hibernation surveys were carried out between 14/12/2017 – 22/02/2018 to explore whether bats are using the site to hibernate over the winter period. Manual searching with the aid of an endoscope, nor acoustic surveys found any bat activity during this period. It is therefore concluded that bats do not use the structures to hibernate over the winter period. The report further concludes, due to the presence of roosting locations that a Bat Mitigation Licence should be applied for from Natural England.
- 5.6.6 The Extended Phase 1 Habitat Survey and Bat Report makes further specific recommendations in respect of bat mitigation due to Mill being found to play host to the several confirmed common pipistrelle (*Pipistrellus pipistrellus*) and soprano pipistrelle (*Pipistrellus pygmaeus*) summer roosts. The report states that roost conditions could not be fully assessed due to being located in high and inaccessible locations across the buildings. However, due to the number of bats confirmed (25 individuals), and the nature of the roosts (small crevices and cracks in between bricks), these roosts are most likely summer roosts and are of a lower conservation value. Based on these conclusions, the report concludes that a suitably designed Mitigation Plan should be formed and should include the following mitigation measures:
- Soft demolition of buildings 1 (Marbil Office Building) and 3 (Office Block) should take place over the winter period when bats are not present, under the supervision of a suitably qualified ecologist. Buildings 2, 4 and 5 are unlikely to contain roosting bats and can be demolished at any time of the year.
  - Interim bat boxes should be installed on site over winter, on poles located away from any works. These should mimic the conditions of the bat roosts which will be lost. These will be in place and made available for use before spring 2019 to allow bats to roost.
  - Integrated bat boxes should be built into the structures which replace buildings 1 and 3. These should mimic the previous roosts as closely as possible, including orientation and height.
  - Integrated bat boxes be introduced into other proposed dwellings/buildings on site as a form of enhancement. The bat tower(s) will mimic the former chimney, and allow roosting opportunities for a number of bat species found on and near the site, and during different times of the year.
  - Concerns exist in relation to lighting on site. Lighting should be designed to face away from known roost locations and new integrated boxes, to minimise spill of light into the existing roosts. Low wattage, low UV component or lights

which are timed to include periods of darkness should be selected to avoid disturbing foraging bats along the edge of the site, in particular along the river.

5.6.7 The Otter, Water Vole and White-Clawed Crayfish Survey finds that the site is occasionally used by otters as two spraints were discovered on one of the three surveys conducted in and around the Mill. The report further states that although Victoria Mill may be on the extremities of an otter territory, otters do certainly utilise the tunnel below the Mill. As a result mitigation and compensation will be required to preserve the favourable conservation status of this protected species as otters may be disturbed during and post-construction. Therefore a Natural England Mitigation Licence for Otters will have to be applied for. The report outlines strategies that will be required at Victoria Mill to reduce disturbance and recommends these be included in the Mitigation Method Statement as follows:

- As the site is situated next to the Sabden Brook and an active otter territory, otters may enter the site during construction works. To prevent this happening exclusion fencing should be installed. 1.8m galvanised welded square mesh fencing should be erected around the entire site during the construction period to ensure otters don't enter the site when works are taking place.
- It is recommended that any construction works occur during daylight hours. Otters which may be encountered on site are mainly active around sunset to sunrise. If works do occur at night lighting and noise must be kept to a minimum. Any powerful construction lighting must point away from Sabden Brook.
- Any external lighting must be positioned away from Sabden Brook, in order to cause minimal disturbance to otters. The land adjacent to Sabden Brook can be converted into a wildlife area, which will act as a buffer zone between the office block and Sabden Brook. The creation of this wildlife area will include the removal of the invasive Himalayan Balsam (*Impatiens glandulifera*), as well as a planting scheme, faunal box scheme and construction of a fence around the area, to prevent pedestrians from entering.

5.6.8 The Otter, Water Vole and White-Clawed Crayfish Survey further concludes that the site has low potential for supporting water vole as no evidence of their presence was found. In respect of white clawed crayfish, no evidence of their presence was found on site during investigative works.

5.6.9 The inclusion of two 'ecology towers' has been secured during the duration of the application to aid in mitigating the loss of existing habitat and aid in providing and element of overall enhancement. The towers will be hollow structures of natural stone construction measuring approximately 7.5m in height. It is proposed that the towers will accommodate openings for terrestrial habitat at ground level with a number of internal bat boxes and openings at higher level to accommodate bat access and offer bat roosting opportunities. The towers also include the provision of integral bird boxes and perches with high-level monitoring hatches also being provided to allow for the monitoring of species utilising the structures.

5.6.10 Notwithstanding the provision of the ecology tower, the reports recommend that provision be provided for bat/bird nesting/roosting opportunities and that these should be integral to the proposed dwellings. The inclusion of building dependant species provision shall be secured through the imposition of condition

that will require the location and type of such provision to be submitted to the Local Planning Authority.

5.6.11 The mitigation recommendations of the aforementioned reports, where appropriate, will be conditioned to ensure no negative impact upon protected species is resultant from the proposal either during or post-construction. Subject to the above requirements having been satisfied and the proposed mitigation/enhancement measures being implemented it is considered that the proposal will not have any undue impact upon protected species or species of conservation concern.

## 5.7 Infrastructure, Services and Developer Contributions:

5.7.1 Given the proposal relates to the redevelopment of a brownfield site and includes the demolition of existing buildings the Vacant Building Credit (VBC) is applied. The NPPG states the following: *National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.*

5.7.2 The existing site accommodates in excess of 5170 Sqm of existing gross floorspace with all buildings on site to be demolished. The proposed cumulative floorspace to be created by the development equates to approximately 3717 Sqm resulting in a shortfall of floorspace being created in excess of 1400 Sqm. As such, when applying the VBC calculation, there is no requirement to provide affordable housing provision on site or any such financial contribution towards off-site provision.

5.7.3 LCC Contributions have confirmed that no financial contribution towards educational places is required in respect of the proposed development.

5.7.4 The developer has provided a commitment to provide a financial contribution towards leisure/play facilities within Sabden. The contribution sought is based on the following occupancy ratios at a rate of £216.90 cost per person:

- 1 bed unit - 1.3 people
- 2 bed unit - 1.8 people
- 3 bed unit - 2.5 people
- 4 bed unit - 3.1 people
- 5 + bed unit - 3.5 people

The proposed housing mix on site is as follows:

- 19 x 3 bedroom dwellings
- 10 x 4 bedroom dwellings
- 1 x 5 bedroom dwellings

This results in a financial contribution of approximately £17,785. The trigger point for such payment will be subject to further negotiation and this will be secured within a S106 agreement.

5.7.5 Whilst the proposal does not provide any provision for affordable housing the criterion of Key Statement H3 still requires the proposal to bring forward an element of open market over 55's housing. The applicant proposes that this will be brought forward in the form of two dwellings (Plots 12 and 15) that accommodate a bedroom at ground floor. This allows the ground floor of the dwelling to possess the ability to be habitable without necessitating the need for access to upper floor accommodation by the user. An occupancy clause restricting habitation of these units to those of 55 years old and over will be enshrined within the S106 agreement which is currently under negotiation.

#### 5.8 Flood Risk and Drainage:

5.8.1 The application has been subject to significant discussion with both the Environment Agency and the Lead Local Flood Authority. The submission of additional and amended information has resulted in a position being reached whereby both statutory consultees have raised no objection to the proposal subject to the imposition of conditions. The conditions to be imposed will relate to surface water drainage, management/maintenance of sustainable drainage system and methods for dealing with potential contamination of the adjacent watercourse during the construction phase of the development,

### 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 will result in the redevelopment of a brownfield site that will bring forward an acceptable form of development of an appropriate scale that will contribute to the overall enhancement of the Sabden Conservation Area.

6.2 For the reasons outlined above the proposed development is considered to be in broad accordance with the aims and objectives of the adopted development plan and do not consider that there are any material overriding reasons that would warrant the refusal to grant planning permission.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Community Services for approval to allow for further negotiation regarding the detailed wording of conditions and following the satisfactory completion of a Legal Agreement within 3 months from the date of this decision subject to the following conditions:

#### *Timings and Commencement*

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:

Drawing Numbers TBC

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

### *Matters of Design*

3. Precise specifications or samples of all external surfaces, including surfacing materials including details of the glazing and windows/door framing of the development hereby approved shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development.

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 Statements EN2, EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy.

4. Notwithstanding the submitted details, elevational details including the alignment, height and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the development shall have been submitted to and approved by the Local Planning Authority prior to their installation.

For the avoidance of doubt the submitted details shall also include the precise nature and location for the provision of measures to maintain and enhance wildlife movement within and around the site by virtue of the inclusion of suitable sized gaps/corridors at ground level (including those within residential curtilages) to encourage terrestrial species movement.

The development shall be carried out in strict accordance with the approved details. The agreed wildlife corridors/gaps shall be retained in perpetuity and thereafter remain free from obstructions which would preclude their use by wildlife.

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.

5. Notwithstanding the submitted details, elevational details including the precise location of all street furnishings to be erected within the development shall have been submitted to and approved by the Local Planning Authority prior to their installation. 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. Details of a scheme for any external building or ground mounted lighting/illumination, shall have been submitted to and approved in writing by the local planning authority prior to their installation.

For the avoidance of doubt the submitted details shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution and shall include details to demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated.

The lighting schemes(s) shall be implemented in accordance with the approved details and retained as approved unless agreed in writing by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could prove materially harmful the character and visual amenities of the immediate area and to minimise/mitigate the potential impacts upon protected species resultant from the development in accordance with Key Statement EN4 and Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

7. 1:20 section details of each elevation of the proposed Ecology Mitigation Towers shall have been submitted to and approved by the Local Planning Authority prior to the commencement of their construction. 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 and appropriate ecological/biodiversity mitigation/enhancement is provided in accordance with Key Statements EN2 and EN4 and Policies DMG1, DME3 and DME4 of the Ribble Valley Core Strategy.

#### *Landscape and Ecology*

8. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites have been submitted to, and approved in writing by the Local Planning Authority.

For the avoidance of doubt the details shall be submitted on a dwelling/building dependent bird/bat species site plan and indicate the type of provision to be provided and identify the actual wall and roof elevations into which the above provisions shall be incorporated and shall take account of the recommendations contained within the Extended Phase 1 Habitat Survey and Bat Report dated 12/04/2018 Ref: 13611e/DB.

The artificial bird/bat boxes shall be incorporated into those individual dwellings during the construction their construction and be made available for use before each such dwelling is occupied and thereafter retained. The development shall be carried out in strict accordance with the approved details.

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

9. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the phasing for the delivery of the Ecology Mitigation Towers has been submitted to and approved in writing by the Local Planning Authority.



The development shall be carried out in strict accordance with the approved phasing/timings.

REASON: In the interests of biodiversity and to enhance habitat opportunities for species of conservation concern/protected species and to minimise/mitigate the potential impacts upon protected species resultant from the development in accordance with Key Statement EN4 and Policy DME3 of the Ribble Valley Core Strategy.

10. The landscaping proposals hereby approved (GL0900 01B) shall be implemented in the first planting season following occupation or use of the development unless otherwise required by the reports above, whether in whole or part and shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

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

11. Precise specifications, locations and the timings for the installation of interim bat boxes as recommended within the submitted Extended Phase 1 Habitat Survey and Bat Report (Ref: 13611e/DB) shall have first been submitted to and approved by the Local Planning Authority prior to the commencement of any development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal.

The development shall be carried out in strict accordance with the approved details including the agreed timings for installation and duration for retention of the interim bat box provision.

REASON: To ensure the protection of species/habitat protected by the Wildlife and Countryside Act 1981 (as Amended) and in the interests of biodiversity and to enhance habitat opportunities for species of conservation concern/protected species and to minimise/mitigate the potential impacts upon protected species resultant from the development in accordance with Key Statement EN4 and Policy DME3 of the Ribble Valley Core Strategy.

12. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until a European Protected Species Mitigation Licence has been submitted to and obtained from Natural England. For the avoidance of doubt the submitted licence shall take account of the measures/timings and mitigation recommendations of the following approved documentation:

Extended Phase 1 Habitat Survey and Bat Report – 13611e/DB  
Otter, Water Vole and Crayfish Survey & Report – 13611 f/g/DB

A copy of the licence obtained shall then be submitted to and agreed in writing by local planning authority in consultation with Natural England.

The actions, methods & timings included in the mitigation measures identified and the conditions of the Natural England Licence shall be fully implemented and adhered to throughout the lifetime of the development.

REASON: To ensure the protection of species/habitat protected by the Wildlife and Countryside Act 1981 (as Amended) and in the interests of biodiversity and to enhance habitat opportunities for species of conservation concern/protected species and to minimise/mitigate the potential impacts upon protected species resultant from the development in accordance with Key Statement EN4 and Policy DME3 of the Ribble Valley Core Strategy.

13. No removal of vegetation including trees or hedges shall be undertaken within the nesting bird season of 1st March – 31st August unless otherwise agreed in writing by the Local Planning Authority.

Any removal of vegetation outside the nesting bird season shall be preceded by a pre-clearance check by a licensed ecologist on the day of removal to ensure that removal does not result in unacceptable impacts upon nesting birds or other species of conservation concern.

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds, to protect the bird population and species of importance or conservation concern from the potential impacts of the development in accordance with Key Statement EN4 and Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

14. All tree works/tree protection shall be carried out in strict accordance with the submitted Arboricultural Method Statement (13611-B/AJB). The specified tree protection measures shall remain in place throughout the construction phase of the development and the methodology hereby approved shall be adhered to during all site preparation/construction works.

The agreed tree protection shall remain in place and be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protection areas(s) specified without written consent of the Local Planning Authority.

REASON: To protect trees of landscape and visual amenity value on and adjacent to the site or those likely to be affected by the proposed development in accordance with Key Statement EN4 and Policies DME3 and DMG1 of the Ribble Valley Core Strategy.

### *Highways*

15. The new estate roads between the site and Whalley Road and Watt Street shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

REASON: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Key Statement DM12 and Policy DMG3 of the Ribble Valley Core Strategy.

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

REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site in accordance with Key Statement DMI2 and Policy DMG3 of the Ribble Valley Core Strategy.

17. 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 Key Statement DMI2 and Policy DMG3 of the Ribble Valley Core Strategy.

18. All garage facilities shall have facility of an electrical supply suitable for charging an electric motor vehicle, the details of which shall have first been submitted to and approved in writing by the Local Planning Authority prior to first occupation of any of the dwellings hereby approved. The development shall be carried out in accordance with the approved details.

REASON: In order to promote sustainable transport as a travel option and reduce thereby carbon emissions in accordance with Key Statement DMI2 and Policy DMG3 of the Ribble Valley Core Strategy.

#### *Flooding and Drainage*

19. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:
- A. Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
  - B. The drainage strategy should demonstrate that post development surface water runoff from the application site will not exceed the existing surface water runoff rate for the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
  - C. A site layout plan showing flood water exceedance routes, both on and off site – these must be directed away from property and critical infrastructure;
  - D. A timetable for implementation, including phasing as applicable;
  - E. Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

REASON: To ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development and to ensure that water quality is not detrimentally impacted by the development proposal in accordance with Policy DME6 of the Ribble Valley Core Strategy.

20. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
- A. The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
  - B. Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
    - i. on-going inspections relating to performance and asset condition assessments
    - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
  - C. Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

REASON: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system in accordance with Policy DME6 of the Ribble Valley Core Strategy.

21. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

REASON: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies in accordance with Policy DME6 of the Ribble Valley Core Strategy.

22. No occupation of the dwellings hereby approved shall take place until the Sabden Brook culvert has been removed and the watercourse restored to open channel in accordance with drawing 1582SPL/VMS-SL01 Rev K and drawing 17140-C-SK.05E

REASON: To reduce the risk of flooding to the proposed development and future users in accordance with Policy DME6 of the Ribble Valley Core Strategy.

23. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified:
    - all previous uses;
    - potential contaminants associated with those uses;
    - a conceptual model of the site indicating sources, pathways and receptors; and
    - potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with Policy DME6 of the Ribble Valley Core Strategy.

#### *Further Control over Development*

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

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the immediate area or be of detriment to residential amenity in accordance with Key Statements EN2, EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy.

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

REASON: To ensure that adequate parking provision is retained on site that limits the visual impact of the parked motor-vehicle upon the street scene/area in accordance with Key Statements EN2, EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy.

#### BACKGROUND PAPERS

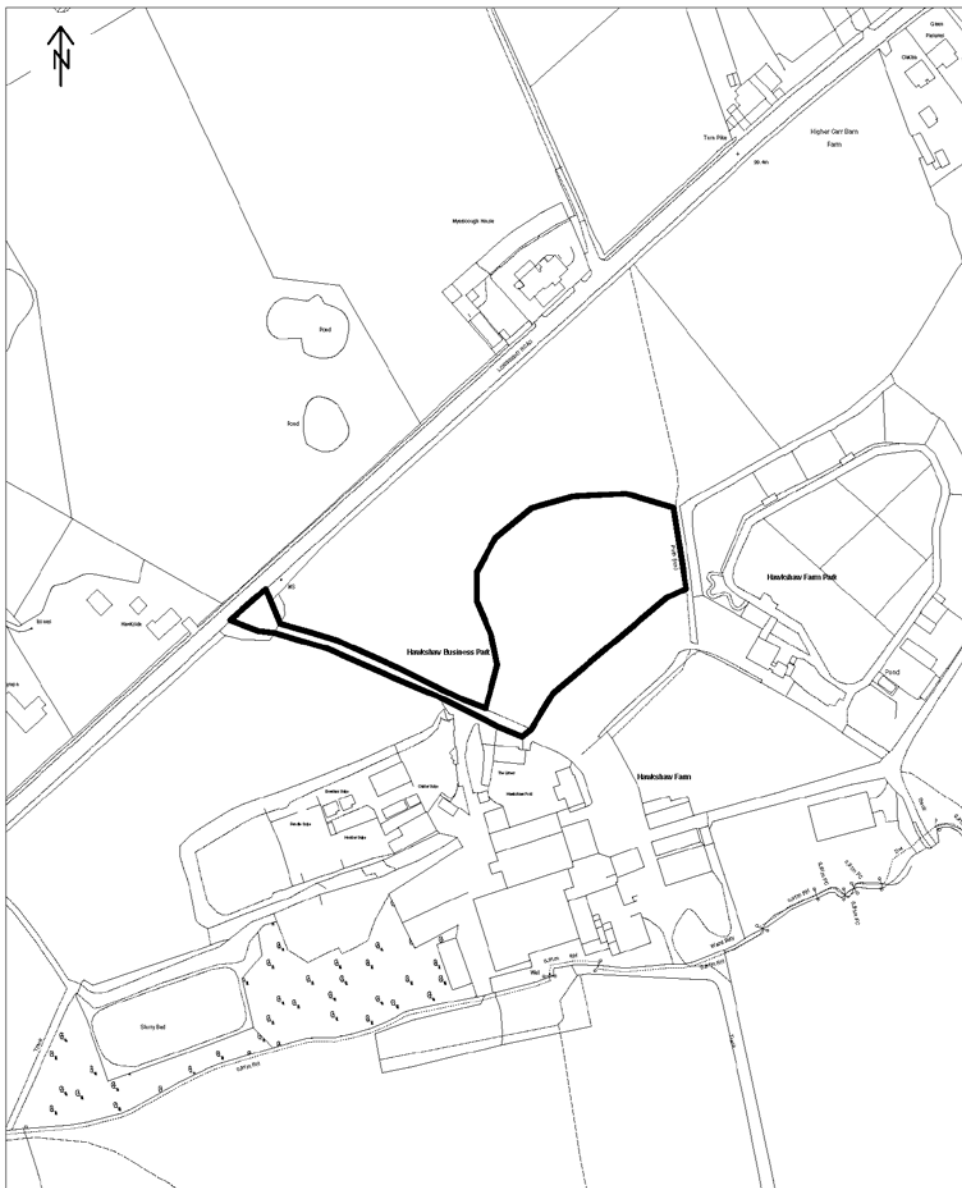
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0361](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0361)

**APPLICATION NO: 3/2018/0575/P**

GRID REF: SD 365547 432295

**DEVELOPMENT DESCRIPTION:**

CHANGE OF USE OF PART OF FIELD TO CREATE TIPI WEDDING VENUE TO BE USED FOR HALF OF EACH YEAR AT HAWKSHAW FARM, CLAYTON LE DALE, BB2 7JA



3/2018/0575 Hawkshaw Farm Clayton le Dale BB2 7JA

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## **PARISH/TOWN COUNCIL:**

None received.

## **HIGHWAYS (LCC):**

Awaiting comments on revised parking area.

## **LLFA (LCC):**

No objection.

## **ADDITIONAL REPRESENTATIONS:**

Three neighbour objections have been received and raise concerns as follows:

- Noise disturbance from music and events
- Tents offer no noise attenuation
- Jobs created will be low paid/casual basis
- Disregard for local people
- Function was held recently and resulted in disturbance
- The use of Chinese lanterns and balloons should be banned from the site

### **1. Proposal**

1.1 This planning application seeks consent for a change of use of land to create a tipi wedding venue to be used for half of the year at Hawkshaw Farm, Clayton le Dale. The proposal is to create a tipi wedding venue on agricultural land to the north-west of the existing parking area. This would require the construction of concrete pads for the erection of four interconnected tipis, a toilet facility and catering facility. The tipis would be erected in May each year and dismantled at the end of September. The tipis would have a maximum height of 7.4m and would be able to accommodate 150 guests for weddings and other functions. They would be clad with beige coloured canvas. The toilet block would be to the north of the tipis and a catering unit would be to the south. Both would be a timber clad removable units.

1.2 It is estimated that there would be approximately one event per week. The applicant has suggested there would be no more than 24 events during the season. Through the winter months the site would be cleared, apart from the concrete pads. To the north of the tipis a 2m high earth bund would be formed and this would be planted with native species of shrubs to provide some screening and to create a buffer against any noise from the wedding guests.

1.3 The existing car park for the visitor centre would be extended to provide additional parking increasing the number of spaces from 80 to 140. A garden area would be created to the east of the tipis adjacent to the car park to provide an attractive entrance to the site for guests and provide an area for wedding photos. It is estimated that the proposal could create as many as 20 part-time jobs.

### **2. Site Location**

2.1 Hawkshaw Farm is a 135 acre dairy farm comprising 220 dairy cattle. The farm produces its own award winning ice creams and this aspect of the business continues to

grow on an annual basis. The farm also operates a visitor centre and café and the Scare Kingdom visitor attraction operates at certain times of the year.

- 2.2 Hawkshaw Farm is located adjacent to the A59 Longsight Road. The farm complex comprises a range of buildings including the farmhouse, traditional and modern farm buildings and buildings associated with the visitor attractions that operate from the site. The applicant wishes to explore further options to diversify the farm business.

### 3. **Relevant History**

3/2007/0313/P – Proposed bird of prey centre including reception, office, education centre and separate toilet block. Approved with conditions.

3/2008/0413/P – Amendments to approved scheme for bird of prey centre. Approved with conditions.

3/2013/0117/P – Agricultural determination application for a portal steel framed storage building. Planning permission not required.

3/2014/1092/P – Retrospective application for change of use to an agricultural storage building to scare kingdom visitor attraction, retention of temporary storage container building and car parking. Approved with conditions.

3/2014/1093/P – Retrospective application for calving unit to be open to members of the public as part of the visitor attraction. Approved with conditions.

3/2014/1094/P - Retrospective application for a visitor centre, comprising a car park, five livestock shelters, one storage building, one polytunnel and one childrens play area. Approved with conditions.

3/2017/0323/P - Retention of unauthorised change of use of an agricultural building and storage containers for the operation of Scare Kingdom. Approved with conditions.

### 4. **Relevant Policies**

#### **Ribble Valley Core Strategy**

Key Statement DS1 – Development Strategy

Key Statement DS2 –Sustainable Development

Key Statement EN2 – Landscape

Key Statement EC1 – Business and Employment Development

Key Statement EC3 – Visitor Economy

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME2 – Landscape and Townscape Protection

Policy DME3 -- Site and Species Protection and Conservation

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMB3 – Recreation and Tourism Development

#### **Other Material Considerations:**

National Planning Policy Framework (NPPF)

Technical Guidance to the National Planning Policy Framework

Planning Practice Guidance (PPG)



## 5. **Assessment of Proposed Development**

5.1 The matters for consideration in the determination of this application are the principle of development, impact on visual amenity, residential amenity, highway safety and ecology.

### 5.2 **Principle of Development**

5.2.1 In relation to the principle of the development, Core Strategy Key Statement EC1 directs employment development towards locations well related to the A59 corridor. The application site is located directly adjacent to the A59, the borough main strategic route. Key Statement EC1 also aims to support the expansion of existing businesses and developments that contribute towards farm diversification and strengthening of the rural economy.

5.2.2 Key Statement EC3: Visitor Economy states that *“proposals that contribute to and strengthen the visitor economy of Ribble Valley will be encouraged, including the creation of new accommodation and tourism facilities through the conversion of existing buildings or associated with existing attractions; and that significant new attractions will be supported in circumstances where they would deliver overall improvements to the environment and benefits to local communities and employment opportunities”*.

5.2.3 Policy DMG2 states that in the open countryside development must meet at least one of six considerations. This includes development for small-scale tourism or recreational development appropriate to a rural area. Policy DMG2 also requires development to be in keeping with the character of the landscape by virtue of its size, design, materials, landscaping and siting.

5.2.4 Policy DMB3 relates specifically to recreation and tourism development. Tourism and visitor attractions are generally supported subject to meeting six criteria which include the requirement for the proposal to be physically well-related to an existing main settlement or village or to an existing group of buildings, except where the proposed facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available. Established tourism attractions are operated from Hawkshaw Farm however the proposals relate to a new venture. Nevertheless, the proposals would be closely related to the existing group of buildings at Hawkshaw Farm. The proposals would be of benefit to other businesses in the locality (and therefore to the rural economy) as visitors to the attraction are likely to also use local public houses and restaurants. Some visitors from further afield might also use local hotels and guest houses.

5.2.5 Policy DMB1 states that *“proposals that are intended to support business growth and the local economy will be supported in principle; and that the expansion of established firms on land outside settlements will be allowed provided it is essential to maintain the existing source of employment and can be assimilated within the local landscape”*.

5.2.6 The detailed matters of effects upon the landscape, environment and the local community will be discussed later in this report. Overall, however, it is considered that, in principle, the development is in keeping with the general intentions of Key Statement EC3 and Policies DMB3 and DMB1.

### 5.3 Impact on visual amenity

- 5.3.1 In relation to its impact on the visual amenity of the area, the proposed tipis would be located forward of the existing developed part of the site when viewed from the A59 Longsight Road. The tipis would have a height of 7.4m and each tipi would have a width of 10.3m resulting in a structure of considerable size. The tipis would however be clad in beige coloured canvas which would reduce their prominence and would be screened from the adjacent highway by a 2m high earth bund with shrub planting. The tipis are temporary in nature, capable of being removed completely from the site during the winter months when they would be most visible.
- 5.3.2 The area is categorised as undulating low-land farmland in the Landscape Strategy for Lancashire and is recognised as a particularly well settled area. There is, for example, Fairfield Business Park located around 200m south west from the entrance to Hawkshaw Farm. Whilst the tipis would be somewhat alien additions to the landscape, given the low landscape sensitivity of the area, it is not considered that the proposals would result in an unacceptable harm to the character of the landscape. The well-settled nature of the area and the proposed landscape mitigation measures ensure that the proposals would not have a significant adverse visual impact.
- 5.3.3 Care must be taken to ensure that the visual impact of development is minimised. This can be achieved through the use of suitably worded planning conditions. It is recommended that, should consent be granted, there is a requirement for any external lighting to be first submitted to the local planning authority for approval. It is also recommended that conditions are imposed that require the tipis and additional buildings to be removed from the site during the period 1 October to 30 April and that there will be no more than 24 events per year. The car parking area would also be increased to accommodate a total of 140 vehicles. This would result in some visual impact but when compared with the existing parking area (80 spaces) it would not be of significant detriment, particularly given the proposed screening that would be implemented.

### 5.4 Effect of the amenity of neighbouring residents

- 5.4.1 Policy DMG1 of the Core Strategy states that development must not adversely affect the amenities of the surrounding area. It is noted that the main objection made by nearby residents relates to potential nuisance caused by excessive noise. Consideration has been given to the noise guidance published in the National Planning Policy Guidance (NPPG) and the Noise Policy Statement for England. The application is supported by an Acoustic Survey and Assessment. WHO guidelines recommend that noise levels in gardens should not exceed 50dB(A) during the day. For indoor levels, noise levels should not exceed 35 dB(A) during the day and 30 dB(A) at night. According the submitted survey, standard distance attenuation calculations show that a distance reduction of 37.3 dB would be achieved over the distance from the proposed development to the nearest residential property located on the opposite side of the A59 185 metres away. An open window provides 15 dB attenuation and the proposed earth bund would provide a barrier attenuation of 13.5 dB. This would allow a sound level of 95.8 dB(A) at night whilst still achieving the recommended internal value at the nearest property. Typical levels when bands/DJs are playing would be 80-85

dB(A) and the survey finds that no adverse impact on neighbouring properties would occur.

- 5.4.2 The nearest dwelling south-west is some 430 metres away and is on land elevated 8m above the application site. A distance reduction of 44.7 dB would be achieved over this distance in addition to 15 dB attenuation for an open window. In order to achieve the internal recommended night-time criteria level of 30dB(A) a night-time noise limit of 89.7 dB(A) would be required. The copy of the noise survey has been provided to the Council's Environmental Health Officer who has raised no objections subject to the use of appropriate planning conditions.
- 5.4.3 On the advice of officers, the applicant has submitted a Venue Management Plan outlining how the proposed venue would be managed to minimise any impact on neighbouring properties. The number of guests to the venue would be limited to 150 to ensure the on-site parking facilities can cope with the scale of the events. Live music acts would be permitted at the venue until 11pm after which guests would be permitted to play recorded music which would be limited to a maximum noise level of 80 dB(A). All events will end at midnight and users would be required to vacate the site by 00.30hrs. Sound would be monitored on a regular basis to ensure any impact is minimised.
- 5.4.4 A temporary planning consent for a 24-month period has been discussed with the applicant. This would allow the local planning authority to assess and review the impact of the development over a 2-year period of operation. However, the applicant has explained his requirement for permanent permission given the initial financial investment that would be needed.
- 5.4.5 Having considered the above, subject to conditions it is considered that the business could operate from the site without impacting unduly of the amenity of residents in the locality. In the unlikely event that noise complaints are received the Council would be able to take enforcement action against a statutory nuisance.

## 5.5 Highway Safety

- 5.5.1 The County Highway Surveyor has raised no objections to the proposals in principle. The attraction is well related to the existing highway network as the farm is located off the A59, the principal road in the borough that is also on a number of bus routes. However, the proposed events would operate during times that the Dowsons Farm attraction would remain open and as such the County Surveyor must be satisfied that there is sufficient vehicular parking at the site to accommodate both event guests and farm park visitors. The applicant has provided plans denoting the provision of 140 parking spaces at the site and a response from the County Highways Surveyor is awaited.

## 6. Conclusion

- 6.1 In conclusion, the proposed development would result in the creation of additional employment opportunities and would support the strategic objectives of the Council in accordance with Core Strategy Policies DMG1, DMB1 and DMB3 and Key Statement EC3. The Council's Environmental Health Section have raised no concerns regarding the operation of the attraction and it is recommended that the application be approved

subject to the receipt of acceptable highways details and subject to appropriate conditions.

RECOMMENDATION: That the application be DEFERRED AND DELEGATED to the Director of Economic Development and Planning for approval subject to the receipt of acceptable highways details and 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 drawing ref.

Site Location Plan 1:2500

Proposed Site Plan 1:1000 (amended plan received 20.08.2018)

Hawkshaw Wedding Tpees 1:200

Wedding Tpee Facilities 1:100 (received 20.08.2018)

REASON: For the avoidance of doubt since the proposal was the subject of agreed design improvements/amendments and to clarify which plans are relevant to the consent.

3. The tpees and ancillary structures (catering container and toilet unit) shall be permitted on the site between the dates of 1<sup>st</sup> of May and 30<sup>th</sup> September only and events shall be operated for a maximum of 24 days during this period. The applicants shall keep a written record of all events and this shall be made available for inspection by the Local Planning Authority upon request.

REASON: In accordance with Policies EN2, DMG1 and DMB3 of the Ribble Valley Core Strategy, in order to limit use of the site ensuring it remains for seasonal use only.

4. Unless otherwise agreed in writing with the Local Planning Authority, the site shall be operated in strict accordance with the Venue Management Plan (received 22.08.2018) at all times.

REASON: To ensure the satisfactory management of the site in the interests of general amenity of the area and to safeguard where appropriate neighbouring residential amenity in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

5. The approved landscaping scheme (Proposed Site Plan 1:1000 and the document titled 'Ecological Appraisal and Proposed Landscaping Scheme') shall be implemented in the first planting season following first use of the development and shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policies DMG1, EN2, and DME2 of the Ribble Valley Core Strategy.

6. Unless otherwise agreed in writing with the Local Planning Authority, the proposed earth bund shall be constructed prior to first use of the development in accordance with the approved plans and shall be seeded and planted accordingly.

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

7. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

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

8. The car parking and manoeuvring scheme shall be marked out in accordance with the approved plan, before the use of the site hereby permitted becomes operative and permanently maintained thereafter.

REASON: To ensure adequate parking is available within the site and to comply with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

9. There shall be no amplified or percussive music of any form (including discos) within the site hereby approved after midnight and site users will be required to vacate the site by 00.30am.

REASON: To comply with Policy DMG1 of the Ribble Valley Core Strategy and in the interests of the general amenity of the area and to safeguard, where appropriate, neighbouring residential amenity.

10. The noise rating level from the site shall not exceed the World Health Organisation recommendations (35dB LAeq day time and 30dB LAeq night time internal levels at the nearest noise sensitive receptor and 50dB LAeq on the nearest noise sensitive receptor's external patios and gardens).

REASON: To protect the amenity of the occupants of neighbouring properties in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

11. Full details of the catering container and toilet block shall be submitted to and approved by the Local Planning Authority, and then implemented strictly in accordance with those agreed details before the site is first occupied.

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

12. Details of facilities to be provided for the storage and removal of commercial refuse and waste from the site shall be submitted to and approved by the Local Planning Authority, and then implemented strictly in accordance with those agreed details before the site is first occupied and thereafter retained.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and in the interest of visual amenity in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

#### INFORMATIVE NOTES:

1. Under the Environmental Permitting (England & Wales) Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold an environmental permit issued by the Environment Agency. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period may be registered as an exempt activity provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly desludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0575](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0575)

**APPLICATION NO: 3/2018/0635/P**

GRID REF: SD 368582 440483

**DEVELOPMENT DESCRIPTION:**

FORMATION OF A NEW AGRICULTURAL ACCESS AND ERECTION OF A NEW PROPOSED AGRICULTURAL BUILDING (RESUBMISSION OF APPLICATION 3/2018/0273) AT FELLSIDE, BIRDY BROW, STONYHURST, CLITHEROE BB7 9QY



3/2018/0635 Fellside Birdy Brow Stonyhurst Clitheroe BB7 9QY

Scale 1:2500

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Ribble Valley Borough Council. Licence No.100018641 22 August 2018

## **PARISH/TOWN COUNCIL:**

None received.

## **HIGHWAYS (LCC):**

No objection.

## **ADDITIONAL REPRESENTATIONS:**

None received.

### **1. Proposal**

- 1.1 This is a resubmission of a recently refused application for the erection of a new agricultural building and access track at Fellside, Birdy Brow, Stonyhurst. The applicants have recently purchased Fellside, a detached two storey dwelling, which included 3 acres of woodland and 4.2 acres of grassland. The applicants propose to operate a small farming enterprise from their property and keep pigs and sheep.
- 1.2 The proposed building would be sited to the east of Fellside between the dwelling and woodland which is in third party ownership. The building would measure 18.3m x 9.1m and would have a ridge height of around 5.4m. It would be constructed using a steel portal frame. It would have a stone plinth at low level and vertical timber boarding above up to the eaves. The roof would be constructed using green fibre cement roof sheets. The proposed track would join the south side of Birdy Brow and would be formed by a stone base with a central grass verge. The track would provide access to the proposed building and the field to the south which the applicant owns.
- 1.3 The applicant provides additional justification for the creation of a new access in order to remove diseased larch from the site. Without the new access, there would be a risk that the disease would spread.

### **2. Site Location**

- 2.1 Fellside and the application site is situated in a rural location between Chaigley and Stonyhurst in the Forest of Bowland AONB. The dwelling is served by an existing access from Birdy Brow. The site of the proposed development was previously woodland but due to disease the area has been cleared at the request of the Forestry Commission.
- 2.2 There is a public footpath which follows the boundary of Fellside to the south.

### **3. Relevant History**

3/2018/0273 - Formation of a new agricultural access and erection of a new proposed agricultural building. Refused.

### **4. Relevant Policies**

Ribble Valley Core Strategy:  
EN2 – Landscape  
DMG1 – General Considerations  
DMG2 – Strategic Considerations



DMG3 – Transport and Mobility  
DME2 – Landscape and Townscape Protection  
DME3 – Site and Species Protection and Conservation

## **National Planning Policy Framework**

### **5. Assessment of Proposed Development**

5.1 In determining this application the main considerations are the principle of development, its visual and landscape impact on the AONB and its impact on highway safety.

#### **5.2 Principle of Development**

5.2.1 The proposed development is required in association with the proposed farming of land which includes 3 acres (1.2 ha) of woodland and 4.2 acres (1.7 ha) of grassland. The application is a resubmission of the refused application 3/2018/0273. Planning application 3/2018/0273 was refused for the following reason:

*The proposed building has not been adequately demonstrated to be reasonably necessary for purposes of agriculture. The proposal would result in inappropriate development in the Forest of Bowland AONB, being of detriment to the visual amenity of the surrounding landscape contrary to Key Statement EN2 and Policies DMG1 and DMG2 of the Ribble Valley Core Strategy and paragraph 115 of the NPPF.*

5.2.2 The proposed development remains unaltered but the application contains additional information in order to satisfy the local planning authority that the development is reasonably necessary for purposes of agriculture. At the time of the determination of the previous application there was no established agricultural enterprise operating from the site nor were any livestock registered to the application site.

5.2.3 Section 6 of the NPPF (revised July 2018), 'Building a strong competitive economy', requires planning policies and decisions to support a prosperous rural economy and paragraph 83. b) states that "planning policies and decisions should enable the development and diversification of agricultural and other land-based businesses." This is supported at the local level by Core Strategy Policy DMG2 which states that within the Tier 2 villages and outside the defined settlement areas development must meet at least one of six considerations, one of which is that the development is needed for the purposes of forestry or agriculture.

5.2.4 In order to be considered sustainable development there is a requirement to balance economic, social and environmental considerations. It is evident from the Framework and appeal decisions that the economic benefits of agriculture is important in considering whether it is sustainable in planning terms. There is a requirement to distinguish between development for 'hobby farms' for recreation and development which seeks to support or establish an agricultural enterprise.

5.2.5 Agricultural need is a material planning consideration. In this case, whether there is an agricultural need for the development is fundamental to the determination of the application. This is particularly difficult to determine where proposals are not

related to an established agricultural enterprise. The planning statements submitted with this application seek to challenge the Council's previous decision to refuse application 3/2018/0273 and question the necessity to provide proof of agricultural need. In support of this view the agent refers to an appeal decision in another Lancashire-based local authority. The agent does however accept that agricultural need is a material planning consideration and therefore consideration of agricultural need must, by definition, be taken into account in the determination of planning applications relating to, for example, new agricultural buildings. In cases where consent is sought for new agricultural buildings at established farm enterprises it is often straightforward to identify a need if, for example, livestock numbers have increased or the farmer wishes to improve farming practices to increase productivity or improve environmental conditions.

- 5.2.6 The Council's Development Management Protocol establishes the requirement for agricultural applications to be supported by an Agricultural Information pro forma which includes details of holding size, livestock numbers, labour requirements, details of the proposed development (need, siting and design) and financial details. This information is considered fundamental in the determination of agricultural applications.
- 5.2.7 The consequence of permitting buildings in the countryside without evidence of an agricultural need, as suggested by the planning agent, is that it could potentially result in a vacant building for which the Council may find it difficult to resist permitting an alternative use. A condition limiting the building to agricultural use would not necessarily make it easier for the Council to resist this.
- 5.2.8 The building would provide 167sqm of floor space and would be used for the storage of agricultural and forestry machinery and equipment, the accommodation of livestock and the storage of feed. The applicant has now purchased 22 sheep (8 ewes and 14 lambs) and has also obtained an agricultural holding number and a Flock Mark. The applicants already have a range of agricultural machinery and these are currently located at Fellside.
- 5.2.9 The building would be used to lamb approximately 30 ewes in Spring when all of the ewes would be brought inside. The applicants are also proposing to keep five pigs that will graze part of the woodland adjacent to the proposed building but will be brought into the building to farrow. The building would also be used for storage of hay that the applicants are proposing to produce. It is stated within the application that the applicants have written consent from a neighbouring farmer that they can rent 10.6 acres of grassland but this will be subject to obtaining permission. As such, given there is no agreement in place this cannot be taken into account in the consideration of this application. The application is supported by a calculation of storage requirements based on the proposed use to justify the floor space of the building.
- 5.2.10 Taking into account the above, the applicant has taken steps in order to begin farming activities at the application site including the purchase of livestock. There remains the need for the applicant to provide information to satisfy the Council that the activities would be operated as a trade or business.

### 5.3 Impact on Landscape and Visual Amenities

- 5.3.1 The application site is located within the Forest of Bowland Area of Outstanding Natural Beauty. In the AONB paragraph 172 of the Framework attaches great weight to conserving landscape and scenic beauty. Policy EN2 requires development to contribute to the conservation of the natural beauty of the area. In terms of its siting, the proposed building would not be seen in isolation and would be located in reasonably close proximity to the existing dwelling.
- 5.3.2 Whilst the proposed building's external appearance is considered to be agricultural in nature and the proposed materials also appear to be in keeping with its intended use, it would be a sizable addition to the landscape that would be visible from public footpaths to the south of the site. The new agricultural track would be finished so as to minimise its prominence. Invariably new built form in the open countryside (including the AONB which is afforded a higher level of protection) results in some degree of visual and landscape harm. The justification for the visual and/or landscape harm arising from agricultural buildings is often offset by the evidenced agricultural need for the building which is shown to be required to support the wellbeing of the farming enterprise, either economically or environmentally.
- 5.3.3 In the absence of any evidence of need for agricultural purposes, the provision of the building in the AONB would be unjustified and would result in unnecessary harm to the character and appearance of the landscape. However, subject to the submission of information that satisfies the Council that the agricultural use would operate as a business that would be financially viable in the medium term, the economic benefits of the establishment of a new rural enterprise would outweigh any landscape and visual harm that would arise from the development.

### 5.4 Highway Safety

- 5.4.1 In terms of the impact of the development on highway safety, the County Surveyor has raised no objection to the creation of a new access point in this location based on the information provided by the applicant. This would be subject to appropriate planning conditions.

## 6. Conclusion

- 6.1 Taking into account the above information, it is recommended that subject to the submission of information that satisfies the Council that the agricultural use would operate as a business that would be financially viable in the medium term, the economic benefits of the establishment of a new rural enterprise would outweigh any landscape and visual harm that would arise from the development.

**RECOMMENDATION:** That the application be DEFERRED AND DELEGATED to the Director of Economic Development and Planning for approval subject to the receipt of acceptable information that satisfies the Council that the agricultural use would operate as a business and that it would be financially viable in the medium term and 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 Wor/856/2438 and J927/access/Fig1.

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

3. The external facing materials (including all external surfaces of the development), detailed on the approved plans, shall be used and no others substituted.

REASON: To ensure that the materials to be used are appropriate to the locality in accordance with Policies DMG1 and EN2 of the Ribble Valley Core Strategy.

4. The site access (J927/access/Fig1) shall be provided in all respects prior to the use of the building hereby approved. The land within the visibility splays denoted on the approved plans shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

REASON: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works and to ensure adequate visibility for the drivers of vehicles entering and leaving the site.

5. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 7.5m into the site shall be appropriately paved in tarmacadam, concrete, block paviers, or other approved materials.

REASON: To comply with Policy DMG1 of the Ribble Valley Core Strategy and to prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

6. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 7.5m behind the nearside edge of the carriageway and the gates shall open away from the highway.

REASON: To comply with Policy DMG1 of the Ribble Valley Core Strategy and to permit vehicles to pull clear of the carriageway when entering the site and to assist visibility.

7. The roadside hedge shown on the approved plans shall be relocated in accordance with the Hedge Transplant Method Statement provided with the application prior to the access being used for vehicular purposes and shall be reinforced and maintained for a period of five years during which time any plants that are found to be dead or dying shall be replaced.

REASON: To maintain and enhance the appearance of the locality.

8. Notwithstanding the provisions The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the building hereby approved shall only be used for the housing of livestock, or storage of agricultural machinery/equipment, in conjunction with the remainder of the holding.

REASON: In order to ensure the building is used for agricultural use only and to protect the landscape quality of the open countryside in accordance with Policy EN2.

9. No vegetation clearance works or other works that may affect nesting birds shall take place between the months of March and September inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections carried out by a suitably qualified ecologist, and submitted in writing to the Local Planning Authority.

REASON: To ensure that no species/habitat protected by the Wildlife and Countryside Act 1981 are destroyed or harmed, and in order to comply with the requirements of Policy DME3 of the Ribble Valley Core Strategy.

10. All trees and hedgerows adjacent to the proposed development and/or application area/boundary identified to be retained shall be adequately protected during construction, in accordance with BS5837; 2012 'Trees in relation to design, demolition and construction' equivalent unless otherwise agreed. The protection measures shall be put in place and maintained during the construction period of the development.

REASON: To protect trees and hedges on and adjacent to the site in accordance with Policies DME1 and DME3 of the Ribble Valley Core Strategy.

## BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2018%2F0635](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0635)

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2017/0653	Land at Chatburn Road Clitheroe	28/6/18	30	Out for signature

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2018/0349	Application to run a small taxi booking office – no access to the public	Fleet Street Garage Fleet Street Lane, Ribchester
3/2018/0557	Application for reserved matters approval for 18 dwellings, landscaping and associated works following outline consent 3/2015/0010 (duplicate application)	Land off Longsight Road Langho
3/2018/0567	Proposed demolition of existing rear extension. New two storey extension to rear and alterations to the main roof to create a gable	36 Chesterbrook Ribchester
3/2018/0608	Proposed development of 4 bedroom detached family dwellings	The Coach House 26 Whalley Road Wilpshire

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>
3/2016/1192 R	16/11/17	Hammond Ground Whalley Road Read	Inquiry adjourned	09/10/18	Bespoke timetable Updated proofs of inquiry to be submitted by 11/09/2018
3/2017/0675 R	28/02/18	46 Higher Road Longridge	WR		Appeal Dismissed 20/07/18
3/2017/1139 Conditions disputed	13/08/18	Sands Cottage The Sands Whalley	WR		Statement due 17/09/18
3/2017/0857 R	13/08/18	Lowood Whins Lane, Read	WR		Statement due 17/09/18
3/2018/0113 Conditions not discharged	13/08/18	102 Lowergate Clitheroe	WR		Statement due 17/09/18
3/2018/0153 R	11/06/18	1 Highcliffe Greaves Grindleton	HH		Appeal Allowed 21/08/18

<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>
3/2018/0217 and 3/2018/0218 R	Linked appeals awaiting start date from PINS	Eastham House Fm Clitheroe Road Mitton	WR (to be confirmed)		
3/2018/0079 R	23/07/18	New Ings Farm Hellifield Road Bolton by Bowland	WR		Statement due 27/08/18
3/2017/0961 R (Variation of S106 Ag)	Awaiting start date from PINS	Land at Chapel Hill Longridge	Hearing (to be confirmed)		
3/2017/0962 R	Awaiting start date from PINS	land off Sheepfold Crescent Barrow	Hearing (to be confirmed)		
3/2018/0159 R	16/07/18	5 Barn Croft Clitheroe	HH		Awaiting Decision
3/2018/0069 R	Awaiting start date from PINS	Land off Whalley Road Mellor Brook	WR (to be confirmed)		
3/2018/0263 R	20/08/18	Showley Brook Rest Home 10 Knowsley Rd Wilpshire	WR		Statement due 24/09/18
3/2018/0303 R	Awaiting start date from PINS	Croftlands Chipping	WR (to be confirmed)		

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

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Agenda Item No. 7

meeting date: THURSDAY, 6 SEPTEMBER 2018  
title: TREE PRESERVATION ORDER 7/19/3/210 THE LAND OFF CHATBURN OLD ROAD  
submitted by: JOHN HEAP – DIRECTOR OF COMMUNITY SERVICES  
principal author: ALEX SHUTT – COUNTRYSIDE OFFICER

### 1 PURPOSE

1.1 For Committee to consider objections to The Land off Chatburn Old Road, Chatburn Tree Preservation Order 2018 and to decide whether the order should be confirmed.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – To protect and enhance the existing environmental quality of our area.
- Corporate Priorities – To comply with the adopted core strategy – Environment [Policy DME1: Protecting Trees and Woodlands & DME2: Landscape and Townscape Protection
- Other Considerations – None.

### 2 BACKGROUND

2.1 Following concerns from local residents a site visit was carried out on 15 November 2018 at Chatburn Old Road, Chatburn regarding the retention and protection of two mature native trees situated on land at the rear of their properties which is owned by Mr Ronald Jackson.

2.2 On the 11 June 2015 planning consent was given for the erection of 10 dwellings at a site called Land off Chatburn Old Road Chatburn, 3/2015/0618. Included in the decision notice under Condition 8 required a Tree Protection Scheme to be submitted for the approval of the LPA. The trees in question were identified to be retained and protected throughout the development as it was felt they were an important part of the proposed development although they were not within the actual development site.

2.3 It is considered that the prominence of the Beech and Lime trees are a material consideration as well as the important views “into and out of” and the setting of Chatburn Conservation Area and as a screen for the development. On the basis of the results of an Amenity Evaluation Rating for a Tree preservation Order (see attached) the applicant was also advised that the local authority would consider it expedient to make a preservation order.

2.4 There are two mature trees in the garden of High Beech House which are also of High Amenity Value. The landowner was approached and offered the choice by the council of protecting the trees under the same TPO but Mrs Greyson declined the offer as they are



not under any threat of being felled or subject to potential tree resentment issue. The council can vary the order if there is a change in circumstances.

- 2.5 The Land off Chatburn Old Road, Chatburn Tree Preservation Order 2018, was served on the 5 April 2018. No objections were received within the 28 day period, however the landowner claimed the TPO was served to the wrong address. The council does not consider the TPO was incorrectly served on the landowner to the address recorded by HM Land Registry and we noted this information has not changed. However given the circumstances the council was prepared to allow the landowner a further 28 days to respond to the Ribble Valley Borough Council. A letter of objection was received from Ken Linford on behalf of the landowner (see attached).
- 2.6 The parcel of land the trees are situated on is also currently subject to an Application for Permission in Principle for up to 9 units 3/2018/0582.

### 3 ISSUES

- 3.1 The trees are considered to be of visual amenity value to the locality and to the wider tree-scape but also forms part of a screen for the new development. It is of concern to the council that the trees could be felled or severely reduced to maximise potential views or create more space to be developed.
- 3.2 A Local Planning Authority may make a TPO if it appears expedient in the interests of amenity, it may also be expedient to make a TPO if the LPA believe that there is a risk of tree[s] being cut down or pruned in ways which would have a significant impact on the amenity of the area but it is not necessary for the risk to be immediate.
- 3.3 A tree preservation order protects trees from unauthorised lopping, topping and felling but does not preclude tree work being carried, including felling, however except for emergencies, for which there are exemptions a tree work application is required for tree management work.
- 3.4 Tree work to protected trees that are considered to be dead and/or dangerous can, under exemptions, be carried out to reduce or remove immediate risk however a five day notice is normally required. If a tree has to be felled or pruned in an emergency the onus is on the landowner to prove that on the balance of probabilities that the tree was dangerous. Dead wood pruning does not require formal consent.
- 3.5 Any tree management decisions about any of the trees included in the preservation order should be based on a detailed arboricultural/quantified tree risk assessment carried out by a qualified and public indemnity insured arborist. This ensures that any tree management decisions are based on objective and accurate arboricultural information.

### 4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
- Resources – Dealing with tree related issues form part of the Countryside Officers duties.

- Technical, Environmental and Legal – decisions made about trees have to balance protection of the environment against quantifiable risks posed by trees.
- Political – None.
- Reputation – The Council’s environmental protection measures are being maintained.
- Equality & Diversity – None.

5 CONCLUSION

- 5.1 The tree survey and amenity evaluations have indicated the trees are of high amenity value, although they are growing on land outside the development they have the potential to cause future tree resentment issues and therefore a TPO is justified to enable the council to control future management and replacement if applicable.
- 5.2 The council consider it expedient in the interests of amenity to serve a TPO. This does not preclude a planning application being submitted or determined and in instances where a planning permission is granted and where the details indicate which trees are to be removed as part of the detailed consent, the planning permission supersedes a TPO and the loss can be mitigated.

6. **RECOMMENDED THAT COMMITTEE**

- 6.1 Confirm the Land off Chatburn Old Road, Chatburn Tree Preservation Order 2018.

ALEX SHUTT  
COUNTRYSIDE OFFICER

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

Copy of letter of request for TPO

Copy of letter of objection

Copy of letter of objection response

Copy of Amenity Evaluation forms

Copy of Tree Report

For further information please ask for Alex Shutt, extension 4505.

F	G
3 - APR 2018	
FOR THE ATTENTION OF	

CHATBURN.

LAWCS, B1374AB.

28TH MARCH 2018.

Dear Mrs Hewitt

It has been over four months since my neighbour Stella and myself requested a TPO for two trees on the edge of a building site owned by Mr Jackson. The trees are old one a beech and the other a lime. One of the new houses would have a much better view of Puddle Hill if they were removed, hence our wish to protect them. They are on land owned by Mr Jackson who is also the house developer so he could remove them any time and there would be nothing we could do. He has already removed a valuable, very ancient hedge and many trees, so to protect two trees would be small consolation for all we have lost.

Please could you give this request your consideration.

Yours Faithfully .

# STATEMENT OF OBJECTIONS RELATING TO THE MAKING OF A TREE PRESRVATION ORDER TITLED

## *THE LAND OFF CHATBURN OLD ROAD, CHATBURN TREE PRESERVATION ORDER 2018.*

1. We are instructed by our client, Mr Ronald Jackson of JJ Builders Ltd to present his objections to the application of a TPO to two trees on his land off Chatburn Old Road and adjacent but outside of a housing development in the process of completion.
2. As the Original documentation was incorrectly directed to Mr Jackson, the Council have kindly extended to the period for objections to be received to 15<sup>th</sup> May 2018 after which the council will be able to consider if and how they may wish to confirm or adjust the TPO.
3. The client arranged to have all the trees on his land at Chatburn Old Road surveyed and reported in in 2014 as part of the process of the development application. The two trees refered to in the TPO, a beech and a Lime were highly rated in the survey work and the decision was made to retain the trees as a screen for the development and to enhance the views from the village of Chatburn
4. The beech is a mature well-proportioned tree some 22m high and with a significant canopy spread, some light squirrel damage and light deadwood and branch cross attachments that one would expect from a tree at that stage of development.
5. The lime is a healthy tree in need of crown cleaning to remove epicormics growth to encourage the development of a fuller crown. The tree is however suppressed by the beech and while it makes a contribution to the local amenity it will always suffer from its larger neighbour.
6. Construction work on Mr Jackson's development has never placed the two trees under threat and the necessity of changes in soil profiles on the development avoided any encroachment and over soiling of the root plates of the lime and beech. Such action could cause damage in the longer term.
7. Tree Preservation Orders are only applied by councils where there are good reasons and the trees are deemed to be under threat.
8. The large and well canopied sycamore located in the large rear garden of High Beech House has not been included within the order despite it appearing to be of a very high quality and being visibly significant to the village scene. This is either an omission by the Council or lead us to the conclusion that the proposed order assumes that the beech and lime are under threat.
9. The Regulation 5 Notice makes specific mention that the reason for the TPO relates to the **High Amenity Value** of the trees and makes no reference to the trees being under threat.
10. We would propose that the TPO is either not confirmed and reviewed at another time if required, or that the order is reformed and includes all local trees in the high amenity category.

*Acting for Mr R Jackson*

Ken Linford

Consulting Arborist

Tree Check Ltd

252 Leyland Lane,

Leyland,

Lancs

# RIBBLE VALLEY BOROUGH COUNCIL

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please ask for: ALEX SHUTT  
direct line: 01200 414505  
e-mail: alex.shutt@ribblevalley.gov.uk  
my ref: AS  
your ref:  
date: 12 July 2018

Council Offices  
Church Walk  
CLITHEROE  
Lancashire BB7 2RA

Switchboard: 01200 425111  
Fax: 01200 414487  
[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

Dear Mr Jackson

TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (TREE PRESERVATION ORDER) (ENGLAND)  
REGULATIONS 2012  
TREE PRESERVATION ORDER THE LAND OFF CHATBURN ROAD, CHATBURN  
TREE PRESERVATION ORDER 2018

I write with reference to the email submitted by Ken Linford dated 15 June 2018. We are in the process of considering the representations/objections you have raised and we will contact you again in due course with our findings. However at this juncture it is likely that the representations/objections you have raised will be put before the Planning and Development Committee for consideration. You may wish to make representation at Committee and therefore you will be advised with the date in advance.

In the meantime if you have any further questions please do not hesitate to contact me.

Yours sincerely

ALEX SHUTT  
COUNTRYSIDE OFFICER

Mr Ronald Jackson  
PO Box 9422  
Sleaford  
Lincolnshire  
NG34 4DB

# Amenity Evaluation Rating for CA/TPO

<b>Conservation Area</b> No- Fringe of Chatburn  <b>TREE SPECIES:</b> Lime  <b>ADDRESS:</b> Land off Chatburn Old Road, Chatburn.	<b>SITE VISIT DATE:</b>  <b>EFFECTIVE DATE:</b>  <b>TPO DESIGNATION:</b>    <b>SURVEYED BY:</b> Alex Shutt
<b>AMENITY VALUE RATING:</b>  <b>REASON FOR TPO:</b>	

		SCORE		SCORE
<b>1</b>	<b>Size</b>		<b>6</b>	<b>Suitability to area</b>
1	Very small up to 5m		1	Just suitable
2	Small 5-10m		2	Fairly suitable
3	Small 10-15m		3	Very suitable
4	Medium 15-20m		4	Particularly suitable
5	Medium 20-25m			
6	Large 25-30m			
7	Very large 30m +			
<b>2</b>	<b>Life expectancy</b>		<b>7</b>	<b>Future amenity value</b>
1	5-15 years		0	Potential already recognised
2	15-40 years		1	Some potential
3	40-100 years		2	Medium potential
4	100 years +		3	High potential
<b>3</b>	<b>Form</b>		<b>8</b>	<b>Tree influence (current or future)</b>
-1	Tress which are of poor form		-2	Highly significant
0	Trees of not very good form		-1	Significant
1	Tress of average form		0	Slight
2	Trees of good form		1	Insignificant
3	Trees of especially good form			
<b>4</b>	<b>Visibility</b>		<b>9</b>	<b>Added factors</b>
1	Trees only seen with difficulty or by a very small number of people		If more than one factor relevant maximum score can still only be 2	
2	Back garden trees, or trees slightly blocked by other features		1	Screening unpleasant view
3	Prominent tress in well frequented places		1	Relevant to the Local Plan
			1	Historical Association
			1	Considerably good for wildlife
			1	Veteran tree status
<b>5</b>	<b>Other trees in the area</b>		<b>10</b>	<b>Rating</b>
0	Wooded surroundings			
1	Many			
2	Some			
3	Few			
4	None			

**ADD EACH FACTOR TOGETHER 1+2+3+4+5+6+7+8+9 = Rating**  
 (The suitable benchmark rating for inclusion within a TPO is 15)

# Amenity Evaluation Rating for CA/TPO

<b>Conservation Area</b> No- Fringe of Chatburn  <b>TREE SPECIES:</b> Beech  <b>ADDRESS:</b>   <b>AMENITY VALUE RATING:</b> 22  <b>REASON FOR TPO:</b> POTENTIAL THREAT FROM DEVELOPER AND TREE RESENTMENT ISSUES	<b>SITE VISIT DATE:</b> 4 April 2018  <b>EFFECTIVE DATE:</b> 5 April 2018  <b>TPO DESIGNATION:</b>   <b>SURVEYED BY:</b> Alex Shutt
--	--

<b>1</b>	<b>Size</b>	<b>SCORE</b>	<b>6</b>	<b>Suitability to area</b>	<b>SCORE</b>
1	Very small up to 5m		1	Just suitable	
2	Small 5-10m		2	Fairly suitable	
3	Small 10-15m		3	Very suitable	Y
4	Medium 15-20m		4	Particularly suitable	
5	Medium 20-25m	Y			
6	Large 25-30m				
7	Very large 30m +				
<b>2</b>	<b>Life expectancy</b>		<b>7</b>	<b>Future amenity value</b>	
1	5-15 years		0	Potential already recognised	
2	15-40 years		1	Some potential	
3	40-100 years	Y	2	Medium potential	Y
4	100 years +		3	High potential	
<b>3</b>	<b>Form</b>		<b>8</b>	<b>Tree influence (current or future)</b>	
-1	Tress which are of poor form		-2	Highly significant	
0	Trees of not very good form		-1	Significant	
1	Tress of average form		0	Slight	
2	Trees of good form	Y	1	Insignificant	Y
3	Trees of especially good form				
<b>4</b>	<b>Visibility</b>		<b>9</b>	<b>Added factors</b>	
1	Trees only seen with difficulty or by a very small number of people		If more than one factor relevant maximum score can still only be 2		
2	Back garden trees, or trees slightly blocked by other features		1	Screening unpleasant view	Y
3	Prominent tress in well frequented places	Y	1	Relevant to the Local Plan	
			1	Historical Association	
			1	Considerably good for wildlife	
			1	Veteran tree status	
<b>5</b>	<b>Other trees in the area</b>		<b>10</b>	<b>Rating</b>	22
0	Wooded surroundings				
1	Many				
2	Some	Y			
3	Few				
4	None				

**ADD EACH FACTOR TOGETHER 1+2+3+4+5+6+7+8+9 = Rating**  
 (The suitable benchmark rating for inclusion within a TPO is 15)

320140618P

# **ARBORICULTURAL DEVELOPMENT REPORT**

**TREES LOCATED AT OLD RD CHATBURN, CLITHEROE**

**FOR**

**Mr R JACKSON (via GARY HEORTY ASSOCIATES)**

**June 2014**

**TREE CHECK LTD  
252 LEYLAND LANE  
LEYLAND  
LANCS  
PR5 3HL**

**TEL: 01772 621435**



**CLIENT:** Mr R Jackson (via Gary Heorty Associates)

**SITE:** Old Rd Chatburn, Clitheroe

### **SUMMARY**

The report concentrates on the Hedge and Tree retention and care issues arising from proposals to develop residential housing on land off Chatburn Old Road, Chatburn. The standards of assessment on trees in relation ship to development has changed since 2010 and this is reflected in the format of the report

The trees on site were initially surveyed in September 2010 and the report used as part of the planning proposals at that time. The site layout now under consideration has required a complete review of the trees and the existing hedgeline along Old Rd.

The Report should be read in conjunction with the attached Tree Survey and Constraints Plan which identifies those trees to be removed and retained. The Tree Survey has been completed in the context of BS 5837 (2012) Trees in Relation to Design, Demolition and Construction. The tree schedule comments on tree quality via the BS rating system and the report identifies in conjunction with the proposed plans where tree loss and retention is proposed.

The report identifies where required, the ways that retained trees can be protected during the construction process and will indicate the method statements required to cover tree protection work during the build phase. If required these more detailed guides will be prepared later for use by the contractor and as a condition of the Planning Permission.

The trees surveyed meet the size requirements for consideration and have been graded A, B, C and U under the British standard rating refered to in BS 5837 (2012).

### **REPORT REMIT AND SUPPLIED DATA.**

The purpose of the survey was to report on the implications for continued existing tree growth bearing in mind the proposed building developments on site and to report on the impact of the proposed development on the treescape. All tree locations have been plotted on a topographical plan provided by the client. We are not aware if the trees have been covered by any Protection Legislation.

The Survey and report should be seen within the context of the wider planning process. Other specialisms including highways advice and ecological data may also inform a final constraints plan.

Subject to the clients and Planning Authorities requirements this may involve the Consulting Arborist beyond the planning permission stage to the build and Tree protection process. The attached appendix (Fig 1. The Design and Construction process and tree care) shows the likely points of involvement especially where further method statements or site contractor supervision work is conditioned.

## **THE SURVEYOR**

I am Ken Linford, a consulting arborist, trained in Quantified Tree Risk Assessment, application of BS 5837 (2012) and Tree Defect identification. I have experience as a tree care contractor for more than 25 years and have been providing a consulting service for Local Councils, private persons and architects for 15 years. My CPD record is open to inspection if required. I am covered by PI insurance by Hiscox Insurance Brokers to the level of £2,000,000.

## **TREE SURVEY CONDITIONS**

A site visits were carried in 2010 and again in June 2014

Conditions in 2014 were dry and clear. The trees were in full leaf. The trees were not climbed but the situation was viewed from ground level. Visual Tree Assessment Techniques was used throughout and hammer tests and a fine drill were used where required to determine trunk integrity and the extent of any decay.

## **THE TREE SURVEY.**

1. The attached schedule lists and rates the trees. We are not aware if any further tree protection measures beyond that already known have been enacted by the Local Authority.
2. The site area of 2.35 hectares is bordered by Bold Venture Quarry to the West, Chatburn Old Road to the North and residential housing to the South and East at Crowtrees Brow.. The past history of the site suggests that the eastern half of the ground has been a surface worked quarry. A quarry top is evident and undulating spoil piles dominate the lower ground to the East nearer the village. Young and early mature trees have grown in the spoil. Hawthorn predominates with young Ash as the next most prolific species
3. The tag numbered trees are the more mature and significant examples located within the site and on the Chatburn Old Road boundary.
4. The appendix Table1 shows a Cascade chart used for Tree Quality Assessment.

## **ARBORICULTURAL FEATURES AND COMMENTS.**

1. The attached schedule lists the trees located in proximity to the proposed development. The significant trees have been tag marked on site and these numbers are cross referred to the schedule and plan. Whips and shrubs are not commented upon except where they form a significant screening group.
2. The dominant species on the site are self seeded hawthorn with an average height of 4-6m. These trees are mature in height and offer little in terms of amenity value if retained within a development. There is also a scatter of early mature and mature ash together with a number of mature ash, lime, elm, beech and field maple some of which make a significant contribution to the landscape and would soften and enhance a residential development.

## TREE CONSTRAINTS PLAN AND SCHEDULE

As attached.

## REMOVAL AND RETENTION PROPOSALS AND COMPENSATORY PLANTING

1. The hedge line running from the ash T18 east to the start of a wall line and acting as the Old Road boundary has been assessed as a screening group with the species number and girth diameters listed to inform the current state of the hedge and the prospect for management in the future

SPECIES	Total No.	Laid meterage	Coppice regrowth	Dia <50mm	Dia 50-100mm	Dia 100-150mm	Dia 150-300mm	Dia >300mm
Elm	14				2	8	3	1
Hawthorn	35	4m		20	8	3		
Field Maple	1				12			1
Ash	28			4		7	2	3
Hazel	1		1		8		3	
Holly	19		1	3	1	4	2	
Sycamore	12					9		
	110							

- The hedge is 100m long and is probably over 150 years old given the species spread. The hawthorn in the hedge was laid 30-50 years ago but has become suppressed by the other species especially sycamore, elm, ash and holly which now dominate.
- The overall height of the ash and sycamore is 7-10m. If left the trees in the hedge line and on the other side of Old Road will dominate the access road and darken both the road and the proposed gardens beyond
- The ash and elm species have a limited predictable future life cycle because of the effects of elm bark beetle and the potential effect of Chalara Fraxinea (Ash dieback)
- Discussion with a hedge laying contractor suggests that laying of most of the trees will be possible and once more light has been made available infill planting of other native hedge species will bring the hedgeline back to a maintainable state within 7 years
- Given this treatment we would propose a linear root protection zone for the hedge of 3m. Services within Chatburn Old Road road up to the point where they will divert into the site will need to take account of the need for protection of the hedge root range.
- Hedge laying will need to take place from November to March and incorporate compensatory planting to augment the existing hawthorn.
- The closest distance of the proposed properties to the hedge will be 6m. The proposed laid hedge once regrown will need to be maintained at 2-4m to suit the owners. Allowing selected single trees to grow on is optional but would darken gardens given the woodland already existing on the eastern side of Chatburn Old Rd.



*Current condition of the Chatburn Old Rd hedgeline*

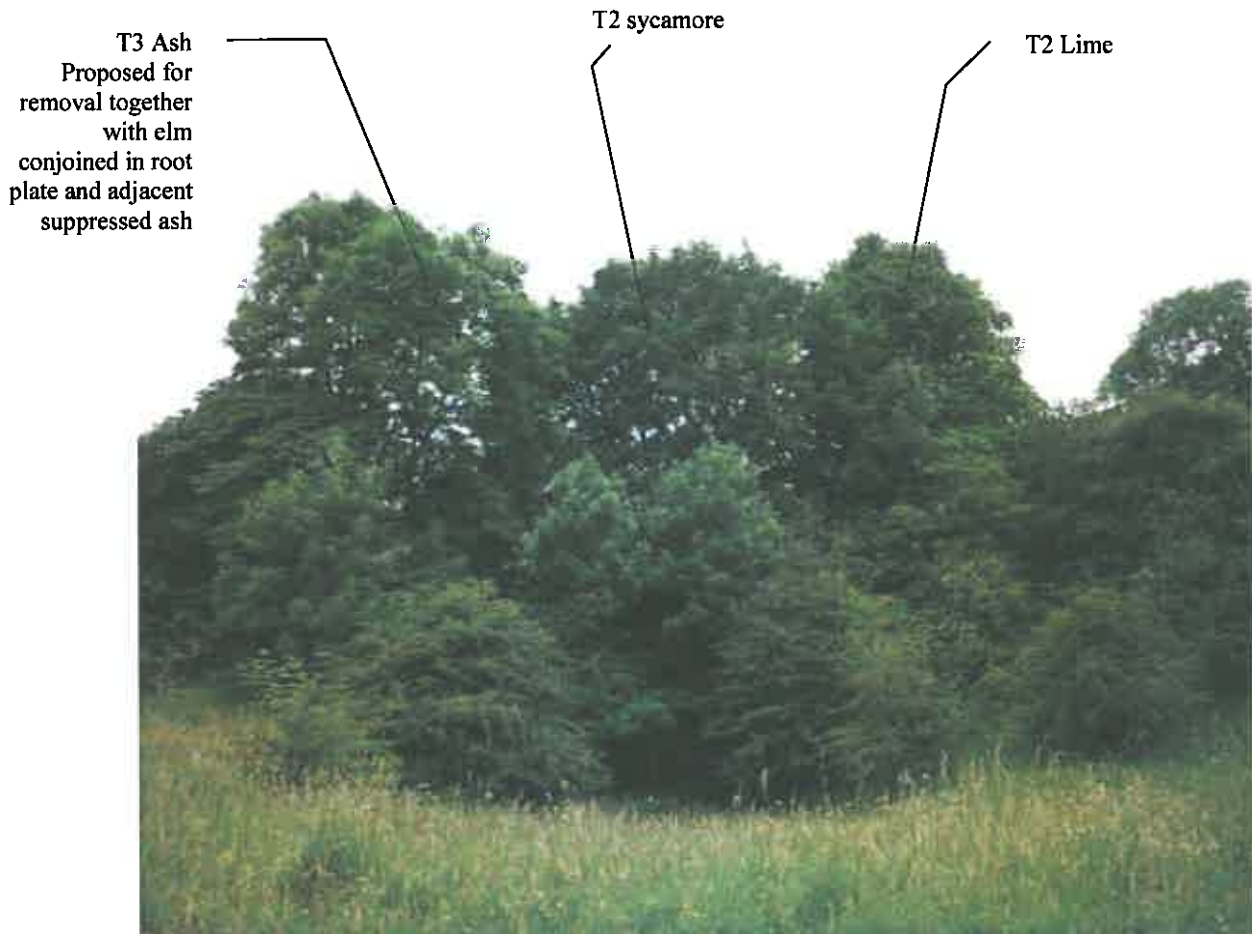
2. A very defined screening line of early mature trees are located behind the properties on Crowtrees Brow and on the southern slope of the site. This has been detailed on the topo plan and on the constraints plan as Tree Group A and form very useful visual screen between the Development and the properties on Crowtrees Brow.

SPECIES	Total No.	Average Height
Elm	1	5m
Hawthorn	22	4m
Ash	7	6m
Beech	1	7m
	31	

The photo shows the view of the trees in TG1 from the rear fenceline of the Crowtrees Brow Properties



3. The construction of the property on plot 6 will require the loss of an ash and a subsidiary elm and suppressed ash. While T3 has a high rating on the BS scale both T2 and T3 will remain as a significant canopy profile providing scale to Plot 7 to the north and the other properties in the foreground



## SERVICES

We are advised that service lines into the site will be within the roadways or access from the east but will not cross Root protection areas or require tree removal.

## **TREE PROTECTION DURING CONSTRUCTION WORK**

The builder will adhere to the following code of practice and a full Method Statement for Tree Protection can on request be prepared prior to contract commencement.

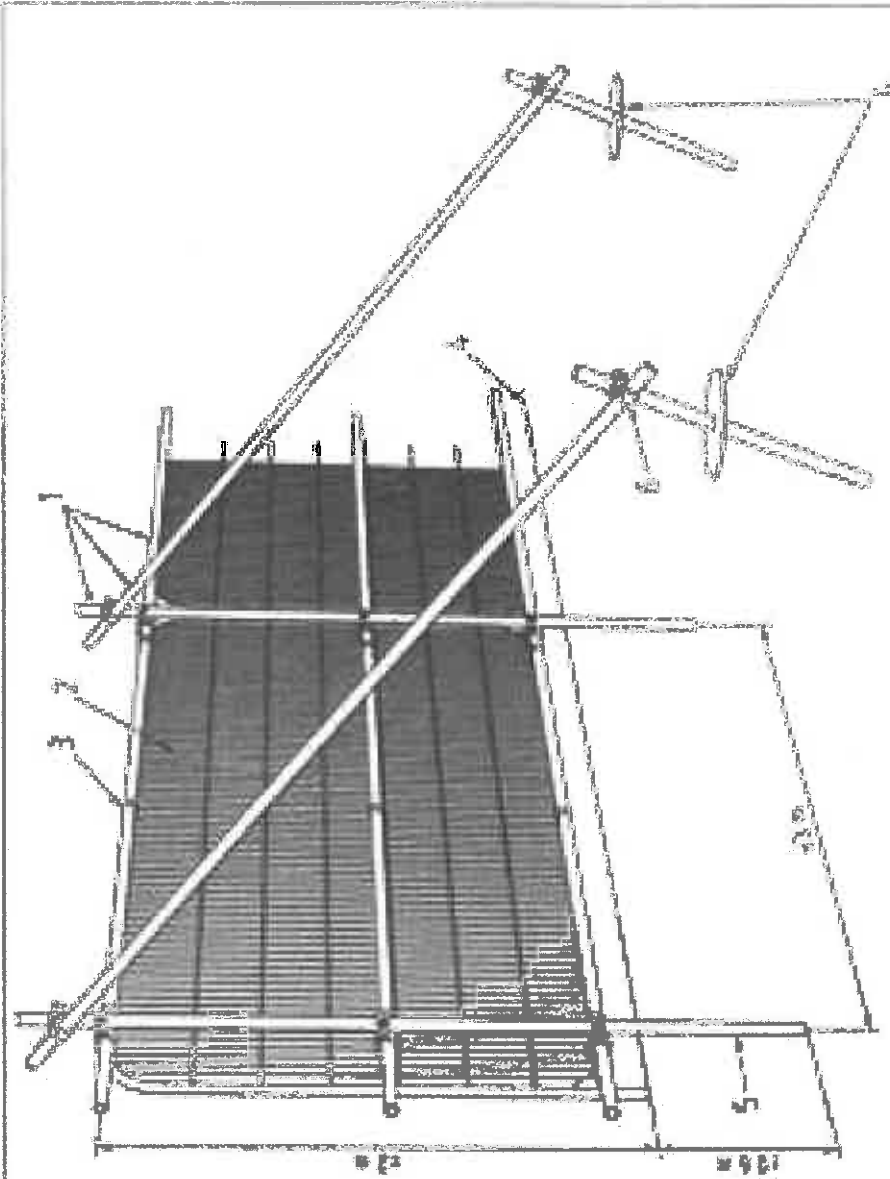
1. A plan will be prepared to indicate the location of the Root protection area and the location of protection in Hares fencing mounted on fixed scaffold posts to ensure that the protection area is not breached or used for material storage. This will meet with the requirements of BS 5837 (2012)
2. Arboricultural supervision of the Tree protection programme can be arranged if required by the LPA. A small building team well briefed on the protection requirements should be able to carry out the work without close supervision.
3. Full tree root zone protection fencing should be implemented after the initial tree works listed on the schedule and before any Profiling, cutting filling or groundwork and foundation work commence. This will include all retained trees and hedges and Tree Groups referred to on the schedule.
4. No storage of materials or mixing of concrete shall take place within the root protection areas or any runoff permitted into the protected root zone areas.
5. The tree protection fencing will remain in place until the construction work has been completed.

Ken Linford  
Consulting Arborist

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Figure 2 Default specification for protective barrier



Key

- 1 Standard scaffold poles
- 2 Heavy gauge 3 m tall galvanized tube and welded mesh infill panel
- 3 Panels secured to uprights and cross-members with wire ties
- 4 Ground level
- 5 Uprights driven into the ground until secure (minimum depth 0.6 m)
- 6 Standard scaffold clamps

**TREE CONDITION REPORT  
ON TREES LOCATED AT OLD ROAD, CHATBURN**

DATE: 21.6.14 WEATHER CONDITIONS: DRY AND CLEAR. INSPECTOR CODE: KL

Ref No	SPECIES	HGT	DBH (mm)	CANOPY SPREAD	CANOPY CLEARANCE metres	AGE CLASS	GENERAL CONDITION	VIGOUR G/F/P	WORK RECC FOR MANAGEMENT	SULE	RPA Radius (m) and m <sup>2</sup>	BS 5837 RATING 2012
1	Ash	15	350	5	6	M/EM	Good, exposed root plate, rooted into spill and rock	G	Remove to facilitate development	25	4.2 55m <sup>2</sup>	B/C
2	Lime	18	3x275	5	3	M	Good, epicormic growth, triple stem, rooted into quarry top	G	Canopy lift to clear 4m	30	5.7 102m <sup>2</sup>	B1
3	Sycamore	14	3x300 2x400	7	3	M	Good, multistem, rooted into quarry top and face	G	Canopy lift to clear 4m	30	9.2 270m <sup>2</sup>	B1
4	Ash	15	350	5	3	M	Good, on top of quarry edge, twin stemmed. Rootplate conjoined with small elm and suppressing 12m ash with canopies conjoined.	G	Remove the tree group to facilitate plot 6 development	30	4.2 55m <sup>2</sup>	B1
990	Ash	10	350	7e	3	M	Fair, leaning horizontally from Rock face	F	Retain within garden of Plot 6	20	4 50m <sup>2</sup>	C2
5	Ash	14	500	7	4	M	Good, Set in a dell below the quarry top	G	Retain	30	6 113m <sup>2</sup>	C2
6	Ash	14	400	5	3	M	Fair, cankered stem, growing into rock quarry top	G	Consider retention if development allows	30	4.8 72m <sup>2</sup>	C2
7	Beech	23	1180	9	3	LM	Good, slight deadwood, past limb failure. Provides good screen for housing on boundary	G/F	Retain	30	13	A/B1
8	Lime	21	730	7	2	M	Good, epicormic growth	G	Crown clean, retain	30	9	A1
18	Ash	24	980	10		LM	Past branch failure, existing deadwood extending over LT cable Codominant stems at 3m, basal regrowth.	F	Remove deadwood and canopy reduce away from LT cable. Remove deadwood and deadwood stubs. Carry out aerial safety inspection.	10	12 452m <sup>2</sup>	B/C1
19	Field maple	12	450	8	4	LM	Fair, leader die back, likely central decay. Retention would require pruning to balance limb to north	F	Fell or prune back to balance to facilitate plot 7 development	10	5.4 92m <sup>2</sup>	CU
961	Field maple	12	350	5	4	M	Fair, ivy invested, located within hedge line	F/G	Retains part of hedge line	15	4.2 55m <sup>2</sup>	C2



# CONSTRAINTS PLAN



Figure 1 The design and construction process and tree care

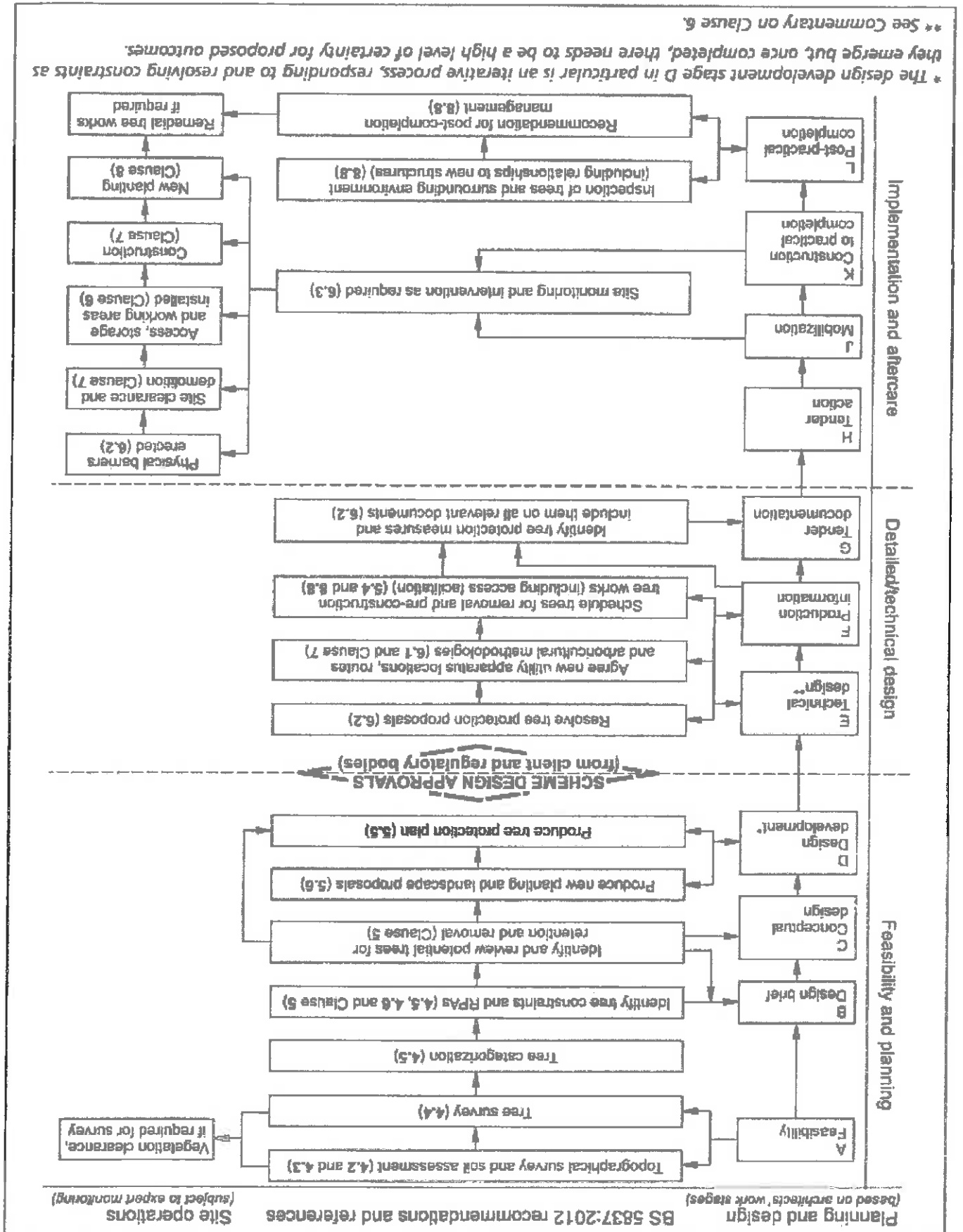


Table 1 Cascade chart for tree quality assessment

Category and definition	Criteria (including subcategories where appropriate)	Identification on plan
<b>Trees unsuitable for retention (see Note)</b>		
<b>Category U</b> Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	<ul style="list-style-type: none"> <li>Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)</li> <li>Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline</li> <li>Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality</li> </ul> <p><i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.</i></p>	See Table 2
<b>1 Mainly arboricultural qualities</b>		
<b>2 Mainly landscape qualities</b>		
<b>3 Mainly cultural values, including conservation</b>		
<b>Trees to be considered for retention</b>		
<b>Category A</b> Trees of high quality with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features
<b>Category B</b> Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality
<b>Category C</b> Trees of low quality with an estimated remaining life expectancy of at least 10 years; or young trees with a stem diameter below 150 mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees with material conservation or other cultural value
		Trees with no material conservation or other cultural value



# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No 8

meeting date: 6 SEPTEMBER 2018  
 title: REVENUE OUTTURN 2017/18  
 submitted by: DIRECTOR OF RESOURCES  
 principal author: TRUDY HOLDERNESS

## 1 PURPOSE

1.1 To report on the outturn for the financial year 2017/18 in respect of the Revenue Budget for this Committee

1.2 Relevance to the Council's ambitions and priorities:

- ❖ Community Objectives – none identified
- ❖ Corporate Priorities – to continue to be 'a well-managed Council providing efficient services based on identified customer need and meets the objective within this priority, of maintaining critical financial management controls, ensuring the authority provides council tax payers with value for money'.
- ❖ Other Considerations – none identified.

## 2 BACKGROUND

2.1 Our full Statement of Accounts was signed off for audit by the Director of Resources on 31 May 2018 and that audit has now been completed.

2.2 The 2017/18 financial year was the first where we are required to meet the new deadlines for release of our Statement of Accounts for external audit by the 31 May and approval following audit by 31 July. We also matched these new deadlines in last year's closedown process in preparation for this year's new requirements.

2.3 Our final audited Statement of Accounts was approved by Accounts and Audit Committee at their meeting on 25 July 2018.

## 3 FINANCIAL INFORMATION

3.1 Shown below, by cost centre, is a comparison with the revised estimate. You will see an overall underspend of £161,225 on the net cost of services. After transfers to and from earmarked reserves, the overall underspend is £106,116. This has been added to General Fund Balances.

Cost Centre	Cost Centre Name	Revised Estimate 2017/18 £	Actual 2017/18 £	Variance 2017/18 £	Associated Earmarked Reserves Variance £	Net Variance 2017/18 £
PLANG	Planning Control & Enforcement	233,780	128,631	-105,149	0	-105,149
PLANP	Planning Policy	90,780	54,487	-36,293	31,774	-4,519
LDEVE	Local Development Scheme	118,230	100,810	-17,420	16,576	-844

<b>Cost Centre</b>	<b>Cost Centre Name</b>	<b>Revised Estimate 2017/18</b>	<b>Actual 2017/18</b>	<b>Variance 2017/18</b>	<b>Associated Earmarked Reserves Variance</b>	<b>Net Variance 2017/18</b>
		£	£	£	£	£
BCSAP	Building Control SAP Fees	210	360	150	0	150
BCFEE	Building Control – Fee Earning	-11,510	-2,673	8,837	-8,837	0
BCNON	Building Control – Non Fee Earning	56,090	56,249	159	0	159
CINTR	Clitheroe Integrated Transport Scheme	7,160	7,156	-4	0	-4
CONSV	Conservation Areas	12,190	12,132	-58	0	-58
AONBS	Area of Outstanding Natural Beauty	15,910	15,765	-145	0	-145
ECDEV	Economic Development Department	0	0	0	15,595	15,595
COUNT	Countryside Management	52,360	41,431	-10,929	0	-10,929
FPATH	Footpaths & Bridleways	5,820	5,448	-372	0	-372
PENDU	Pendle Hill Users	-440	-441	-1	1	0
PLSUB	Grants and Subscriptions	5,250	5,250	0	0	0
<b>NET COST OF SERVICES</b>		<b>585,830</b>	<b>424,605</b>	<b>-161,225</b>	<b>55,109</b>	<b>-106,116</b>

#### 4 EARMARKED RESERVES

4.1 Reserves are important to local authorities as, unlike central government, we cannot borrow money over the medium term, other than for investment in assets, and we are required to balance our budgets on an annual basis.

4.2 Reserves can be held for three main purposes:

- A working balance to help cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing;
- A contingency to cushion the impact of unexpected events or emergencies. This also forms part of general reserves;
- A means of building up funds or accounting for funds we are committed to spend, such as grant income we have received in year but not yet spent in full. This is done through our earmarked reserves to meet known or predicted requirements; our earmarked reserves are accounted for separately but remain legally part of the General Fund.

4.3 The table below provides details of the revised estimate, our actual outturn and the impact in both cases of the movement in earmarked reserves. Full details are provided of the earmarked reserves that have been impacted and the reason for the movement.

	<b>Revised Estimate 2017/18 £</b>	<b>Outturn 2017/18 £</b>	<b>Variance £</b>	<b>Reason for Movement on Earmarked Reserve</b>
<b>Committee Net Cost of Services</b>	<b>585,830</b>	<b>424,605</b>	<b>-161,225</b>	
<p><b>PLBAL/H336 Planning Reserve</b> The reserve was initially established from planning fee income. Its purpose is to fund future potential planning issues.</p> <p>In recent years resources have been earmarked within the reserve to fund the production of a Local Development Plan.</p>	-40,140	-23,565	16,575	Delays in the examination stage of developing the Local Development Plan have resulted in a reduced contribution being needed from reserves for in year expenditure.
<p><b>PLBAL/H284 Neighbourhood Planning Reserve</b> On submission of a neighbourhood plan the council receives a contribution from Ministry of Housing Communities and Local Government (MHCLG) to further the plan. These contributions were set aside in a reserve to fund associated future expenditure.</p>	-4,930	-4,931	-1	During the year an examination of the Bolton By Bowland and Gisburn Forest neighbourhood plan took place, the cost of which was funded from the earmarked reserve established for this purpose.
<p><b>PLBAL/H373 Self-build &amp; Custom Housebuilding Reserve</b> Grant funding towards maintenance of a register of individuals, and associations of individuals, seeking to acquire service plots of land in the area</p>	0	30,000	30,000	Further grant received in the 2017/18 financial year has been set aside in this earmarked reserve for future use. This has been added to the existing balance previously received.
<p><b>PLBAL/H374 Brownfield Sites Reserve</b> Grant funding towards the preparation and maintenance of a register of brownfield sites suitable for residential development</p>	0	1,775	1,775	Further grant received in the 2017/18 financial year has been set aside in this earmarked reserve for future use. This has been added to the existing balance previously received.

	Revised Estimate 2017/18 £	Outturn 2017/18 £	Variance £	Reason for Movement on Earmarked Reserve
<b>FNBAL/H334 Restructuring Reserve</b> A restructuring reserve was established to fund any restructuring reviews	-35,820	-20,224	15,596	The full budget provided for in the revised budget in respect of the new department and Director was not required in year. This also resulted in a lower level of resources being needed from the Restructuring Earmarked Reserve.
<b>PLBAL/H234 Building Regulation Reserve</b> The fee earning element of the Building control services is statutorily ringed fenced. Any surplus or deficit is set aside in an earmarked reserve to offset past surpluses or deficits.	11,510	2,673	-8,837	Reduced building regulation income has resulted in a lower contribution to the earmarked reserve than was planned.
<b>PLBAL/H273 Pendle Hill User Reserve</b> The reserve was established from contributions from visitors to help fund the future upkeep of Pendle Hill.	440	441	1	A small contribution was received from visitors during the year and this has been added to the earmarked reserve to fund future upkeep of Pendle Hill.
<b>Committee Net Cost of Services After Movements on Earmarked Reserves</b>	<b>516,890</b>	<b>410,774</b>	<b>-106,116</b>	

## 5 KEY MOVEMENTS FROM REVISED ESTIMATE TO OUTTURN

5.1 The main variations have been extracted, and are shown with the Budget Holder's comments at Annex 1. However, a summary of the major variations is set out in the table below.

Service Area	Description of Variance	Amount £
<b>PLANG</b> Planning Control	Income levels from planning applications and pre-application advice fluctuate during the year and from year to year making it difficult to predict. This is evidenced in the actual planning application income for 2017/18 when towards the end of the financial year payment for two large applications was received	-80,830



Service Area	Description of Variance	Amount £
<p><b>PLANP</b> Planning Policy</p>	<p>The Self Build and Custom Housebuilding Act 2015 places a duty on councils to keep a register of people and community groups who are interested in self build or custom build projects in their area. In the past two years the DCLG has provided grant funding the latest being received at the end of March 2018.</p> <p>This grant has been set aside in order to meet future expenditure when it is incurred.</p>	<p>-31,775</p>
<p><b>LDEVE</b> Local Development Plan</p>	<p>Budget provisions were established at the revised estimate for in respect of the local development plan. Delays resulted in the budget remaining unspent. This also resulted in less resources then being needed from earmarked reserves in respect of this expenditure.</p>	<p>-16,576</p>
<p><b>ECDEV</b> Economic Development</p>	<p>The full budget provided for in the revised budget in respect of the new department and Director was not required in year. This also resulted in a lower level of resources being needed from the Restructuring Earmarked Reserve.</p>	<p>-15,820</p>

## 6 CONCLUSION

- 6.1 There have been a number of variations in both income and expenditure during the year, and this has given rise to an overall underspending of **£161,225** on the net cost of services. After transfers to and from earmarked reserves the overall underspend is **£106,116**.

SENIOR ACCOUNTANT  
PD7-18/TH/AC  
20 August 2018

DIRECTOR OF RESOURCES

## BACKGROUND PAPERS

For further information please ask for Lawson Oddie

**PLANNING & DEVELOPMENT COMMITTEE  
– VARIANCES 2017/18**

	Variance in Expenditure £	Variance in Income £	Variance in Support Services £	Variance in Capital Charges £	Total Variance £	Associated Earmarked Reserve Variance £	Net Variance £
<b>PLANG: Planning Control &amp; Enforcement</b>							
The total maintenance cost of the GGP system has been recharged out to services based on the number of users rather than all falling under this service area; this has reduced actual cost charged here.	-3,919						
Professional fees incurred in case brought against Ribble Valley by Hammond Ground Trustees are below the original budget, mainly due to costs being awarded to Ribble Valley which have been netted off the cost.	-4,120						
There have been no local plan or OS master-map imagery costs in year due to prioritising work on local development plan.	-5,570						
Income levels from Planning Fees fluctuate during the year, and from year to year making it difficult to predict. This is evidenced in the actual income in 2017/18 when payments for two large applications were received towards the end of the financial year.		-80,830					
Reduction in support costs from Community services department, Legal Services and Economic Development Department due to variances in net expenditure on these services.			-8,370				
<b>Total Planning Control &amp; Enforcement</b>					<b>-102,809</b>	<b>0</b>	<b>-102,809</b>

	Variance in Expenditure £	Variance in Income £	Variance in Support Services £	Variance in Capital Charges £	Total Variance £	Associated Earmarked Reserve Variance £	Net Variance £
<b>PLANP: Planning Policy</b>							
Reduction in support costs mainly from Economic Development Department.			-3,901				
The Self Build and Custom Housebuilding Act 2015 places a duty on councils to keep a register of people and community groups who are interested in self build or custom build projects in their area. In the past two years the DCLG has provided grant funding the latest being received at the end of March 2018.  This grant has been set aside in order to meet future expenditure when it is incurred.		-31,775					
<b>Total Planning Policy</b>					<b>-35,676</b>	<b>31,774</b>	<b>-3,902</b>
<b>LDEVE: Local Development Scheme</b>							
Budget provisions were established at the revised estimate for in respect of the local development plan. Delays resulted in the budget remaining unspent. This also resulted in less resources then being needed from earmarked reserves in respect of this expenditure.	-16,576						
<b>Total Local Development Scheme</b>					<b>-16,576</b>	<b>16,576</b>	<b>0</b>
<b>BCSAP: Building Control SAP Fees</b>							
Below average income from SAP fees		690					
<b>Total Building Control SAP Fees</b>					<b>690</b>	<b>0</b>	<b>690</b>

	Variance in Expenditure £	Variance in Income £	Variance in Support Services £	Variance in Capital Charges £	Total Variance £	Associated Earmarked Reserve Variance £	Net Variance £
<b>BCFEE: Building Control Fee Earning Account</b>							
Reduced level of expenditure on scanning documents as lower volume sent for scanning.	-1,852						
Reduction in support costs mainly from the Chief Executive's Department due to budget variances on this service.			1,259				
Income from building control fee earning services has been lower than anticipated in the revised estimate. The revised estimate was based on the average levels of income received in past years.		9,556					
Reduced contribution to earmarked reserve due to increase in net expenditure in this service							
<b>Total Building Control Fee Earning Account</b>					<b>8,963</b>	<b>-8,837</b>	<b>126</b>
<b>COUNT: Countryside Management</b>							
Due to the complexity of countryside related issues expenditure on equipment and materials for countryside activities varies from year to year for 2017/18 less expenditure was required resulting in an underspend.	-2,434						
Reduction in grants paid as committee approval was not sought before the end of the financial year.	-7,836						
<b>Total Countryside Management</b>					<b>-10,270</b>	<b>0</b>	<b>-10,270</b>

	Variance in Expenditure £	Variance in Income £	Variance in Support Services £	Variance in Capital Charges £	Total Variance £	Associated Earmarked Reserve Variance £	Net Variance £
<b>ECDEV: Economic Development Department</b>							
The full budget provided for in the revised budget in respect of the new department and Director was not required in year. This also resulted in a lower level of resources being needed from the Restructuring Earmarked Reserve.	-15,820						
Reduced income from recharges to other services due to the lower level of in-year expenditure for the new department			15,596				
					-224	15,596	15,372
<b>Other Variances</b>	-2,191	1,173	-4,304	0	-5,323	0	-5,323
<b>Total Variations for Planning &amp; Development Committee</b>	<b>-60,318</b>	<b>-101,186</b>	<b>280</b>	<b>0</b>	<b>-161,225</b>	<b>55,109</b>	<b>-106,116</b>

# RIBBLE VALLEY BOROUGH COUNCIL

## REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No 9

meeting date: 6 SEPTEMBER 2018  
 title: REVENUE MONITORING 2018/19  
 submitted by: DIRECTOR OF RESOURCES  
 principal author: LAWSON ODDIE

### 1 PURPOSE

1.1 To let you know the position for the period April to July 2018 of this year's revenue budget as far as this committee is concerned.

1.2 Relevance to the Council's ambitions and priorities:

Community Objectives – none identified

Corporate Priorities - to continue to be a well managed Council providing efficient services based on identified customer need. To meet the objective within this priority, of maintaining critical financial management controls, ensuring the authority provides council tax payers with value for money.

Other Considerations – none identified.

### 2 FINANCIAL INFORMATION

2.1 Shown below, by cost centre, is a comparison between actual expenditure and the original estimate for the period to the end of July. You will see an overall underspend of £2,737 on the net cost of services. Please note that underspends are denoted by figures with a minus symbol. After allowing for transfers to/from earmarked reserves there is an underspend of £17,685.

Cost Centre	Cost Centre Name	Net Budget for the full year	Net Budget to the end of the period	Actual including commitments to the end of the period	Variance	
AONBS	Area of Outstanding Natural Beauty	16,010	0	0	0	G
BCFEE	Building Control Fee Earning	-15,020	-55,297	-56,329	-1,032	G
BCNON	Building Control Non Fee Earning	58,590	1,299	1,191	-108	G
BCSAP	Building Control SAP Fees	-120	-468	-30	438	G
CINTR	Clitheroe Integrated Transport Scheme	7,250	0	0	0	G
CONSV	Conservation Areas	9,140	0	0	0	G
COUNT	Countryside Management	53,130	9,185	9,940	755	G
ECDEV	Economic Development Department	0	32,982	9,506	-23,476	R
FPATH	Footpaths & Bridleways	5,850	104	0	-104	G
LDEVE	Local Development Scheme	93,850	0	0	0	G

Cost Centre	Cost Centre Name	Net Budget for the full year	Net Budget to the end of the period	Actual including commitments to the end of the period	Variance	
PENDU	Pendle Hill User Group	0	0	-191	-191	G
PLANG	Planning Control & Enforcement	119,460	-184,759	-165,078	19,681	R
PLANP	Planning Policy	105,520	0	6,550	6,550	R
PLSUB	Grants & Subscriptions - Planning	7,880	0	0	0	G
	<b>Sum:</b>	<b>461,540</b>	<b>-196,954</b>	<b>-194,441</b>	<b>2,513</b>	

Transfers to/from Earmarked Reserves				
Building Control Fee Earning Reserve	15,020	55,297	56,329	1,032
Planning Reserve	-19,160	0	-14,525	-14,525
Restructuring Earmarked Reserve	0	0	-6,705	-6,705
<b>Total after Transfers to/from Earmarked Reserves</b>	<b>457,400</b>	<b>-141,657</b>	<b>-159,342</b>	<b>-17,685</b>

2.2 The variations between budget and actuals have been split into groups of red, amber and green variance. The red variances highlight specific areas of high concern, for which budget holders are required to have an action plan. Amber variances are potential areas of high concern and green variances are areas, which currently do not present any significant concern.

Key to Variance shading	
Variance of more than £5,000 (Red)	R
Variance between £2,000 and £4,999 (Amber)	A
Variance less than £2,000 (Green)	G

2.3 We have then extracted the main variations for the items included in the red shaded cost centres and shown them with the budget holder's comments and agreed action plans, in Annex 1.

2.4 The main variations for items included in the amber shaded cost centres are shown with budget holders' comments at Annex 2.

2.5 In summary the main area of variance that is **unlikely** to rectify itself by the end of the financial year is shown below:

Description	Variance to end July 2018 £
<p><b>Economic Development Department (ECDEV)</b> – As the new director was not in post until August this has produced the variance shown. The direct employee costs budget will be adjusted at the Revised Estimate to reflect the actual start date in post.</p>	-32,982
<p><b>Planning Control &amp; Enforcement (PLANG)</b> - There has been a sizeable overspend on consultants, notably with regard to an appeal in respect of an application in Read. It is anticipated that the appeal will be heard in October, and further expenditure is expected.</p> <p>Spend on consultants, which is above that allowed for in the budget, is generally funded from the Planning earmarked reserve. As such, the budget and movement on earmarked reserves will be reviewed as part of the revised estimate.</p>	14,525

### 3 CONCLUSION

- 3.1 The comparison between actual and budgeted expenditure shows an overspend of £2,513 for the first four months of the financial year 2018/19. After allowing for transfers to/from earmarked reserves there is an underspend of £17,685.

HEAD OF FINANCIAL SERVICES

DIRECTOR OF RESOURCES

PD8-18/LO/AC  
28 August 2018



### Planning and Development Committee Budget Monitoring – Red Variances

Ledger Code	Ledger Code Name	Budget for the Full Year	Budget to the end of the period	Actual including Commitments to the end of the period	Variance	Reason for Variance	Action Plan as agreed between the Budget Holder and Accountant
ECDEV/0100	Economic Development Department/Salaries	76,710	25,590	0	<b>-25,590</b>	As the new director was not in post until August this has produced the variance shown.	The budget will be adjusted at the Revised Estimate to reflect the actual start date in post.
ECDEV/2809	Economic Development Department/Non Recurring Purchases	0	0	6,705	<b>6,705</b>	The final preparatory costs in relation to the new director, i.e. office space etc. These costs will be fully met from the Restructuring Earmarked Reserve	The budget will be adjusted at Revised Estimate to reflect these final preparatory costs and the associated release of funding from the Restructuring Earmarked Reserve
PLANG/3085	Planning Control & Enforcement/Consultants	8,910	8,910	23,435	<b>14,525</b>	There has been a sizeable overspend on consultants, notably with regard to an appeal in respect of an application in Read. It is anticipated that the appeal will be heard in October, and further expenditure is expected.	Spend on consultants, which is above that allowed for in the budget, is generally funded from the Planning earmarked reserve. As such, the budget and movement on earmarked reserves will be reviewed as part of the revised estimate.

Planning and Development Committee Budget Monitoring – Red Variances

Ledger Code	Ledger Code Name	Budget for the Full Year	Budget to the end of the period	Actual including Commitments to the end of the period	Variance	Reason for Variance	Action Plan as agreed between the Budget Holder and Accountant
PLANG/8402z	Planning Control & Enforcement/Legal Fees	0	0	-8,844	<b>-8,844</b>	This relates to a prosecution for breach of an enforcement notice and the court ordered repayment of all legal fees, both internal and external, by the defendant to the council.	The budget will be adjusted at the revised estimate to reflect the latest position.
PLANG/8404u	Planning Control & Enforcement/Planning Fees	-616,660	-205,716	-188,867	<b>16,849</b>	Planning fee income is currently showing as lower than the budget. The budget is split evenly across the year for planning income and reflects the inability to forecast exactly when planning income will be received. It is too early in the year to forecast what the likely outturn for the year on planning fees will be.	We will continue to closely monitor the level of planning fee income received, and will revise the budget level to best reflect the latest forecasts at the time of the Revised Estimate.
PLANP/3116	Planning Policy/Consultants - Neighbourhood Plan	0	0	5,300	<b>5,300</b>	These costs relate to work around the examination stage of the Longridge Neighbourhood Plan – these costs will be met from an earmarked reserve with resources set aside for this purpose.	The spend on the Longridge Neighbourhood Plan will be reflected in the Revised Estimate together with the associated release of funding from Earmarked Reserves.

### Planning and Development Committee Budget Monitoring – Amber Variances

Ledger Code	Ledger Code Name	Budget for the Full Year	Budget to the end of the period	Actual including Commitments to the end of the period	Variance	Reason for Variance
BCFEE/8405n	Building Control Fee Earning/Building Regulation Fees	-185,000	-61,712	-59,396	<b>2,316</b>	<p>Building Control income is currently showing as lower than the budget. The budget is split evenly across the year for building control fees and reflects the inability to forecast exactly when building control fee income will be received. It is too early in the year to forecast what the likely outturn for the year on building control fees will be.</p> <p>The building control fee earning service is ringfenced, meaning that any surpluses must be set aside in an earmarked reserve and any deficits must be met from the same.</p>
ECDEV/0108	Economic Development Department/National Insurance	9,480	3,160	0	<b>-3,160</b>	As the new director was not in post until August this has produced the variance shown.
ECDEV/0109	Economic Development Department/Superannuation	12,690	4,232	0	<b>-4,232</b>	As the new director was not in post until August this has produced the variance shown.
PLANG/8495n	Planning Control & Enforcement/Pre Application Advice	-36,420	-12,148	-14,748	<b>-2,600</b>	To date there has been a greater level of Pre-Application Advice fees than originally anticipated.

# RIBBLE VALLEY BOROUGH COUNCIL

## REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

INFORMATION

Agenda Item No 10

meeting date: 6 SEPTEMBER 2018  
 title: CAPITAL MONITORING 2018/19  
 submitted by: DIRECTOR OF RESOURCES  
 principal author: ANDREW COOK

### 1 PURPOSE

1.1 To report progress on the approved 2018/19 Planning and Development Committee capital programme, for the period to the end of July 2018.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – none identified.
- Corporate Priorities – to continue to be a well-managed council, providing efficient services based on identified customer need.
- Other considerations – none identified.

### 2 BACKGROUND

2.1 No new capital schemes were planned for this Committee in the 2018/19 capital programme.

2.2 The Introduction of Planning Portal Link to the Planning Application System and Planning System Update scheme, which was included in the 2017/18 capital programme, was not completed by 31 March 2018 and had unspent budget of £30,200 available at that date. This unspent budget, known as slippage, was transferred into the 2018/19 capital programme budget, after approval by this Committee in May 2018.

2.3 Consequently, the 2018/19 capital programme for this Committee is made up of one scheme with a total budget of £30,200.

### 3 CAPITAL MONITORING 2018/19

3.1 The table below summarises the progress on this Committee's one capital scheme, as at the end of July 2018. Annex 1 shows financial information and budget holder comments to date for the scheme.

Cost Centre	Scheme	Original Estimate 2018/19 £	Slippage from 2017/18 £	Total Approved Budget 2018/19 £	Actual Expenditure including Commitments as at end of July 2018 £	Variance as at end of July 2018 £
PLANN	Introduction of Planning Portal Link to the Planning Application System and Planning System Update	0	30,200	30,200	0	-30,200
<b>Total Planning and Development Committee</b>		<b>0</b>	<b>30,200</b>	<b>30,200</b>	<b>0</b>	<b>-30,200</b>

3.2 At the end of July 2018, there had been no spend on the Introduction of Planning Portal Link to the Planning Application System and Planning System Update scheme.

3.3 The Local Land Property Gazetteer and Planning integration has now been completed, so the council's ICT team are in discussions with the software supplier on the approach, timings and revised costings for the Planning Portal Link and Planning System Update work. In addition, the scheme approach will be reviewed by the new Director together with the Head of Planning and the ICT Manager.

#### 4 CONCLUSION

4.1 At the end of July 2018, there had been no spend on the Introduction of Planning Portal Link to the Planning Application System and Planning System Update scheme.

4.2 The council's ICT team are in discussions with the software supplier on the approach, timings and revised costings for the scheme work and the scheme approach will be reviewed by the new Director together with the Head of Planning and the ICT Manager.

SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES

PD6-18/AC/AC  
23 AUGUST 2018

For further background information please ask for Andrew Cook.

BACKGROUND PAPERS – None

## Planning and Development Committee – Individual scheme details

### PLANN - Introduction of Planning Portal Link to the Planning Application System and Planning System Update (slippage)

Service Area: Planning

Head of Service: John Macholc

#### Brief Description of the Scheme:

**Planning Portal Link** - Introduction of a software link and associated hardware to enable a link between the external facing Planning Portal and the back office planning system for processing and inputting of planning applications. All application documents entered into the Planning Portal will be automatically transferred to the Council's Planning system.

**Planning System Update** – Additional upgrades/modules added to the Planning System to allow:

- Planning documents to be scanned onto the in-house Planning System and then stored and viewed electronically on the Planning system.
- Planning documents available in real time for public access via the internet.

The proposal is to implement these system changes in 2016/17 to allow service improvements to be implemented as soon as possible. This would involve some additional server space being obtained before the new Council-wide ICT infrastructure refresh is implemented in 2017. The system changes are:

- Planning portal integration software and installation.
- Consultant costs to facilitate the M3 to Engage migration.
- Additional server space – likely purchase of a reconditioned server.
- Fast scanner purchase.
- EDRM document management upgrade with consultant input.
- Purchase of public access module.

The Council's Northgate M3 planning system will be migrated across to the Northgate Engage system in the next twelve months and it is proposed to make these changes when the transfer takes place.

#### Revenue Implications:

Breakdown	£
Supplies and services – <i>Planning portal support costs and EDRM extra licensing costs</i>	2,300
<b>Total Estimated <u>Annual</u> COSTS</b>	<b>2,300</b>
Estimated Lifespan	Up to 10 years
<b>Total Estimated <u>Lifetime</u> COSTS</b>	<b>23,000</b>

#### Timescale for Completion:

2016/17

## Planning and Development Committee – Individual scheme details

### Capital Cost:

	£	Actual Expenditure and Commitments as at end of July 2018 £	Variance as at end of July 2018 £
Original Estimate 2018/19	0		
Slippage from 2017/18	30,200		
Total Approved Budget 2018/19	30,200	0	-30,200
Actual Expenditure 2016/17	0		
Actual Expenditure 2017/18	0		
<b>ANTICIPATED TOTAL SCHEME COST</b>	<b>30,200</b>		

### Progress - Budget Holder Comments

**July/August 2018:** The Local Land Property Gazetteer and Planning integration has now been completed, so the council's ICT team are in discussions with the software supplier on the approach, timings and revised costings for the Planning Portal Link and Planning System Update work. In addition, the scheme approach will be reviewed by the new Director, together with the Head of Planning and the ICT Manager.

**March 2018:** Officers are waiting to complete the implementation of the Local Land Property Gazetteer and Planning integration, which is expected to be completed by May 2018, before commencing work on the Planning Portal and Planning System upgrade. The Planning Portal link will be implemented first followed by the Planning / Building Control System upgrade, which are expected to be completed in the financial year 2018/19.

**November 2017:** The latest position on scheme progress is as follows:

- Full Planning Portal integration is waiting for the integration of the current Planning system and National Land and Property Gazetteer. This integration is in progress and is now at testing stage. Once testing is completed, Planning Portal integration will begin.
- Given that the software supplier has confirmed it will be twelve months before the whole M3 planning system will be migrated over to Assure, ICT and the Head of Planning have agreed to proceed with partial migration and upgrade to Assure once the Planning Portal integration work has been completed. This will allow the Planning department to take advantage of some of the new functionality offered from partial migration.
- We are awaiting the software supplier to confirm the server hardware and software requirements for the updated system. After that, ICT will then provide the additional server space on the new infrastructure, which will provide more resilience to the system and tie in with the Council's current backup and recovery strategy.

**September 2017:** The progress of the scheme has been reviewed by the Head of Planning Services and ICT, including an update from the software supplier:

- Full planning portal integration is waiting for ICT and the software supplier to finish implementation of integration of the current Planning system and National Land and Property Gazetteer.

### Planning and Development Committee – Individual scheme details

- *We are waiting for the software supplier to confirm the server hardware and software requirements for the updated system. After that, ICT will then provide the additional server space on the new infrastructure which will provide more resilience to the system and tie in with the Council's current back up and recovery strategy.*
- *The software supplier has said it will be 12 months before the whole M3 planning system will be migrated over to Assure. Some partial migration could take place in the interim to take advantage of some of the new functionality offered. The Head of Planning Services and ICT will consider whether we opt for partial integration in the interim or wait for the software supplier to complete the whole migration of their software to the new platform.*

*Given this, the scheme will not be able to be fully implemented within this financial year.*

*July 2017: A quote has been received for the planning portal integration software installation element of the scheme and this installation will be planned in shortly. In addition, the corporate ICT infrastructure refresh scheme is now complete, so IT can consider whether the additional server space element of the scheme is still required. However, the planning system software provider has not yet completed writing the scripts for the planning system update from the Engage system to the Assure system. This means that no progress can be made at this stage on the M3 to Engage migration, fast scanner, EDRM document management upgrade and Public Access module elements of the scheme.*

*March 2017: The planning system software provider has not yet completed writing the scripts for the planning system update from the Engage system to Assure system, so this element of the scheme cannot be completed yet. In addition, the Council is currently installing new and increased server capacity as part of a corporate ICT infrastructure refresh scheme, which may or may not negate the purchase of additional server space planned for this scheme. Officers have therefore decided not to implement all elements of this scheme until the ICT infrastructure refresh scheme is completed and the software provider has written the planning system update scripts.*

*November 2016: No spend on the scheme. Officers are still waiting confirmation from the software supplier of when the initial on-site assessment for the scheme will be carried out. A scheme implementation timeline will be agreed following this assessment. At this stage, the aim is still to complete the scheme by the end of the financial year, but this is dependent on the availability of software supplier consultant input.*

*September 2016: Awaiting confirmation from the software supplier of when the initial on-site assessment for the scheme will be carried out. A scheme implementation timeline will be agreed following this assessment. At this stage, the aim is to complete the scheme by the end of the financial year, but this is dependent on the availability of software supplier consultant input.*

*August 2016: The scheme implementation and procurement plan is to be worked up between Planning and ICT. At this stage, the aim is to complete the scheme by the end of the financial year.*



## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No. 11

meeting date: 6<sup>th</sup> SEPTEMBER 2018  
 title: 2017/2018 YEAR-END PERFORMANCE INFORMATION  
 submitted by: DIRECTOR OF RESOURCES  
 principal author: MICHELLE HAWORTH – PRINCIPAL POLICY AND PERFORMANCE OFFICER

### 1 PURPOSE

- 1.1 This is the year-end report of 2017/2018 that details performance against our local performance indicators.
- 1.2 Regular performance monitoring is essential to ensure that the Council is delivering effectively against its agreed priorities, both in terms of the national agenda and local needs.
- 1.3 Relevance to the Council's ambitions and priorities:
  - Community Objectives –
  - Corporate Priorities –
  - Other Considerations -

Monitoring our performance ensures that we are both providing excellent services for our community as well as meeting corporate priorities.

### 2 BACKGROUND

- 2.1 Performance Indicators are an important driver of improvement and allow authorities, their auditors, inspectors, elected members and service users to judge how well services are performing.
- 2.2 A rationale has been sought for maintaining each indicator – with it either being used to monitor service performance or to monitor the delivery of a local priority.
- 2.3 The report attached at Appendix 1 comprises the following information:
  - The outturn figures for all local performance indicators relevant to this committee for 2017/18. Notes are provided where necessary to explain significant variances either between the outturn and the target or between 2017/2018 data and 2016/2017 data. A significant variance is greater than 15% (or 10% for cost PIs).
  - Performance information is also provided for previous years for comparison purposes (where available) and the trend in performance is shown.
  - Targets for service performance for the year 2017/2018 are provided and a 'traffic light' system is used to show variances of actual performance against the target as follows: Red: service performance significantly below target (i.e. less than 75% of target performance), Amber: performance slightly below target (i.e. between 75% and 99% of target), Green: target met/exceeded.
  - Targets have also been provided for 2018/2019.
- 2.4 These tables are provided to allow members to ascertain how well services are being delivered against our local priorities and objectives, as listed in the Corporate Strategy.
- 2.5 Analysis shows that of the 7 indicators that can be compared to target:
  - 71.42% (5) of PIs met target (green)
  - 14.29% (1) of PIs close to target (amber)

- 14.29% (1) of PIs missed target (red)
- 2.6 Analysis shows that of the 24 indicators where performance trend can be compared over the years:
- 66.67% (16) of PIs improved
  - 12.5% (3) of PIs stayed the same
  - 20.83% (5) of PIs worsened
- 2.7 Where possible audited and checked data has been included in the report. However, some data may be corrected following the work of Internal Audit and before the final publication of the indicators on the Council's website.
- 2.8 Indicators can be categorised as 'data only' if they are not suitable for monitoring against targets – these are marked as so in the report.
- 3 GENERAL COMMENTS ON PERFORMANCE AND TARGETS
- 3.1 In respect of PIs for Planning Services, John Macholc, Head of Planning Services, has provided the following information regarding performance and targets:
- 3.2 **PI PL2 - Planning appeals allowed** - Committee overturns have resulted in more appeals being allowed
- 4 RISK ASSESSMENT
- 4.1 The approval of this report may have the following implications
- Resources - None
  - Technical, Environmental and Legal – None
  - Political - None
  - Reputation – It is important that correct information is available to facilitate decision-making.
  - Equality & Diversity - None
- 5 CONCLUSION
- 5.1 Consider the 2017/2018 performance information provided relating to this committee.

**Michelle Haworth**  
PRINCIPAL POLICY AND  
PERFORMANCE OFFICER









**Jane Pearson**  
DIRECTOR OF RESOURCES

BACKGROUND PAPERS:























REF:

For further information please ask for Michelle Haworth, extension 4421

# APPENDIX 1

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

## Planning Performance Information 2017/2018

PI Code	Short Name	2016/17	2017/18		2018/19	Current Performance	Trend year on year	Corporate Objective
		Value	Value	Target	Target			
<b>PI PL2 (BV204)</b>	Planning appeals allowed	35.0%	41.0%	23.0%	30.0%			
<b>PI PL2a</b>	Planning appeals received - householder appeal	11	4					
<b>PI PL2b</b>	Planning appeals received - written representation	30	12					
<b>PI PL2c</b>	Planning appeals received - Inquiry	1	1					
<b>PI PL2d</b>	Planning appeals received - Hearings	2	3					
<b>PI PL2e</b>	Planning appeals determined - Householder appeal	11	3					
<b>PI PL2f</b>	Planning appeals determined - written representation	33	13					
<b>PI PL2g</b>	Planning appeals determined - Inquiry	0	0					
<b>PI PL2h</b>	Planning appeals determined - Hearings	2	3					
<b>PI PL3</b>	Applications refused by committee but recommended for approval	0	0					
<b>PI PL4</b>	Applications approved by committee but officers recommended for refusal	8	4					

PI Code	Short Name	2016/17	2017/18		2018/19	Current Performance	Trend year on year	Corporate Objective
		Value	Value	Target	Target			
PI PL5 (BV188)	% of planning decisions delegated to officers	93.54%	96.05%					
PI PL14a (N157a)	Processing of planning applications: Major applications	100.00%	86.11%	50.00%	50.00%			
PI PL14b (N157b)	Processing of planning applications: Minor applications	83.44%	91.51%	65.00%	65.00%			
PI PL14c (N157c)	Processing of planning applications: Other applications	85.41%	89.11%	75.00%	75.00%			
PI PL14d	Processing of planning applications: Number of applications received	693	710					
PI PL14e	Processing of planning applications: Number of applications determined	651	659					
PI PL14f	Processing of planning applications: Number of applications withdrawn	52	44					
PI PL14g	Processing of planning applications: Number of applications determined under delegated powers	609	633					
PI PL14h	Processing of planning applications: Number of applications approved	513	589					
PI PL14i	Processing of planning applications: Number of applications refused	138	70					
PI RH10 (BV106)	% New homes built on previously developed land	28.97%	24%	30.00%	30.00%			
PI RH11	Number of new homes granted planning permission	194	409	85	100			
PI RH12	Number of new homes constructed	390	400	280	280			To conserve our countryside, the natural beauty of the area and enhance our built environment; and  To meet the housing needs of all sections of the Community



## Appeal Decision

Site visit made on 2 August 2018

**by F Rafiq BSc (Hons), MCD, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21<sup>st</sup> August 2018**

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### **Appeal Ref: APP/T2350/D/18/3201775**

#### **1 High Cliffe Greaves, Grindleton, BB7 4RU**

- 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 & Mrs Lister against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2018/0153, dated 26 February 2018 was refused by notice dated 25 April 2018.
  - The development proposed is to remove conservatory, increase size of extension, ground & first floor, re-build in natural stone with blue slate roof.
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### **Decision**

1. The appeal is allowed and planning permission is granted to remove conservatory, increase size of extension, ground & first floor, re-build in natural stone with blue slate roof at 1 High Cliffe Greaves, Grindleton, BB7 4RU in accordance with the terms of the application, Ref 3/2018/0153, dated 26 February 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan No. 3389/102, Elevations No. 3389/100A and Floorplans No. 3389/101.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### **Main Issue**

2. The main issue is the effect of the proposed development on the character and appearance of the host building and the area's landscape, including its location within the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

### **Reasons**

3. The appeal property is an end terrace dwelling, which is situated beyond the settlement boundary. It forms part of a small group of buildings within the countryside, where the surrounding land is open and in the main, gently
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sloping. This provides views across the undulating landscaping and gives the area an attractive rural character.

4. The appeal property is two storeys at the front facing the road but due to the change in levels, is three storeys to the rear. The proposal seeks to replace the existing conservatory with a side extension of a broadly similar scale. The Council have raised concerns in relation to the hipped roof form of the property. I acknowledge that this would be different to the gable roof of the main dwelling, but given the roof form on the existing conservatory, I do not consider this would be unduly harmful or appear as an incongruous feature.
5. A similar concern has been raised in relation to the proposed windows not being in keeping with the main dwelling. The Appellant submitted amended drawings in this respect during the course of the application. I was able to see some variation in the size of windows on the terrace, but given the large elements of glazing on the current conservatory, I do not consider that they would be unsympathetic to the host building and area. I also note, as the Appellant states, that the proposed development would utilise natural materials. This would ensure that the extension would better assimilate with the host dwelling and result in an improvement over the existing conservatory structure.
6. In view of this, I conclude that the proposal would not unacceptably harm the character and appearance of the host building or the AONB. It would not therefore conflict with Policies DMG1 or DMH5 of the Council's Core Strategy, which seek, amongst other matters, high standards of design. It would also not conflict with Paragraph 172 of the National Planning Policy Framework, which states that great weight should be given to conserving the landscape and scenic beauty in AONB's.

### **Conclusion**

7. For the reasons given above and having taken into account all other matters raised, I conclude the appeal should be allowed.

### **Conditions**

8. In addition to the standard time condition, a condition is needed to secure compliance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I also consider a condition to be necessary to secure matching materials in the interests of the appearance of the building and the area.

*F Rafiq*

INSPECTOR