

# RIBBLE VALLEY BOROUGH COUNCIL

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please ask for: OLWEN HEAP  
direct line: 01200 414408  
e-mail: [olwen.heap@ribblevalley.gov.uk](mailto:olwen.heap@ribblevalley.gov.uk)  
my ref: OH/CMS  
your ref:  
date: 27 August 2019

Council Offices  
Church Walk  
CLITHEROE  
Lancashire BB7 2RA

Switchboard: 01200 425111  
Fax: 01200 414488  
[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** is at **6.30pm** on **THURSDAY, 5 SEPTEMBER 2019** 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 1 August 2019 – copy enclosed.
3. Declarations of Pecuniary and Non-Pecuniary Interests (if any).
4. Public Participation (if any).

### DECISION ITEMS

- ✓ 5. Planning Applications – report of Director of Economic Development and Planning – copy enclosed.

### INFORMATION ITEMS

- ✓ 6. Revenue Outturn 2018/19 – report of Director of Resources – copy enclosed.

- ✓ 7. Revenue Monitoring 2019/20 – report of Director of Resources – copy enclosed.
- ✓ 8. Capital Monitoring 2019/20 – report of Director of Resources – copy enclosed.
- ✓ 9. 2018/19 Year End PI Report – report of Director of Resources – copy enclosed.
- ✓ 10. Appeals:
  - i) 3/2019/0057 – Conversion of the existing bungalow into a double garage and store and the creation of a replacement two storey dwelling at Seven Acre Bungalow, Forty Acre Lane, Longridge – appeal dismissed.
  - ii) Costs application – Seven Acre Bungalow – refused.
  - iii) 3/2018/1148 – Demolition of existing conservatory and erection of a single storey rear extension at Wolfen Lodge Fish House Lane, Chipping – appeal allowed with conditions.
  - iv) 3/2018/0479 – Replacement of existing conservatory as well as replacement windows and roof of an existing wrap around at Wilkins Cottage, Church Street, Ribchester – appeal dismissed.
- 11. Report from Representatives on Outside Bodies (if any).

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

DECISION ITEMS

None.

INFORMATION ITEMS

None.

<b><u>INDEX OF APPLICATIONS BEING CONSIDERED</u></b>						
<b><u>MEETING DATE: 5 SEPTEMBER 2019</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 ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR APPROVAL:</b>					
	<a href="#">3/2019/0427</a>	1		RB	AC	27 Humber Street Longridge
	<a href="#">3/2019/0444</a>	13		SK	AC	Former Victoria Mill Watt Street, Sabden
<b>C</b>	<b>APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR REFUSAL:</b>					
	<a href="#">3/2019/0448</a>	26		SK	R	Land at Wiswell Lane Whalley
	<a href="#">3/2019/0482</a>	38		HM	R	Land adj Woodfold Hall Further Lane, Mellor
	<a href="#">3/2019/0483</a>	44		SK	R	Land adj Woodfold Hall Further Lane, Mellor
	<a href="#">3/2019/0510</a>	52		SK	R	Land south west of Clitheroe Golf Club Whalley Road, Barrow
<b>D</b>	<b>APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING BEING SATISFACTORILY COMPLETED</b>					
					NONE	
<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  
SK Stephen Kilmartin

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No 5

meeting date: THURSDAY, 5 SEPTEMBER 2019  
title: PLANNING APPLICATIONS  
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

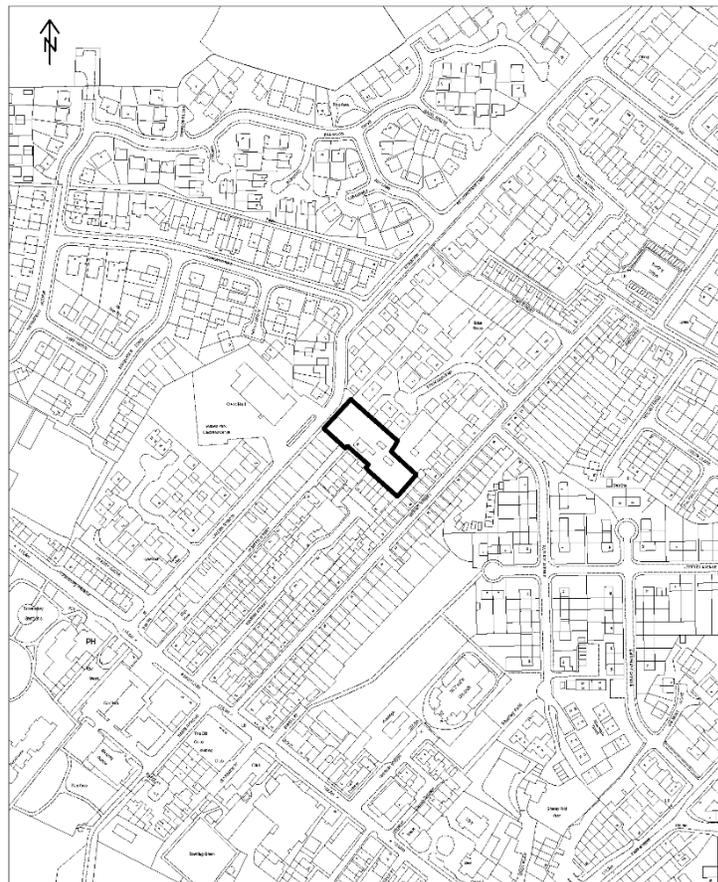
## PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

**APPLICATION REF: 3/2019/0427**

GRID REF: SD 360537 437561

### **DEVELOPMENT DESCRIPTION:**

DEMOLITION OF EXISTING DWELLING AND REPLACEMENT WITH DORMER BUNGALOW  
AT 27 HUMBER STREET, LONGRIDGE



3/2019/0427 27 Humber Street Longridge PR3 3WD

Scale 1:2500

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

### **PARISH COUNCIL:**

The parish council originally submitted comments raising no objection to the proposed development.

An amended response was received on 21/08/2019 requesting that the following concerns are satisfied:

- Loss of light to other properties that boarder the development
- Building over a sewer pipe/main drain- no response has been received from United Utilities- request that a response is received before the application is considered.

### **LCC HIGHWAYS:**

No objections to the development subject to conditions relating to a construction management plan, wheel washing facilities and construction of driveway/access and visibility splay.

### **ADDITIONAL REPRESENTATIONS:**

Letters of representation have been received from 13 residential properties, objecting to the application on the following grounds:

- Property will be built over a sewer
- Damage to trees that have been removed and plans to remove more trees.
- Loss of wildlife habitat
- Does not satisfy local housing need.
- Does not meet requirements of Longridge Development Plan.
- Existing dwelling is in good order and there is no need for the dwelling to be demolished.
- No evidence submitted showing sustainability of new dwelling.
- Proposed hard surface area will lead to significant surface water runoff.
- Not clear if property is for residential or commercial use and parking areas states for 'visitors'
- Loss of view
- The design of the dwelling is too large and is out of character in this area;
- Loss of residential amenity, including loss of light and loss of privacy and noise nuisance during construction.
- Precedent set for other dwellings.
- Additional traffic;
- Restrictions should in place for constructions works ie. hours of operation, road cleaning and maintenance, construction vehicle access to the site;
- Bats have been seen in the area and the submitted bat survey was not carried out at the correct time (March).

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

- 1.1 The application relates to a detached two storey property known as 27 Humber Street. The dwelling is located within a substantial plot measuring 0.16 hectares and is within the settlement of Longridge.

- 1.2 The existing dwelling is situated at the end of the terrace row with its front elevation facing north-west towards Willows Park Lane. The existing dwelling is sited approximately 6 metres from the side elevation of the end terrace on Humber Street and has two existing outbuildings in the garden area.
- 1.3 Vehicular access to the site is obtained directly off Humber Street with an area of hard standing to the front of the dwelling for parking. To the front, sides and rear of the dwelling are relatively large garden areas with all boundaries defined by a mixture of fencing, hedging and trees.
- 1.4 The application site is surrounded by residential properties to the north, east and south with Willows Park Lane being to the north-west. North east of the site are bungalow properties along Eden Gardens with the rear garden areas backing onto the application site. To the south east are two storey properties located on Mersey Street with the rear gardens of these properties backing on to the application site. To the south west is a terrace row (Severn Street) as well as terrace row (Humber Street)
- 1.5 The surrounding area, and settlement of Longridge, is defined by a variety of house types. To the south of the site the properties are generally two storey dwelling and to the north is Eden Gardens which are bungalow properties.

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

- 2.1 The application seeks consent to demolish the existing two storey house and replace it with a new larger dormer bungalow.
- 2.2 The replacement dwelling would be rotated and re-aligned so that its front elevation faces south west and its rear elevation northeast, and it would be one and a half storey in height (dormer bungalow).
- 2.3 The finished ground floor level of the replacement dwelling would match the existing ground floor level with the new garage being set approximately 0.8 metres lower due to the sloping nature of the ground.
- 2.4 With regard to appearance, the replacement dwelling would consist of steep pitched over-hanging roofs and high levels of glazing in the front and rear elevations, including sun lounge. The dwelling would be finished in render, with a slate roof.
- 2.5 The dwelling would include three bedrooms, kitchen, sun lounge, lounge, dining room, study, utility, pantry, as well as various utility and storage rooms including two bathrooms. The attached double garage would be sited to the south east of the dwelling and the existing driveway and hard surfaced area to the front of the dwelling would be altered/extended to provide vehicle access to the garage, however vehicular access would be retained from the existing point off Humber Street.
- 2.6 To the south east of the dwelling within the curtilage of the dwelling it is proposed to erect a shed and a green house.

## 3. **Relevant Planning History**

None relevant

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

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DME1 – Protecting Trees and Woodlands

Policy DMG3 – Transport & Mobility

Policy DMH5 – Residential and Curtilage Extensions

Policy DME3 – Site and Species Protection and Conservation

Longridge Neighbourhood Plan

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 seeks consent to demolish an existing two storey dwelling and replace it with a dormer bungalow. The application site is located within the settlement boundary of Longridge (Principle Settlement) and consequently the broad principle of a replacement dwelling in this location is acceptable, subject to compliance with other relevant planning policies.

##### 5.2 **Impact upon Residential Amenity**

5.2.1 The replacement dwelling will be centrally located within the site and its orientation is altered so that its front elevation faces north-west and the rear elevation will face north east. The dwelling would be set back 12m from the highway of Humber Street, at the nearest point, and a separation distance of 11m would be achieved between the side elevation of no.26 Humber Street and the front porch of the replacement dwelling. Furthermore, the replacement dwelling has been orientated so as to ensure its front elevation does not directly face the properties opposite.

5.2.2 It is accepted that the replacement dwelling would be significantly taller than the existing bungalows along Eden Gardens. However through negotiating with the applicants' agent the proposed garden room was removed from the proposal and therefore a minimum 12 metre separation distance has been achieved between the rear elevation of the proposed dwelling and the dwellings along Eden gardens. The concerns of the neighbours are noted however it is considered that the distance retained will ensure that the new dwelling will not result in a significant loss of light to these garden areas.

5.2.3 Within the rear (north-east) elevation 2 roof lights and a dormer window are proposed. The dormer windows serve a bathroom and the roof lights will be located within the slope of the roof reducing the potential to create loss of privacy

due to the angle of the windows. Notwithstanding the fact that a bathroom is a non-habitable room a condition will be attached to the recommendation requiring the dormer windows to be obscurely glazed to reduce the perceived loss of privacy with the neighbours to the rear. As such it is considered that the proposed development would share an acceptable relationship with the properties to the rear on Eden Gardens in relation to overlooking, overshadowing, loss of daylight and privacy.

- 5.2.4 To the south east of the development site are a terrace row of two storey dwellings with the rear elevations and rear garden areas backing on to the development site. With regard to the proposed replacement dwelling it is considered that a separation distance of 26 metres would ensure that the proposed dwelling would not result in loss of light or privacy to these dwellings. With regards to the proposed shed that is to be set within 1 metres of the shared boundary with 63 Mersey Street, due to the shed having a maximum height of 3 metres it is considered that the shed will not have an overbearing impact or result light/privacy and as such the development shares an acceptable relationship with this dwelling.
- 5.2.5 It is also proposed to have a dormer on the front elevation of the bungalow with there being 4 sets of windows directly facing 25 Humber Street. These windows will face the side elevation of no. 25 Humber Street. It is considered that the 14 metre separation distance achieved would ensure that these windows would not directly overlook the application site as well as the rear garden of the dwelling and therefore the replacement dwelling shares an acceptable relationship with this property.
- 5.2.6 Objections have been raised in respect of potential noise and disturbance from construction works and vehicles, however construction works are a necessity for any development and therefore this is not a sustainable reason to refuse a planning application. Conditions have however been attached requiring a detailed construction management plan to be submitted to the Local Planning Authority (LPA) prior to development commencing on site and restricted hours of operation.

### 5.3 **Visual Impact and design**

- 5.3.1 Some objectors have commented that the replacement dwelling is too large and out of keeping with surrounding properties. In response to this, it is accepted that replacement dwelling would have a larger foot print than the existing dwelling however the application site has a substantial residential curtilage (0.16 hectares) and can easily accommodate a dwelling of this size.
- 5.3.2 It is evident that there are a variety of house types and designs throughout Longridge and in the immediate vicinity of the application site there are houses of different styles and materials, ranging from the traditional two storey stone properties on Mersey Street, red brick properties on Humber Street and the bungalows Eden Gardens that are generally finished in brick and/or render. As such, it is not considered that there is a specific house type or design in the vicinity and this plot does lend itself to allow a modern design of property.

5.3.3 In addition to the above, the application site is reasonably well screened by the existing residential streets and therefore is only visible on the approach from Humber Street and from within the properties that face the application site.

5.3.4 In view of the above it is considered that the replacement dwelling, and detached shed and garden room albeit larger than the existing bungalow, would be sympathetic and in keeping with the surrounding area/buildings and would not adversely impact upon the landscape in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

#### 5.4 **Landscape and Ecology**

5.4.1 The application is accompanied by an Arboriculture Impact Assessment which shows that no trees are to be removed as part of the development however it is recommended that the formation of pruning of T10 is undertaken to ensure sufficient clearance between the proposed dwelling and adjacent branches and these works will have no adverse impact on tree health and longevity. It is also requested that to protect the trees from construction site traffic (including demolition works) the remaining trees should be protected by a temporary protective barrier. A condition has therefore been attached requiring a detailed landscaping scheme to be submitted for the written approval of the LPA, and a timetable for implementation. An additional condition has been attached which requires the root protection areas of all trees/hedging shown to be retained shall be protected by fencing during the construction process.

5.4.2 The applicant has also submitted a bat survey with the application which found no evidence of bats at the site and concludes that the risk to bats is low. Nearby residents have contacted the Council and informed the Countryside Officer that they have seen bats in/around the building. The Countryside Officer has discussed this resident's comments with the Bat Surveyor and the Surveyor has reiterated that the existing building is well sealed and has negligible potential for bats. In view of this, the Countryside Officer has commented that they have no evidence to contradict the conclusions of the submitted bat report, and thus raises no objection subject to the development being carried out in accordance with the "Recommendations and Mitigation" measures detailed within section 9 of the submitted bat survey. A standard informative has also been attached in respect of bat protection.

#### 5.5 **Highways**

5.5.1 The existing access off Humber Street will be utilised and sufficient parking space will be provided for the replacement dwelling within the residential curtilage.

5.5.2 The County Highway Surveyor has no raised objection to the proposal on highway grounds, as the applicant has provided detailed of an access with automatic security gates that meets the requirements of highway specifications.

5.5.3 The Highway Surveyor has also requested conditions be attached in relation to a construction management plan and wheel washing facilities.

## 5.6 **Other Issues**

- 5.6.1 A number of objectors have raised concerns regarding the new dwelling being built over the drain that serves a number of properties. Longridge Town Council has also stated that United Utilities have not been consulted on the development. The issue regarding the development being built over a drain would be dealt with separately by the applicant. Subject to an approval the applicant would require a separate application for building regulations.
- 5.6.2 An objector has commented that the approval of this application would potentially enable further applications for additional dwellings within the curtilage to be approved. Each application is considered on its own merits and approval of this application would not set a precedent for other curtilage development.

## 6. **Conclusion**

- 6.1 Considering all of the above and having regard to all material considerations and matters raised, the replacement dwelling would share an acceptable relationship with the surrounding area in terms of both residential and visual amenity, and subsequently the application is recommended for approval, subject to conditions. The revised comments of the Town Council are noted and their comments are taking into account in the consideration of the application. Any building over sewer agreement would need the consent of the relevant authority and is not one to be considered at this stage but an informative has been added to the recommendation.

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

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

REASON: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### *Plans*

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:

Site Location Plan: Dwg no 001

Proposed Site Plan and Side Elevations: Dwg no 005 Rev E amended plan received 16.07.2019

Proposed Front and Rear Elevations: Dwg no 004 Rev B

Proposed Ground Floor Plan Sections X-X and Y-Y: Dwg no 002 Rev A amended plan received 08.07.2019

Proposed First Floor Plan: Sections X-X and Y-Y: Dwg no 003 Rev A amended plan received 08.07.2019

Proposed Shed and Greenhouse Elevations: Dwg no 006

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

### *Materials*

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

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality.

4. Notwithstanding the submitted details, prior to the replacement dwelling hereby approved being occupied, details at a scale of not less than 1:20 of any new boundary walling, gates and fencing, along with a timescale for their inclusion within the development, shall have been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality.

### *Landscaping and trees*

5. Notwithstanding the details shown on the approved plans and the requirements of condition 2 of this permission, within three months of the commencement of the development a landscaping scheme for the site (including elements of both 'hard' and soft' landscaping) shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of the proposed surface treatment of all hard surfaced areas and the type, species, siting, planting distances and programme of planting of any new and replacement trees and shrubs.

The duly approved landscaping scheme shall be carried out within 12 months of the dwellinghouse first being occupied and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within three years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

REASON: In order to achieve a satisfactory level of landscaping for the dwelling house in the interests of visual amenity.

6. The trees and hedges shall be retained on site as detailed within the submitted Arboriculture Impact Assessment and no development shall take place until all the existing trees within, or directly adjacent, to the site have been enclosed with temporary protective fencing in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations. The fencing shall be checked and verified on site by the Council's Countryside Officer prior to work commencing and the fencing shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place within such protective fencing during the construction period.

REASON: To protect the existing vegetation in the interest of visual amenity.

*Permitted Development*

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, amending or re-enacting that Order) any future extensions and/or alterations to the dwelling including any development within the curtilage as defined in Schedule 2 Part 1 Classes A, B, C, E or F shall not be carried out without the formal written consent of the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.

8. The bathroom windows within the dormer in the rear (north east) elevation of the dwelling house hereby approved shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The duly installed windows shall be retained as such thereafter.

REASON: To safeguard the privacy of occupiers of neighbouring dwellings and to ensure satisfactory levels of amenity for adjoining residents.

9. No external lighting shall be installed on the replacement dwelling hereby approved, or elsewhere within the site.

REASON: In order to ensure a satisfactory appearance in the interests of visual amenity and to prevent nuisance arising.

*Ecology*

10. No above ground works 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 / 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 identify the nature and type of the nesting boxes/artificial roosting sites and the locations(s) or wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated into the dwelling during the construction stage of the development and made available for use before the dwelling hereby approved is first occupied and thereafter retained. The development shall be carried out in strict accordance with the approved details.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development.

*Construction Works and Highways*

11. 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.

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. Before the access is used for vehicular purposes the land within 3m of the centre line of the driveway 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 1m in height above the height at the centre line of the adjacent carriageway.

REASON: To assist visibility of vehicles entering and leaving the highway.

14. No development shall take place until a Construction and Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the submitted information shall provide precise details of:

- The siting and location of parking for vehicles of site operatives and visitors
- The siting and location for the loading and unloading of plant and materials
- The siting and locations of all site cabins
- The siting and location of storage of plant and materials used in constructing the development
- The siting and locations of security hoarding
- The timings/frequencies of mechanical sweeping of the adjacent roads/highway
- 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)
- The highway routes of plant and material deliveries to and from the site.
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
- Contact details for the site manager(s)
- A demolition phasing plan that indicates the extents/full demolition of the existing building/structures on site and the phasing of such works in relation to the construction of the development hereby approved.

The approved statement shall be adhered to throughout the construction period of the development hereby approved including the timings/phasings for demolition.

REASON: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway for the duration of the construction phase of the development.

15. Notwithstanding the requirements of condition 5 of this approval, the car parking and manoeuvring areas shall be provided as shown on Drawing 055 Rev E amended plan received 16.07.2019 prior to the first occupation of the replacement dwellinghouse

hereby permitted, and shall be permanently maintained thereafter clear of any obstruction to their designated purpose.

REASON: To allow for the effective use of the parking areas.

16. The finished floor levels of the development hereby approved shall not exceed those found on the existing dwelling (as indicated on Drawing: Proposed Site Plan and Side Elevations: dwg no 005 Rev E amended plan received 16.07.2019)

REASON: In order that the Local Planning Authority may ensure that proposed development responds appropriately to the topography of the site and is not of detriment to nearby residential amenity nor the character or visual amenities of the area.

17. The existing building indicated as/known as 27 Humber Street (PR3 3WD) on drawing 001 shall be demolished and all resultant materials removed from the site prior to first occupation or use of the dwelling hereby approved.

REASON: To define the scope of the permission hereby approved and to safeguard the visual amenities of the locality against over-intensive development.

18. No development shall be commenced until the engineering and constructional details of the proposed driveway and entrance have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

REASON: In order to ensure that the structure of the existing dropped crossing is maintained.

19. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary to the gates shall be appropriately paved in tarmac, concrete, block pavements, or other approved materials.

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

20. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the kerb edge across the carriageway and any gates erected shall open away from the highway

REASON: In the interests of highway safety to enable permit vehicles to pull clear of the carriageway when entering the site and to assist visibility.

#### *Drainage*

21. The site shall be drained via separate systems for the disposal of foul and surface water.

REASON: To secure a satisfactory system of drainage and to prevent pollution of the water environment.

#### INFORMATIVES:

If any evidence of bats is found at any time during works then works should cease immediately and advice sought from Natural England or a suitably qualified bat worker.

The applicant is advised to ensure that any necessary consents are obtained should there be a need to build over a sewer.

#### BACKGROUND PAPERS

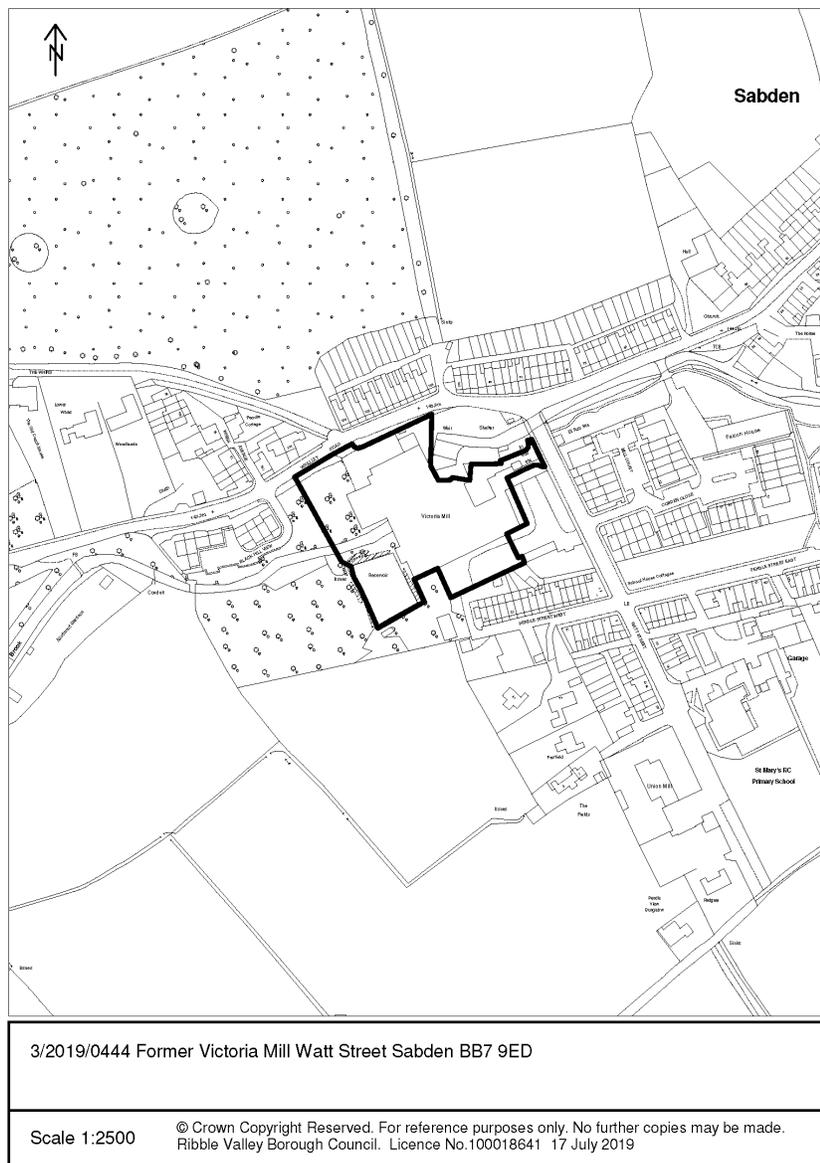
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2019%2F0427](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0427)

**APPLICATION REF: 3/2019/0444**

GRID REF: SD 377579 437273

**DEVELOPMENT DESCRIPTION:**

FULL APPLICATION FOR AMENDMENTS TO THE LEVELS OF PLOTS 7 TO 21 AND 25 TO 30 OF RESIDENTIAL DEVELOPMENT (PURSUANT TO PLANNING PERMISSION 3/2018/0361 (FOR THE DEMOLITION OF EXISTING STRUCTURES AND REMOVAL OF CULVERT TO SABDEN BROOK; DEVELOPMENT OF 30 DWELLINGS INCLUDING RECONSTRUCTION OF FORMER MARBIL OFFICE BUILDING 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.



**CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

**SABDEN PARISH COUNCIL:**

No representations have been received in respect of the application.

**ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

No objections raised.

**LAAS (LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE)**

No objection subject to the imposition of conditions.

**UNITED UTILITIES**

No representations have been received in respect of the application.

**Lead Local Flood Authority**

No representations have been received in respect of the application.

**ENVIRONMENT AGENCY**

No objections.

**ADDITIONAL REPRESENTATIONS:**

No representations have 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. Members will note that works, pursuant to the previously approved application 3/2018/0361, are currently underway on-site and have progressed significantly since the granting of the aforementioned consent.
- 1.2 The site previously accommodated 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 was previously 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. Members will note that these structures have subsequently been demolished as part of the on-going works being undertaken on site.
- 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 Members will note that the current application is identical to that which already benefits from consent save that for a number of finished floor and land levels across the site which exceed that which has been previously approved. In this respect and in light of the previous consent having been implemented it is considered that the assessment of the current proposal be limited to that of the potential impacts resultant from the proposed deviations from the previously approved land levels which inevitably has a direct correlation to not only finished floor levels but also the height of the proposed dwellings above ordnance datum.

2.2 The development site consists of two development parcels which are separated by Sabden Brook which runs east to west through the site. 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 Members will note that as a direct consequence of the raising of the proposed land levels the height of the dwellings above ordnance datum also inevitably increases. The variations in proposed land levels for which consent is sought, compared to that which was previously approved, can be best summarised as follows:

### Northern Development Parcel

- Plot 25: 1.08m uplift in height
- Plot 26: 1.1m uplift in height
- Plot 27: 1.1m uplift in height
- Plots 28-30: 1.17m uplift in height

### Southern Development Parcel

- Plots 1-6: remain as approved
- Plot 7: 255mm uplift in height
- Plot 8: 500mm uplift in height
- Plots 9-10: 350mm uplift in height
- Plot 11: 300mm uplift in height

- Plot 12: 950mm uplift in height
- Plots 13-14: 1.15m uplift in height
- Plot 15: 1.35m uplift in height
- Plots 16-17: 520mm uplift in height
- Plot 18: 900mm uplift in height
- Plot 19-20: 155mm uplift in height
- Plot 21: 520mm uplift in height
- Plots 22-24: remain as approved
- Plot 25: 1.08m remain as approved
- Plot 26: 1.1m uplift in height
- Plot 27: 1.1m uplift in height
- Plots 28-30: 1.17m uplift in height

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

#### **3/2018/0361:**

Full application for the demolition of existing structures and removal of culvert to Sabden Brook; development of 30 dwellings including re-construction of former Marbil office buildings as new dwellings; reconstruction of base of mill chimney as an ecology tower and associated access and landscaping. (Approved with conditions)

#### **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)

Members will also note that a number of discharge of condition applications have been submitted and determined pursuant to the previously approved application (3/2018/0361) which have been omitted for clarity.

#### 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 development of the site for residential purposes has previously been established as acceptable by virtue of the grating of consent 3/2018/0361, which at this time remains extant having been partially implemented. As such it is not considered that the principle of the development need be reassessed for potential conflicts with the overarching development strategy for the borough as embodied within the adopted Core Strategy.

##### 5.2 **Impact upon Residential Amenity:**

5.2.1 The proposal site 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 approximately 21m from the rear elevation of plot 11 to the rear elevation of 31 Pendle Street West.

5.2.2 Moving eastwards, the aforementioned back-to-back interface distances increase to a range of distances between 25m and 28m from the rear of plots 8-10 to the rear elevations of the remainder of the existing dwellings fronting Pendle Street West. The submitted details propose that in these locations the land levels will be raised by heights of between 300mm-500mm above that which was previously approved. However, submitted cross-sections show that the proposed dwellings will still benefit from a lower ridge and eaves height than that of their neighbouring existing counterparts.

- 5.2.3 Taking into account the increase in land levels (and associated building heights) and the proposed separations distances it is not considered 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 of the proposal.
- 5.2.4 Consideration must also be given to the relationship between the proposed dwellings occupying the northern development parcel and the existing dwellings to the north on the opposing side of Whalley Road. It is noted that in this location it is proposed that a number of land levels will be raised in height by approximately 1.08m-1.17m above that which has already been approved. However, the submitted details propose that the existing properties to the north will benefit from offset distances ranging between 20m to 28m from the primary elevations of the proposed dwellings, with submitted sectional drawing illustrating that the land levels directly adjacent these plots will remain lower than the current level of Whalley Road which will further lessen their impact.
- 5.2.5 Taking into account the increase in land levels (and associated building heights) and the proposed separations distances it is not considered that there will be any significant measurable detrimental impact upon the residential amenities of existing residents occupying the properties fronting Whalley Road as a result of the proposal.
- 5.2.6 It is proposed that the levels adjacent the proposed dwellings which front Watt Street will remain as approved. As such it is not considered that proposal will result in any additional adverse impact upon the residential amenities of those occupying dwellings on the opposing side of Watt Street to the east.

### 5.3 Impact upon Conservation Area and Visual Amenity:

- 5.3.1 The proposal remains identical to that which previously benefits from consent save that for the increased in land levels as conveyed and detailed earlier within this report. In this respect the design and external appearance of the dwellings and ecology towers remains acceptable. It is accepted that a number of the dwellings, from certain vantage points, will be afforded a higher level of visibility as a result of the adjusted land levels. However it is not considered that this increase in visibility would be consider harmful in isolation nor would it result in any additional negative impact upon the identified Conservation Area.
- 5.3.2 As such the proposal remains 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'*.

### 5.4 Highway Safety and Accessibility:

- 5.4.1 The Highway Development Control section have raised no objection to the proposals.

## 5.5 Landscape/Ecology:

- 5.5.1 The previous consent secured the inclusion of two 'ecology towers' to aid in mitigating the loss of existing habitat and aid in providing an element of overall biodiversity 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.
- 5.5.2 Notwithstanding the provision of the ecology towers, integral building dependant species provision will be provided through the inclusion of bat and bird bricks/boxes to provide nesting/roosting opportunities within the main body of the development. The submitted details propose the installation of 10 bat bricks/boxes and 10 bird bricks/boxes.

## 5.6 Infrastructure, Services and Developer Contributions:

- 5.6.1 Given the previous proposal related to the redevelopment of a brownfield site and included 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.*
- 5.6.2 The site previously accommodated in excess of 5170m<sup>2</sup> of existing gross floor space with all buildings on site to be demolished. The proposed cumulative floor space to be created by the previously approved development equated to approximately 3717m<sup>2</sup> resulting in a shortfall of floor space being created in excess of 1400m<sup>2</sup>. As such, when applying the VBC calculation, there was no requirement to provide affordable housing provision on site or any financial contribution towards off-site affordable housing provision.
- 5.6.3 Given the current application seeks to solely vary the previously approved land-levels and finished floor levels it is considered that the VBC exemption is still engaged by virtue of the previous consent having been commenced and as such remains a material consideration in the determination of the current application.
- 5.6.4 Lancashire County Council have confirmed that no financial contribution towards educational places is required in respect of the proposed development.
- 5.6.5 The developer has provided a Deed of Variation which acts as a legal linking agreement to the previously agreed Section 106 agreement. As such there maintains a requirement 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 with the sum being payable within 2 months following occupation of the 15<sup>th</sup> residential dwelling on site.

5.6.6 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 submitted legal linking agreement ensures that the over 55's accommodation will be brought forward, as previously agreed, in the form of two dwellings (Plots 12 and 15) that accommodate a bedroom at ground floor allowing the ground floor of the dwellings 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 is also engaged within the linking agreement.

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

- 6.1 Taking account of the above matters and all material considerations it is considered that the proposed variations in land levels and associated building heights will not result in any detrimental impact upon nearby existing or future residential amenity nor be of detriment to the character or visual amenities 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 it is not considered that there are any material overriding reasons that would warrant the refusal to withhold the granting of planning permission.

RECOMMENDATION: That the application be APPROVED subject to the following conditions:  
*Timings and Commencement*

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

Site Location Plan - LP01 Rev B  
1582SPLVMS-SL01 AA Proposed Site Layout  
Design Material

1582SPLVMS-ASH01A Plot 1-4 17-4-18  
1582SPLVMS-ASH02A Plot 8 17-4-18  
1582SPLVMS-ASH03A Plot 9+10 17-4-18

1582SPLVMS-BRE01A Plot 19 17-4-18  
 1582SPLVMS-BT01B Boundary Treatment  
 1582SPLVMS-COB01A Plot 26 17-4-18  
 1582SPLVMS-EAM01A Plot 27 17-4-18  
 1582SPLVMS-FES01A Plots 13,14,16,17+21  
 1582SPLVMS-GAR01A Single Garage  
 1582SPLVMS-GAR02A Double Garage  
 1582SPLVMS-GAR03A Treble Garage  
 1582SPLVMS-GAR04A Feature Garages  
 1582SPLVMS-HAR01A Plot 5  
 1582SPLVMS-HUT02A Plot 11  
 1582SPLVMS-KT01a A Plot 18pt1  
 1582SPLVMS-KT01b A Plot 18pt2  
 1582SPLVMS-KT02a A Plot 20pt1  
 1582SPLVMS-KT02b A Plot 20pt2  
 1582SPLVMS-MIL01A Plot 28-30pt1  
 1582SPLVMS-MIL02A Plot 28-30pt2  
 1582SPLVMS-MIL03A Plot 28-30pt3  
 1582SPLVMS-MIL04A Plot 28-30pt4  
 1582SPLVMS-MIL05A Plot 28-30pt5  
 1582SPLVMS-MIL06A Plot 28-30pt6  
 1582SPLVMS-MIL07A Plot 28-30pt7  
 1582SPLVMS-ECO/PL1Ecology Chimney  
 1582SPLVMS-ECO/EL1 Rev:A Ecology Chimney 1  
 1582SPLVMS-ECO/EL2 Rev:A Ecology Chimney 2  
 1582SPLVMS-ECO/SE1 Rev:A Ecology Chimney Section  
 1582SPLVMS-OBC01A Plot 22-24  
 1582SPLVMS-PEN01A Plot 7  
 1582SPLVMS-REA01A Plot 6  
 1582SPLVMS-RS01A Refuse Strategy  
 1582SPLVMS-SS01C Street Scenes  
 1582SPLVMS-SS02C Street Scenes  
 1582SPLVMS-SS03C Street Scenes  
 1582SPLVMS-SS04C Street Scenes  
 1582SPLVMS-SS05C Street Scenes  
 1582SPLVMS-SS06C Street Scenes  
 1582SPLVMS-TWI01A Plot 12+15  
 1582SPLVMS-WHI01A Plot 25  
 Proposed Landscaping Plans  
 GL0900 01B - Detailed Landscape Proposals  
 GL0900 02A - Sabden Brook Landscape Sections  
 Design and Access Statement 17 04 18  
 17140-C-52B External Works Layout  
 17140-C-SK.06A Plan Showing Extents of Adoptable Highway  
 17140-CR-01 Rev D - FRA and Drainage Strategy 26-07-2018  
 Arboricultural Implications Assessment 13611 A 15-03-2018  
 Arboricultural Method Statement13611 B 15-03-2018  
 Construction Management Scheme 23-04-2018  
 Amended Site Compound Plan to CMS 03-05-2019  
 CMS Addendum - Management of Construction Dust  
 Sabden Materials Schedule vs 3 28-01-2019  
 Dwg 1528SPL-VMS-BT01 Rev B Boundary Treatments Plan 28-1-19  
 Bench Specification Ref Litchard\_Bench

CON18a - Sabden - Garage Working Dwgs 30-11-2018  
CON18b - AMP EV - Charging Point Specification  
CON6a - Street Lighting Location Plan  
CON6b - Civitech Lighting Specification A  
CON6c - Civitech Lighting Specification B  
CON8-9-11-12a Ecological Management and Mitigation Plan 31-08-2018

CON8-9-11-12e - Method Statement 19-09-2018  
CON16 - 17140-C-56B Section 38 Highway Layout 09-04-2019  
CON16 - 17140-C-57C Highway Longitudinal Sections 09-04-2019  
CON16 - 17140-C-60A Section 38 Highway Kerbing Layout 09-04-2019  
CON16 - 17140-C-61B Section 38 & 278 Highway Construction Details 09-04-2019  
CON16 - 17140-C-63B Section 278 Existing Highway Alteration Layout 09-04-2019  
CON16 - 17140-C-81 Land Plan 09-04-2019  
CON16 - 17140-C-82 Site Plan 09-04-2019  
CON16 - 17140-C-83 Vehicle Tracking 09-04-2019  
CON19-20-21 - 17140-C-52B External Works Layout  
CON19-20-21 - 17140-C-53G Section 104 Drainage Layout  
CON19-20-21 - 17140-C-54C Catchment Area Plan  
CON19-20-21 - 17140-C-62A Cut & Fill Layout  
CON19-20-21 - 17140-CC-02E Proposed Surface Water Calculations  
CON19-20-21 - 17140-CR-02 Management & Maintenance Plan  
CON19-20-21 - Victoria Fold Water Management Plan 30-11-2018  
CON23b - 17140-PWAG-00-ZZ-LTR-G-1000-P01  
CON23c - ATAL2978C-001A-Edge Of Slab Detail  
CON23d - ATAL2978C-002A-Pipe Penetration Detail

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

#### *Further Control over Development*

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (Schedule 2, Part 1, Classes A, B, C, and E) or any subsequent re-enactment thereof no extension/ alteration to the dwellings hereby permitted, garden shed, greenhouse, garage or car port shall be erected other than those expressly authorised by this permission.

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.

3. 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.

4. 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.

5. No dwelling hereby approved shall be occupied until a verification plan/report, in relation to the remediation strategy for the site, has been submitted to and agreed in writing by the Local planning Authority. For the avoidance of doubt the verification plan/report shall provide details of the data that will be collected in order to demonstrate that the works set out in the agreed remediation strategy) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. 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.

6. The artificial bird/bat boxes shall be incorporated into the identified individual dwellings during 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.

7. 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

8. No removal of vegetation including trees or hedges shall be undertaken within the nesting bird season of 1st March - 31st August. 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.

9. 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.

### *Highways*

10. 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 (other than site demolition and clearance) takes place within the site.

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

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

REASON: To prevent stones and mud being carried onto the public highway to the detriment of road safety

### *Flooding and Drainage*

12. The drainage 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

13. The drainage management and maintenance 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

14. 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

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2019%2F0444](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0444)

**C APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR REFUSAL**

**APPLICATION REF: 3/2019/0448**

GRID REF: SD 373800 436971

**DEVELOPMENT DESCRIPTION:**

OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 125 DWELLINGS WITH PUBLIC OPEN SPACE, LANDSCAPING AND SUSTAINABLE DRAINAGE SYSTEM (SUDS) AND VEHICULAR ACCESS POINT FROM A671. ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS. LAND AT WISWELL LANE WHALLEY.



3/2019/0448 Land at Wiswell Lane Whalley

Scale 1:2500

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

### **WHALLEY PARISH COUNCIL:**

Whalley Parish Council objects to the proposal and have offered the following observations:

- Opportunistic application- it is outside the settlement boundaries of both Whalley and Wiswell.
- Highway safety concerns with access onto the Whalley bypass (A671)
- The pedestrian access to Whalley and Wiswell is non-existent.
- There has been a lot of development in the area recently- This area will need time for a 'settling in process' before any more development.
- The RVBC, Housing and Economic DPD report dated 5 December 2018 distributes zero housing growth for Whalley.
- There is no requirement for this application to be granted.

### **WISWELL PARISH COUNCIL:**

Wiswell Parish Council objects to the proposal and have offered the following observations:

- The development is outside the settlement areas.
- The development should not be regarded as 'in-fill' or 'rounding' of the Whalley settlement area.
- Ribble Valley Borough Council have demonstrated a five year supply of development land
- More pressure imposed on the local infrastructure of schools and doctors' surgeries car parking in Whalley etc
- The fundamental objection is to the access point on the A671.
- The suggestion that there are bus services in Wiswell Lane requires further explanation as these are only local and are few and far between.
- Bus services on Clitheroe Road are not accessible from the site so the development is not sustainable.
- The reduction of the speed limit on the A671 to 50mph recognised the increasing dangers, particularly at the Wiswell Lane junction.
- The accident rate at this junction is increasing and will continue to increase with the increased use of this junction.

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

LCC Highways have objected to the proposal on the basis that the proposed access on to the A671 will be of detriment to the safe operation of the immediate highways network which will add an unnecessary delay to through traffic and compromise the safety of existing and future road users.

The Highways Engineer further considers that residents of the proposed development would fail to benefit from adequate walkable access to a range of services, facilities, and public transport which would be within a range that would be considered both reasonable and sustainable.

### **UNITED UTILITIES:**

No objections subject to the imposition of conditions relating to foul and surface water drainage.

## **LLFA:**

The Lead Local Flood Authority has no objection to the proposed development subject to the imposition of conditions requiring the development to be carried out in accordance with the submitted Flood Risk Assessment, that a full surface water drainage scheme be submitted at reserved matters stage and that details of how surface water and pollution prevention will be managed during each construction phase be submitted prior to the commencement of development.

## **LCC EDUCATION:**

Primary: Seeking a contribution for 30 primary school places although this could increase up to maximum of 48 places.

Secondary: Seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 19 places.

## **ADDITIONAL REPRESENTATIONS:**

Thirty-nine letters of representation have been received objecting to the proposal on the following grounds:

- Increase in traffic
- Of detriment to highways safety
- Junction to A671 is unsafe
- Unsafe pedestrian access
- Overdevelopment within Whalley
- Increase in noise
- The development will alter the character of Wiswell Lane
- Increase in pollution
- Lack of existing infrastructure
- No need for additional housing in the area
- The site is outside of the defined settlement boundary of Whalley
- Disproportionate growth of the settlement
- Schools and services within the area are currently over-subscribed

### 1. Site Description and Surrounding Area

1.5 The application relates to an area of greenfield land located to the northern-eastern extents of the settlement of Whalley. The site is 5.77 Hectares in size being located outside of the defined settlement boundary and as such is within the defined open countryside.

1.6 The site is bounded to the east by the A671 and to the north by the A59 with the A59/A671 roundabout being located adjacent the north-eastern extents of the site. The southern extents of the site fronts Wiswell Lane with the western extents of the site delineated by a shared boundary with the property known as Woodlands.

1.7 The northern, eastern and southern extents of the site accommodate a large number of trees with then southern-most woodland group being protected by a Tree Preservation Order (TPO No.1 1957). A small group of four trees are also located within the main body of the site.

1.8 The site occupies a peripheral location on the outskirts of Whalley at the eastern extreme of Wiswell Lane. The surrounding area, save for that of the adjacent highways infrastructure, is typified by low-density incremental clusters of residential development typical of a location that represents a transition from a more suburban pattern of development to that of a more semi-rural pattern and density.

## 2. Proposed Development for which consent is sought

2.1 Outline consent (all matters reserved save for that of access) is sought for the erection of up to 125 dwellings including public open space, landscaping and sustainable drainage system (SuDS). It is proposed that the primary and sole vehicular access will be formed at the eastern extents of the site off of the A671. A further 3.75m wide shared emergency vehicle route and pedestrian/cycle access will be formed at the south-western extents of the site off Wiswell Lane. Further pedestrian access/egress points are provided at the eastern extent of the site on to the A671 with refuge crossing point being provided on the A671 to allow for pedestrian connectivity with Wiswell Shay.

2.2 The submitted illustrative masterplan proposes that the development will be served internally by a singular primary loop road off of which there will be a number of secondary vehicular routes and private drives. It is proposed that the built-form will be contained within 8 development parcels with a central open green space set around existing trees also being proposed. The north-western extents of the site will also accommodate an area of green open space which will play host to two potential attenuation ponds/basins.

## 3. Relevant Planning History

No planning history directly relevant to the determination of the application.

## 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 EN4 – Biodiversity and Geodiversity

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 DMB4 – Open Space Provision

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

## 5. Assessment of Proposed Development

## 5.1 Principle of Development:

- 5.1.1 The application site lies within the defined open countryside being located outside of the defined settlement of Whalley, as such and given the application seeks consent for new residential development Policies DMH3 and DMG2 are fully engaged. Both policies seek to restrict residential development within the defined countryside to that which meets a number of criteria, one of which being that which satisfies an identified local need.
- 5.1.2 In this respect the applicant has not provided any supporting information as to how the application seeks to meet an identified or evidence outstanding need. Whilst the authority recognises there is a borough-wide need for affordable housing and the benefits associated with the delivery of such housing, in this case, the development of open-market residential development within this location (in the absence of identified need) would be considered contrary to the policies of the Core Strategy.
- 5.1.3 The Ribble Valley Core Strategy states that local needs housing is ‘the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment.’ and that ‘the most recent SHMA and Housing Needs Survey and waiting list evidence would always be used in determining if the proposed development meets the identified need’.
- 5.1.4 In ensuring that a suitable proportion of housing within the borough meets local needs, the adopted Core Strategy states that information contained in the LDF evidence base assists in ensuring that this is made possible. The Strategic Housing Market Assessment (SHMA) is the most appropriate way of doing this as it incorporates information from the Housing Needs Surveys and combines this information with future population and household projections. Linking this information with the SHLAA assists in highlighting where the housing to meet local needs is required to be located.
- 5.1.5 In this respect it is clear that the Core Strategy places a full emphasis on the currently held evidence base being used to determine whether an outstanding need still exists. Based on the latest published monitoring position the authority is of the opinion that it has granted sufficient consents, for new residential dwellings, to take account of the needs and projections as reflected within the evidence base. Therefore, in the absence of the applicant providing evidence to suggest otherwise, the Local Planning Authority considers that the proposal cannot be supported and there exists no impetus to grant further consents for residential dwellings, outside the defined settlement boundary, in this location.

## 5.2 Impact upon Residential Amenity:

- 5.2.1 Given the application is made in outline a definitive assessment of the potential for detrimental impacts upon existing/future residential amenities cannot be determined or assessed at this stage. Notwithstanding this matter, the authority considers it appropriate to be assured that the quantum of development proposed can be adequately accommodated on site without compromising existing/future residential amenities or the character and visual amenities of the area which is discussed in the following sections of this report.

- 5.3 Matters of Design/Visual Amenity:
- 5.3.1 Given the application is made in outline, members will note that matters of detailed design, external appearance and scale cannot be considered at this stage. However, consideration must also be given to the general design/masterplan principles of the proposal and its ability potential ability not only to be successfully assimilated into the landscape but also as to whether it would respond positively to not only the inherent patterns and densities of adjacent development but also the inherent character of the area.
- 5.3.2 The application site is located in a peripheral location on the outskirts of Whalley at the eastern extents of Wiswell Lane with the site being bounded by to the south by Wiswell Lane, the east by the A671 and the A59 to the north. Wiswell Lane itself is entirely typified by clusters of low-density residential development interspaced with large areas of green-space, the majority of which accommodates areas of dense tree/woodland planting.
- 5.3.3 The site area is 5.77 hectares in size with the submitted details proposing that the developable area will be limited to that of approximately 3.47 hectares, taking into account the upper limit of development for which consent is sought (125 dwellings), this would result in a density of approximately 36 dwellings per hectare (dph) within the developable parcels and an overall site density of 21.7 dph when taking into account the areas of open space within the site.
- 5.3.4 However, in assessing whether the pattern and density of the proposed development responds positively to that of adjacent patterns and density of development it is important not only to consider overall site density, but also that of the likely densities of the areas that will accommodate built form and how these will be read in context with the inherent pattern of development in the area. As such, a comparative exercise has been undertaken in relation to adjoining and nearby development along Wiswell lane.
- 5.3.5 In this respect, when transposing the total site area (5.77 hectares) as a site overlay, to take into account adjacent built form (excluding Oakhill College), the comparable total site area, depending on configuration, accommodates existing densities ranging between 8-13 dph to the west and 5 dph immediately to the south. A further exercise has also been undertaken which solely transposes the proposed developable site area (3.47 hectares), adopting the same methodology, which results in the equatable site area accommodating existing densities ranging between 7-8 dph to the west and 5 dph to the south
- 5.3.6 It is clear from the exercise undertaken that the development proposes densities that greatly exceed the densities of nearby development and those that typify the pattern of development in the immediate area.
- 5.3.7 As such, when considering the comparative densities in isolation, the development is in considered to be direct conflict with Policy DMG1 which requires that development *'be sympathetic to existing and proposed land uses in terms of its size, intensity and nature'* and should *'consider the density, layout and relationship between buildings, which is of major importance'*. In this respect it is clear that the proposal is likely to contain built-form of a density and intensity that is uncharacteristic in relation to neighbouring patterns of development.

- 5.3.8 In addition to the disparity between existing and proposed densities, it is imperative to also consider the proposed development and its relationship with the context of the area and associated inherent pattern of development. The site is located at the eastern extents of Wiswell Lane which largely possesses the typical characteristics of a semi-rural lane with very little development possessing a roadside presence. Whilst it is recognised that the proposed development, by virtue of the existing woodland at the southern extents of the site, will be afforded limited visibility upon approach from Wiswell Lane, this in isolation would not mitigate the spatial discordance of the pattern of development that will likely be resultant from the proposal.
- 5.3.9 This discordant pattern of spatial development is considered to be in direct conflict with policy DMG2 which requires that development *'should consolidate, expand or round-off development so that it is closely related to the main built up areas'* In this respect the development is not considered to represent consolidation, expansion nor rounding off as defined within the glossary of the adopted Core Strategy, nor is it considered, by virtue of its peripheral location, that it is well related to the main-built up area of the settlement.
- 5.3.10 Members will note that a recent inspectors decision (APP/T2350/W/19/3221189) provided further clarity in respect of the scope of DMG2 stating that *'development outside the settlement limits'* in respect of a principle settlement *'would not necessarily conflict with the provisions of this policy'* with *'consolidation defined as locating development so that it adjoins the main built up area of a settlement'* *'expansion'* allows for limited growth of a settlement'.
- 5.3.11 It is accepted that to some degree it could be argued that the proposed development therefore meets the definition of 'expansion', however DMG2 also requires that such expansion be well related to the main built up area of the settlement. Furthermore the criterion of DMG2 cannot be considered in isolation and must be read in parallel with partner policies within the development plan. In this respect such 'expansion' must also, as conveyed earlier within this report, 'be sympathetic to existing and proposed land uses in terms of its size, intensity and nature' as required by DMG1.
- 5.4.12 In respect of the above matters and when taking account of the wider site context in general spatial terms, it is clear that the proposed development would not only be discordant and anomalous by virtue of the proposed inherent densities, but also by virtue of its location and the resultant pattern of development that fails to represent appropriate expansion that not only relates to the main built area of the settlement but also fails to respond positively to or take account of adjacent existing patterns and densities of development. As such it is considered that the proposal, by virtue of its location and relationship with adjacent development, will be of significant detriment to the character and appearance of the defined open countryside and its inherent landscape character.

#### 5.4 Highway Safety and Accessibility:

- 5.4.1 The Highway Development Control section have raised a number of concerns in relation to the proposal and as such have raised a formal objection. The nature of the objection and concerns are as follows:

- The site access to the development will involve a localised carriageway widening to accommodate a 3.5 m ghost island. This is considered acceptable however the following amendments would be sought:
  - Drivers occupying the right turn lane into the sight may be vulnerable to overtaking vehicles travelling northbound on the major road. It would therefore be considered necessary to introduce a traffic island within the hatched area to the south of the proposed access to deter overtaking in this area.
  - Similar to the formation of the existing Wiswell Lane junction to the south of the proposed development (westerly side) it would be necessary to introduce a deceleration lane on the northbound approach to proposed site access.
  - The access is detailed as having a carriageway width of 5.5m with 2m footways either side. Having regard to the nature of the major road an initial carriageway width of 7m would be required which would gradually narrow down to 5.5m over a distance of 50m. Entry radii of 6m would be acceptable with a deceleration lane as discussed above.

Notwithstanding the design considerations referred to above there are a number of highway safety concerns associated with the proposed access;

- a) An unobstructed visibility splay will need to be maintained in either direction. Due to the nature of the road link, the grass verges have a restricted cutting regime. It may therefore be necessary to consider the surfacing of the whole of the grass verge falling within the visibility splay. However this would not address the concerns for vehicles turning right onto the A671 whose visibility may be obscured by vehicles queueing back on the A671 approach to the roundabout.
- b) The collision data for the Wiswell Lane junction indicates 4 injury accidents in the preceding 5 years. Of these, 2 involved right turning vehicles travelling west on Wiswell Lane to south on A671 and 1 involving a failure to give way from the side road. Whilst comparison between this and the proposed junction is open to interpretation it does show a trend in the accident causation factors associated with a similar junction. The current accidents occur in open road conditions and doesn't take account of the proximity of the proposed junction to a roundabout and the potential hazard posed by queueing vehicles

5.4.2 The utilisation of the traffic generation and distribution figures derived from the TA do not indicate any junction capacity concerns at the junctions modelled although it should be noted that during the course of am peak observations undertaken as part of the pre-application process traffic queues were seen to occur on the A671 in a southerly direction between the A59 roundabout and Wiswell Lane. Queue length data provided by the applicant indicates a maximum recorded queue length of 26 vehicles in the pm peak (20 in the am peak) This level of queueing is not replicated in the results for the junction analysis for the A671 approach to the A59/A671 roundabout which indicates minimal queues lengths. This disparity would suggest that the model requires validation for the analysis to be representative. Notwithstanding this, the level of queueing observed would impact on the visibility splays for vehicles emerging from the proposed site access.

5.4.3 In relation to the above matter the Highways Development Control Section have concluded that the development should 'be resisted on the grounds that the

formation of the site access onto a high speed locally strategic route and its close proximity to existing junctions would be unsafe’.

- 5.4.4 The applicant was made aware of these concerns and submitted additional information, as of 24<sup>th</sup> August 2019, to seek to overcome the objection. This information has been sent to Lancashire County Council and their comments will be either reported on the Update report or verbally at Committee is received in advance of Committee.
- 5.4.5 The Highways Development Control Section have raised further concerns in relation to the sustainability of the site stating that *‘the proposed development is located away from the essential services considered necessary for a domestic environment and community. Failure to have adequate access to these facilities within a reasonable distance appropriate to a variety of travel modes will ultimately lead to a reliance on the private car as the primary means of transport and travel. This will increase the demand on the local highway network and result in an increase in carbon emissions’*.
- 5.4.6 In relation to pedestrian connectivity with the settlement and walkable access, it is the applicant’s intention to undertake a localised carriageway narrowing, to accommodate footway provision along Wiswell Lane to provide a 2m wide link between the site and existing footway provision located further to the west on Wiswell Lane. In addition the applicant proposes a separate cycle/pedestrian link is shown from A671 to the north of Wiswell Lane involving the creation of a refuge crossing point.
- 5.4.7 In respect of the additional pedestrian/cycle provision the Highways Officer has stated that ‘notwithstanding the measures proposed by the applicant to assist and enhance pedestrian provision and connectivity to the site, it remains a concern that the travel distances pedestrians are expected to undertake are greater in some instances that the Preferred Maximum Distances as recommended in the IHT Guidance for the facilities’.
- 5.4.8 The above concerns in relation to acceptable walkable/cyclable distances are noted however members will note that a comparative exercise has been undertaken by the authority, for the purposes of robustness in relation to walkable distances to nearby services facilities (measured from the centre of the site) compared to distances that were deemed to be considered ‘walkable and accessible’ at a recent public inquiry relating to development located off Henthorn Road, Clitheroe (APP/T2350/W/19/3221189).
- 5.4.9 The exercise undertaken has demonstrated that the majority of services and facilities, save that for Mainstream Primary/Secondary schools and bus-stops are within closer walking distances than those agreed as acceptable as part of the Henthorn Road inquiry. In respect of bus stop access, these remain within the preferred maximum distances as recommended in the IHT *‘Providing for Journeys on Foot and Planning for Public Transport in New Development’* guidance.
- 5.4.10 In respect of walkable access to mainstream Primary and Secondary Schools, both lie within distances which are considered *‘reasonable walking distances for pupils’* within the Education contribution Methodology (April 2018) and Home to Mainstream School Transport Policy 2019/20 adopted by Lancashire County

Council. In addition the distances as reflected within the Department of Education's Home to School Travel and Transport Guidance July 2014. As such the authority does not consider that a refusal reason, based on the proposals failure to provide adequate walkable access to services and facilities, could be reasonably upheld or sustained.

- 5.4.11 Notwithstanding the above, the authority has a number of concerns in relation to the pedestrian user experience of Wiswell Lane itself, particularly as to whether it would represent a realistic and attractive route for pedestrians to frequent when wishing to gain access to services and facilities on foot. In this respect it is important to give due consideration to the character of the lane itself.
- 5.4.12 Wiswell Lane, for the majority, does not benefit from any significant level of passive natural surveillance from dwellings that would normally be associated with a primary pedestrian route within a settlement, nor does the route itself benefit from extensive roadside illumination. As such, the authority considers that the route is unlikely to be attractive for the majority of individuals, particularly in winter evenings/mornings or in the hours where daylight is at a minimum. It is further considered that this lack of natural daylight is likely to be exacerbated pre-dusk by the extensive tree cover that bounds the lane on both sides which only adds to and reinforces a sense of potential 'seclusion' by the user. However, the authority accepts that the issues of illumination could be mitigated through the implementation of a footway lighting scheme, although it is recognised that this may change, to some degree, the character of the lane itself.
- 5.4.13 Taking into account the above matters and all material matters raised it is considered that the proposal would be of detriment to the safe operation of the immediate highways network by virtue of the requirement to construct a new vehicular access, onto a high speed road of strategic importance, which will add an unnecessary delay to through traffic and compromise the safety of existing and future road users.

## 5.6 Landscape/Ecology:

- 5.6.1 The application has been accompanied by an Ecological Appraisal, Landscape Visual Impact Assessment and Arboricultural Impact Assessment. The Ecological Appraisal considers that the site largely consists of poor grassland with broadleaf woodland lining the majority of the site boundaries. The report further concludes that the site is utilised by a significant range of bat species with the woodland that bounds the site providing high potential bat foraging and commuting habitat. The report makes further recommendations in respect of future enhancement potential and that vegetation clearance should be taken outside of the nesting period.
- 5.6.2 The submitted Arboricultural Impact Assessment recognises that a large percentage of trees along the highway verge may require removal to facilitate the primary vehicular access to the site however a number of these trees are considered to have relatively poor future viability on account of Chalara Ash Dieback disease. The report further states that there will be adequate opportunity within the proposal to not only mitigate this loss but also result in an overall net enhancement and that such details could be secured at the relevant reserved matters stage. In respect of the emergency/pedestrian access off Wiswell Lane, the report recommends that 'no-dig' construction methods be

employed within the vicinity of the root protection areas of nearby trees to ensure their protection and retention.

#### 5.7 Flood Risk and Drainage:

5.7.1 The Lead Local Flood Authority have stated that they have no objection to the proposal subject to the imposition of conditions requiring the submission of a surface water drainage scheme and a construction phase surface water management plan. United Utilities have also responded raising no objection subject to the requirement to submit a surface water drainage scheme and the imposition of a condition that ensures surface and foul water is drained on separate systems.

#### 5.8 Developer Contributions:

5.8.1 Should consent be granted the developer will be required to make an educational contribution of £941,034.24 towards primary and secondary school places within Whalley.

5.8.2 In addition to the above, should consent be granted, the applicant will be required to make a contribution towards leisure/play facilities within Whalley. The contribution sought will be based on the following methodology which is calculated based following detailed information being available in relation to 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

#### 5.9 Affordable Housing Provision:

5.9.1 The applicant has provided a commitment to meet the requirements of Key Statement H3 with the submitted Heads of Terms outlining that 30% of the proposed dwellings will be for affordable housing provision and that 15% of the overall number of dwellings on site will be for occupation by those over 55 years of age. The Terms further state, in alignment with the requirements of the Key Statement, that half of this 'older persons' accommodation will be affordable with the remainder being provided on an open market basis.

5.9.2 On this basis and subject to further negotiation on matters relating to tenure and housing mix (should consent be granted) the proposal is considered to be in accordance with the adopted development plan in respect of on-site affordable housing provision and housing provision for those over 55 years of age.

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

6.1 Taking account of the above matters and all material considerations, it is considered that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need as required by Policy DMG2 and DMH3 of the Adopted Core Strategy.

- 6.2 It is further considered that the proposal would be of significant detriment to the safe operation of the immediate highways network by virtue of the requirement to construct a new vehicular access, onto a high speed road of strategic importance.
- 6.3 In addition, the authority considers that the development fails to represent the consolidation, expansion or rounding off of development so that it closely relates to the main built up area of the settlement and considers that approval would lead to an anomalous and discordant pattern of development that fails to respond positively to the inherent pattern and density of adjacent built-form and by virtue of its location fails to be well-related to the main built up area of the settlement.
- 6.4 For these reasons and all other reasons outlined above, the development is considered to be in direct conflict with Key Statement DS1 and Policies DMG1, DMG2, DMG3 and DMH3 of the Ribble Valley Core strategy and as such it is recommended that the application be refused.

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

1. The proposal is considered contrary to Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation new residential dwellings in the defined open countryside, located outside of a defined settlement boundary, without sufficient justification insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need.
2. The proposal is considered contrary to Key Statement DS1 and Policy DMG2 of the Ribble Valley Core Strategy insofar that it does not represent the consolidation, expansion or rounding off of development so that it closely relates to the main built up area of the settlement of Whalley.
3. The proposal is considered contrary to Policies DMG1 and DMG2 of the Ribble Valley Core Strategy by virtue of the density of the proposed developable parcels, cumulative overall density, the quantum of development proposed and its location, which would result in an anomalous and discordant pattern of development that fails to respond positively to the inherent pattern and density of adjacent built-form and fails to be well-related to the main built up area of the settlement of Whalley, being of detriment to the character and visual amenities of the area.
4. The proposed vehicular access on to the A671 would be of detriment to the safe operation of the immediate highways network by virtue of the requirement to construct a new vehicular access point onto a high speed road of strategic importance which will add an unnecessary delay to through traffic and compromise the safety of existing and future road users, and as such is considered contrary to Policy DMG3 of the Ribble Valley Core Strategy and Paragraphs 108 and 109 of the National Planning Policy Framework.

## BACKGROUND PAPERS

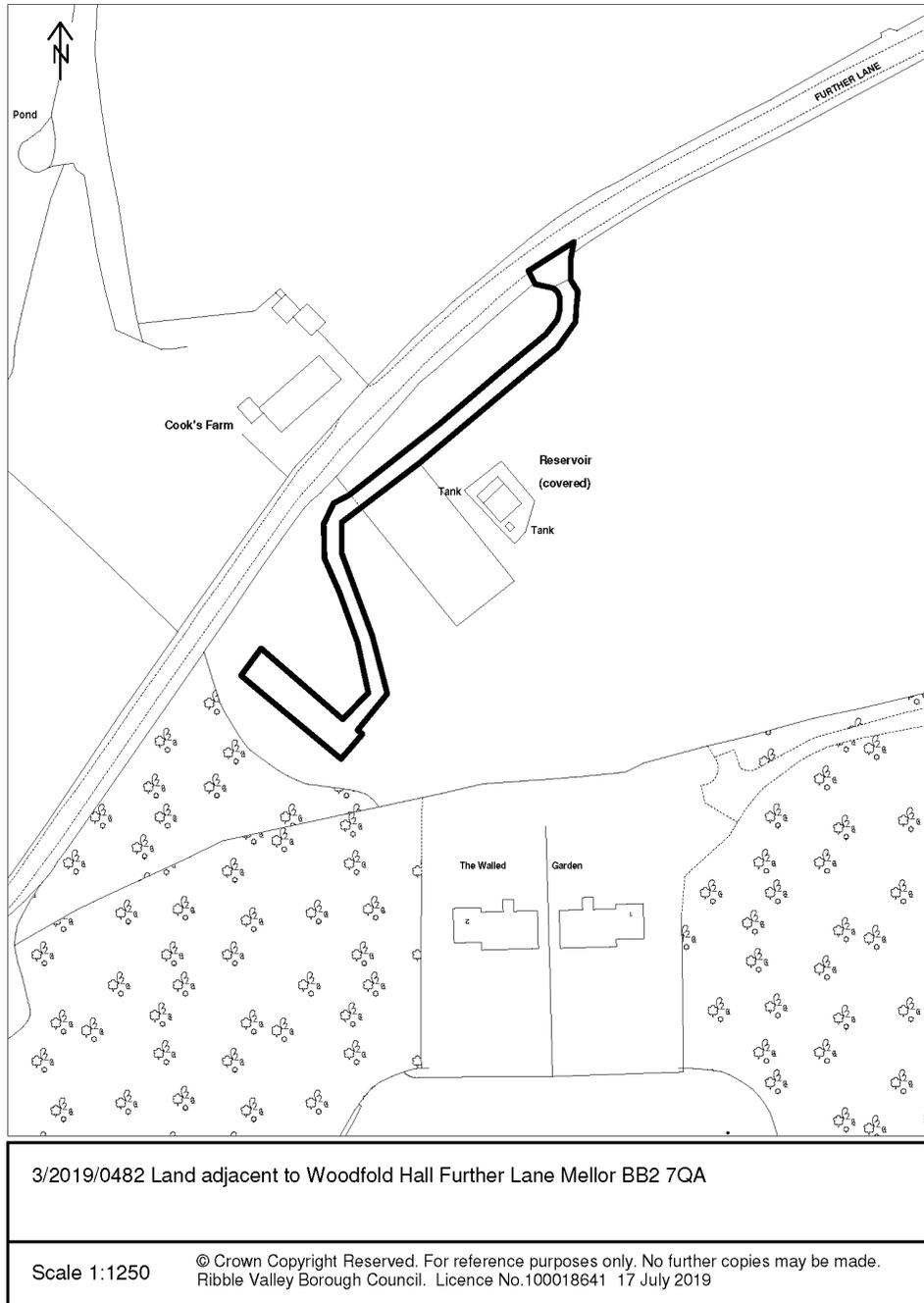
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2019%2F0448](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0448)

**APPLICATION REF: 3/2019/0482**

GRID REF: SD 363796 429775

**DEVELOPMENT DESCRIPTION:**

APPLICATION FOR THE EXTENSION TO A STEEL PORTAL FRAMED BUILDING FOR THE STABLING AND WORK AREA FOR THE EXISTING BUSINESS. (RESUBMISSION OF APPLICATION 3/2019/0222) AT WOODFOLD HALL, FURTHER LANE, MELLOR



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

### **MELLOR PARISH COUNCIL:**

No representations have been received in respect of the proposed development.

### **HIGHWAYS (LCC):**

No representations have been received in respect of the proposed development.

### **ADDITIONAL REPRESENTATIONS:**

2 letters of objection representing 3 individuals have been received and raise the following concerns:-

- Excessive noise both during construction and after
- Increase in the volume of traffic using Further Lane
- Disruption and disregard for the heritage assets within and including Woodfold Park
- Out of keeping
- Already a higher level of use than was originally granted consent for
- Loss of privacy for nearby residents
- Loss of view
- Breach of planning consent 3/2015/0360 with specific regards to the erection and use of the flood lights on the existing stable. And reinstatement of hedgerow as required by condition.
- Light pollution
- No evidence for the requirement
- Contradictory information within the supporting statement
- Trespassing

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

- 1.1 The application relates to an existing stable building and associated ménage located on the south side of Further Lane, Mellor. The site is located within the defined green belt and in a largely rural context. The site is adjoined to the south by the grounds of the historic park and garden, Woodfold Park, Listed Grade II.

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

- 2.1 This application is the resubmission of planning application 3/2019/0222, while the supporting documentation has been amended slightly; no additional information has been submitted in support of the planning application.
- 2.2 The application seeks consent to erect an extension to the existing stable building measuring approximately 6.7m by 30m to create an additional 5 stables and work area. The proposed extension will lead on from the existing buildings eaves height approximately 3.5m falling to approximately 2.3m at the eaves to the west. The proposed work area will extend beyond the existing stable building to the south east by approximately 6m with a width of approximately 6.3m.
- 2.3 The submitted details propose that the stables will solely be used for the purposes of the stabling of horses that are undergoing remedial farrier treatment. The submitted details

further state that there will be no independent livery or commercial stabling of horses independent from those that are undergoing remedial treatment.

- 2.4 No special circumstances details have been submitted with regards to the proposal being located within the designated Green Belt.

3. **Relevant Planning History**

**3/2019/0483-** Temporary equine workers dwelling (Resubmission of application 3/2019/0229). Pending decision (reported elsewhere on this agenda)

**3/2019/0229-** Temporary equine workers dwelling. (Withdrawn)

**3/2019/0222-** Application for a steel portal framed building for the stabling and work area for existing business. (Refused)

**3/2015/0360-** For the retention of the existing stable building, access track and manage to be used as a remedial farrier business (Approved with Conditions)

**3/2012/0359-** Proposed construction of agricultural building for stables and a 40m x 20m ménage. Close off the existing field gate and construct a new field access, gravel track and 6no. Parking spaces. (Approved with Conditions)

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement EN1 – Green Belt

Key Statement EN2 – Landscape

Key Statement EN5 – Heritage Assets

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DME1 - Protecting Trees and Woodlands

Policy DME2 - Landscape and Townscape Protection

Policy DME4 – Protecting Heritage Assets

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 This is a full planning application for a proposed extension to an existing stables to create additional stabling and workshop areas. Matters of visual amenity, residential amenity, heritage considerations, highway safety/traffic issues are discussed below.

## 5.2 Principle of Development:

- 5.2.1 The principal planning policy considerations in this case are based around the Ribble Valley Core Strategy adopted December 2014. The Ribble Valley Core Strategy highlights the requirement for development to protect and enhance protected areas and landscapes.
- 5.2.2 The proposal is located within the Green Belt, Key Statement EN1 'Green Belt' stresses the importance of the protection of the designated green belt and negates any development which may be viewed as contrary or result in a conflict to the areas designation and purposes of the designation.
- 5.2.3. The construction of an extension to a building within the Green Belt will constitute inappropriate development unless one of the exceptions in the National Planning Policy Framework is engaged. To benefit from the relevant exception in the case of this site, the applicant must demonstrate that the development:
- does not result in disproportionate additions over and above the size of the original building;
- 5.2.4 The proposed development represents a 62.8% increase in the volume of the existing building and a 91.6% increase in the floor space of the existing building which is a very large extension and represents a disproportionate addition to the original building. The proposed development therefore constitutes inappropriate development and as such the tests of paragraph 144 of the Framework are engaged. In this case very special circumstances need to be demonstrated which outweigh the harm the development will have to the Green Belt.
- 5.2.5 No very special circumstances have been provided which outweigh the harm the development will have to the Green Belt by reason of inappropriateness.
- 5.2.6 Within the accompanying statement the agent states "The proposed development will allow outdoor sport and recreation to continue for the horses and riders at Woodfold". Provision of appropriate facilities for outdoor sport and recreation is another exception to Green Belt policy. However in this case it is important to note that the original permission (3/2015/0360) granted consent for the existing building to be used only as a remedial farrier business and not in connection with any other commercial enterprise, such as livery stables or riding schools. As such the proposed use of this building is considered to be restricted to commercial remedial farriery and not for any outdoor sports or recreation facilities. As such this exception would not be engaged in this case.
- 5.2.7 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In this case insufficient very special circumstances have been provided and as such the development is contrary to local and national planning policy.

## 5.3 Impact upon Listed Building(s) and Setting:

- 5.3.1 The location of the existing building and proposed extension lies approximately 26m from the boundary of the historic park and garden, Woodfold Park, and approximately 334m north from The Orangery, listed Grade II, and approximately 270m north from Woodfold Hall, listed Grade II.

5.3.2 While there is some natural screening on the south eastern boundary, in the form of a hedge row and some tree planting, the proposed development will be visible from vantage points within Woodfold Park and the surrounding Historic Park and Gardens.

5.3.3 It is considered that the existing stables and ménage along with the associated storage of equestrian vehicles and trailers already has an impact on the setting of Woodfold Park and Gardens. Given the development already present at the site it is not considered that the proposed extension to the stable building, while large, will significantly impact on the heritage assets when compared with the existing arrangement.

#### 5.4 Design and Visual Impact

5.4.1 The proposed development will present a large extension to the rear of the existing stable block; this extension will protrude to the south east of the existing building by approximately 6m, and will have a maximum height of 3.5m.

5.4.2 Policy DMG1 of the Ribble Valley Core Strategy requires development to be of a high standard of design and be sympathetic to existing and proposed land uses in terms of size, intensity and nature as well as scale and design. The proposed building will be constructed to match the existing stable building namely, concrete block to 1.3m with vertical timber cladding to the eaves; as a result the visually similar materials are considered to be acceptable within this rural location.

#### 5.5 Effects upon Residential Amenity

5.5.1 Policy DMG1 of the Core Strategy states that development must not adversely affect the amenities of the surrounding area. This includes residential properties, the dwellings 1 and 2 The Walled Gardens are located approximately 65m to the south from the application site, and the dwelling Cook's Farm is located approximately 58m to the north east of the application site. Due to the distance between the proposed stable extension and the residential dwellings within the area it is considered that the stable extension will not result in any significant negative impact on the residential amenity of any neighbouring properties.

#### 5.6 Highway Safety

5.6.1 In respect of the proposed development, Lancashire County Highways raised no objections to the development on highways grounds. There are no existing highway concerns in the vicinity of the proposed development, the proposal will be extending an existing commercial facility and providing sufficient off-street parking to accommodate for any increase in demand, due to the extension of the business.

#### 5.7 Other Matters:

5.7.1 Concerns have been raised that the current stables and business is currently operating in breach of previous planning conditions. This has not yet been fully investigated however it is worth noting that the Local Planning Policy considers the livery of horses at this site when ancillary to the remedial farriery enterprise is acceptable. With regards to the conditions which required the previous field access to be permanently closed and the hedge row reinstated. As this has not

yet occurred these works will be further conditioned should any consent be granted.

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

- 6.1 In conclusion, the proposed development would result in the creation of additional built form within the Green belt at odds with the Core Strategy Key Statements EN1 and Policies DMG1 and DME2.
- 6.2 The proposed development is considered to result in a substantial negative impact to the designated green belt. Taking into account the above, it is recommended that the application be refused for the following reason.

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

- 1. The proposal development constitutes inappropriate development in the Green Belt and as such is contrary to paragraphs 143 - 145 of the National Planning Policy Framework. In the absence of any very special circumstances to clearly outweigh the harm, the development is contrary to Key statement EN1 and Policies DMG1 and DME2 of the Ribble Valley Core Strategy and Section 13 of the National Planning Policy Framework.

BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2019%2F0482](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0482)



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

### **PARISH COUNCIL:**

No representations received in respect of the application.

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

No representations received in respect of the application.

### **ADAS**

ADAS are of the opinion that of the opinion that the business is trading profitably, is viable and sustainable. However the current scale of operations on site would fail to warrant or justify the functional need for an on-site residential presence.

### **ADDITIONAL REPRESENTATIONS:**

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

- The current use of the site is in breach of planning conditions previously imposed
- A number of conditions relating to the previous consents have yet to be complied with
- No essential need has been demonstrated
- The supporting information contains a number of contradictions
- No evidence that business is currently being lost despite the applicants claims
- Increased traffic
- The applicant chose to relocate away from the stables whereby they previously lived within 1 mile of the business
- Loss of privacy
- Loss of view
- Impact upon the heritage features of Woodfold Park

Members will note that the planning statement submitted by the applicant contains fifteen letters of support predominantly from individuals that utilise the current stables/remedial farrier service.

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

- 1.1 The application relates to an existing field which accommodates a stable building and associated manege located on the south side of Further Lane, Mellor. The site is located within the defined Green Belt and in predominantly rural context. The site is bounded to the south by the grounds of the historic park and garden, Woodfold Park, which is Grade II Listed.

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

- 2.1 The application seeks consent for the temporary siting of an equine workers dwelling in association with the existing stables on site. The supporting information states that the stables operate on a remedial farrier basis and are not for commercial stabling with the current building providing provision for the stabling of 8 horses.

- 2.2 The applicant within their supporting statement states that temporary consent is sought for the siting of the static timber lodge at the property for a period of three years with a view to establishing, during this period, the financial viability of the existing equine business so that a planning application for the permanent retention of the structure may be submitted within a period of three years.
- 2.3 The submitted supporting information states that the applicant requires a 24 hour presence on site due to the nature of the remedial farrier service offered and states that the applicant currently lives 40 minutes from the stables.

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

#### **3/2019/0482:**

Application for the extension to a steel portal framed building for the stabling and work area for existing business. (Resubmission of application 3/2019/0222). (Pending consideration- reported elsewhere on this agenda)

#### **3/2019/0229:**

Temporary equine workers dwelling. (Withdrawn)

#### **3/2019/0222:**

Application for a steel portal framed building for the stabling and work area for existing business. (Refused)

#### **3/2015/0360:**

For the retention of the unauthorised existing stable building, access track and manege to be used as a remedial farrier business. (Approved)

#### **3/2015/0005:**

Variation of condition 7 of planning consent 3/2012/0359 to read 'The stable building and manege hereby permitted shall be for commercial use limited to a remedial farrier (and shall not be used in connection with livery stables or riding school'. (Withdrawn)

#### **3/2012/0359:**

Proposed construction of agricultural building for stables and a 40m x 20m manege. Close off the existing field gate and construct a new field access, gravel track and 6no. parking spaces. (Approved)

### **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 EN1 – Green Belt

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DMH3 – Dwellings in the Open Countryside

National Planning Policy Framework (NPPF)

5. **Assessment of Proposed Development**

5.1 **Principle of Development**

5.1.1 The site is located within the Green Belt. The construction of the new dwellings will constitute inappropriate development unless one of the exceptions in the Framework is engaged. Paragraph 145 of the Framework sets out the exceptions as follows:

*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- A. buildings for agriculture and forestry;*
- B. the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- C. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- D. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- E. limited infilling in villages;*
- F. limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- G. limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
  - not have a greater impact on the openness of the Green Belt than the existing development; or*
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

5.1.2 To benefit from the relevant exception in the case of this site, the applicant must demonstrate that the construction of the new buildings constitute:

- the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments;
- which preserves the openness of the Green Belt and
- does not conflict with the purposes of including land within it;

5.1.3 Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of 'openness'.

5.1.4 The erection of a temporary dwelling associated with a remedial farrier business would not be considered to be 'appropriate facilities' for the purposes of the

Framework in connection with an existing land use for outdoor sport or outdoor recreation.

- 5.1.5 In respect of the openness test the erection of a new building will impact on openness simply because a new building will exist where there is no built form currently.
- 5.1.6 In further respect of the matter of openness, Planning Practice Guidance (PPG) offers further clarity by stating that in ‘assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment’ in direct relation to openness the PPG is explicit in that ‘openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume’. The authority considers that it is only reasonable to argue that this not only relates to the volume of the structure to be introduced, but also cumulative volume of built form that will be resultant when taking account of existing development within the site and such considerations should not only be limited to that of volume, but also cumulative visual impact.
- 5.1.7 The National Planning Policy Framework (NPPF) provides clear guidance in respect of ‘rural workers’ with Paragraph 79 stating that ‘Planning policies and decisions should avoid the development of isolated homes in the countryside’ unless a number of criteria are met, one being that ‘there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside’.
- 5.1.8 Whilst it therefore could be argued that Paragraph 79 lends some support to the principle of a dwelling in this location, it is imperative to note that Paragraph 79 would not be engaged by virtue of the dwelling failing to meet the true definition of ‘isolated’. Clarification of the definition of the meaning of isolation has been provided by way of a high court judgement (Braintree DC v SSCLG [2018] EWCA Civ. 610) concluding that ‘isolation’ should be interpreted in its truest sense insofar that it means ‘far away from other places, buildings or people; remote’. In this respect, taking account of the proximity of existing buildings both within the site itself and within the immediate area, it is not considered that Paragraph 79 can be fully engaged nor can it be argued that the proposal would meet the definition of being an ‘isolated home’.
- 5.1.9 The proposed development therefore constitutes inappropriate development and as such the tests of paragraph 144 of the Framework are engaged. In this case very special circumstances need to be demonstrated which outweigh the harm the development will have to the Green Belt. The material considerations forwarded in support of the application are considered further below.
- 5.1.10 The application has been supported by a statement which conveys that then operations undertaken on site are not commensurate with that of a ‘normal livery yard’ but a specialised service providing remedial farriery and care of horses and ponies with laminitis and other conditions of the feet requiring remedial farriery and specialised management in terms of feed and exercise.

- 5.1.11 In this respect the applicant states that this type of horse will have a higher than normal demand for management in terms of feeding, controlled exercise, frequency and duration of turnout and as such are likely to be stabled for extended periods of time and thereby requiring a higher degree of supervision compared to that of a normal livery yard. The applicant states that, in light of the specialist care offered on site, that there is an established functional need to reside in the immediate vicinity of the stable buildings, in order to attend to the welfare requirements of the horses that are stabled whilst undergoing daily treatment which could be over a period of 2 to 12 months.
- 5.1.12 ADAS, the authority's agricultural consultant, has reviewed the development on behalf of the Council and has concluded that, based on the submitted information (including supporting financial information), that the current scale of operations on site for the remedial stabling of 8 horses, fails to meet the functional and financial tests to justify a permanent presence, as such there is no demonstrable need for an equine workers dwelling on site.
- 5.1.13 Members will note that Framework is explicit in that the Green belt is to be afforded the highest level of protection from inappropriate development and new development should only be approved in '*very special circumstances*' and that '*that substantial weight*' should be given to any harm to the Green Belt. Para 144 states that: '*Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*'.
- 5.1.14 In this regard the authority is of the opinion that the applicant has failed to demonstrate 'very special circumstances' that would outweigh the harm to the Green Belt through the introduction of inappropriate development that would not only result in the erosion of the sense of openness of the designated area but also result in the introduction of a form of development that is of an overall form and external appearance fails to respond positively to the character of the area, a matter which is discussed further below.

## 5.2 Visual Amenity

- 5.2.1 The submitted details propose that the equine workers dwelling will benefit from a dual mono-pitch appearance being clad largely in timber with a footprint of approximately 6.85m by 17.5m. The overall external form and design of the dwelling is typical of that of a 'retreat' home or lodge. In this respect consideration must be given to the appearance of the building and its response to the character and visual amenities of the area, giving particular consideration to the Green belt designation within which it lies.
- 5.2.2 The proposed dwelling is of a semi-contemporary language by virtue of its dual mono-pitch roof arrangement and overall language. The surrounding area is largely typified by built-form that is of a natural-stone construction utilising semi-traditional and traditional archetypes. In this respect and when taking account of the external appearance and overall form of the proposed dwelling it is considered that the building would not only appear discordant and anomalous by virtue of its overall form but also in terms of its materiality. As such it is considered that the siting of the proposed equine workers dwelling in this location would prove not only harmful to the character and amenities of the area but also

be of detriment to the Green Belt designation through the introduction of unsympathetic development.

5.3 Impact upon Residential Amenity:

5.3.1 Given the nature of the proposal and its degree of separation from nearby existing dwellings it is not considered that the siting of the temporary equine workers dwelling would have any undue impact upon existing or future residential amenity.

5.4 Highway Safety and Accessibility:

5.4.1 No representations have been received in respect of the proposed development.

5.5 Landscape/Ecology:

5.5.1 No implications.

5.6 Flood Risk and Drainage:

5.6.1 No implications.

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

6.1 Taking account of the above matters and all material considerations it is considered that the proposal would result in the introduction of additional and unsympathetic built-form in the Green Belt that would undermine and erode the openness of the designated area. It is further considered that the applicant has failed to provide adequate information that would demonstrate 'very special circumstances' that would outweigh the harm to the Green Belt through the introduction of inappropriate development.

6.2 For these reasons and all other reasons outlined above, the development is considered to be in conflict with Policy DMG1 and Key Statement EN1 of the Ribble Valley Core Strategy and is contrary to Paragraphs 143–145 of the National Planning Policy Framework and it is not considered that there are any material overriding reasons that would warrant granting of temporary planning permission for an equine workers dwelling in this location.

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

1. The proposal constitutes inappropriate development in the Green Belt and as such is contrary to paragraphs 143 - 145 of the National Planning Policy Framework. It is further considered that the proposal will result in an unacceptable impact on openness arising from the scale and position of the proposed building. As such, and in the absence of any very special circumstances to clearly outweigh the aforementioned harm, the development is considered contrary to Key Statement EN1 and Policy DMG1 of the Ribble Valley Core Strategy and Section 13 of the National Planning Policy Framework.
2. It is considered that the approval of this application would lead to the creation of an anomalous, discordant and incongruous form of development that would fail to protect, enhance or conserve the character, openness and visual amenities of the Green Belt and as such is in direct conflict with Key Statement EN1 and Policies DMG1 and DMG2

of the Ribble Valley Core Strategy. It is further considered that the proposal would result in the introduction built form within the defined Green Belt to a degree and of a scale that cumulatively, when read in context with nearby built-form would have a visual suburbanising effect upon the landscape, resulting in the erosion of the sense of openness that defines the character of the area and being of significant detriment to the character, appearance and visual amenities of the defined Green Belt and immediate context contrary to Paragraphs 143-145 of the NPPF

#### BACKGROUND PAPERS

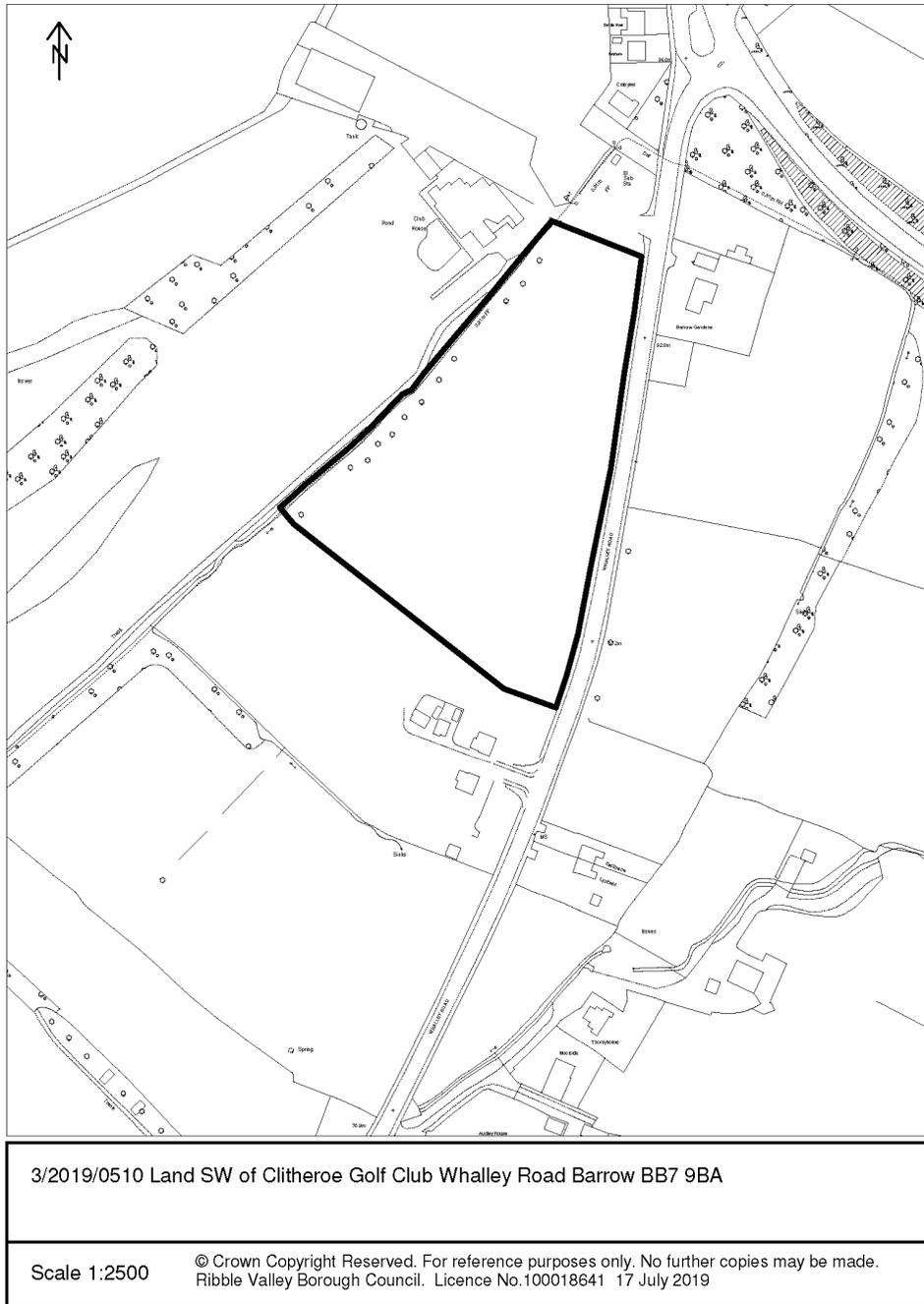
[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2019%2F0483](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0483)

**APPLICATION REF: 3/2019/0510**

GRID REF: SD 373942 439116

**DEVELOPMENT DESCRIPTION:**

ERECTION OF 14 NEW BUNGALOWS FOR THE OVER-55S AND 10 AFFORDABLE BUNGALOWS. LAND SW OF CLITHEROE GOLF CLUB, WHALLEY ROAD, BARROW BB79BA



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

### **BARROW PARISH COUNCIL:**

Barrow Parish Council objects to the proposal and have offered the following observations:

- 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.
- There is zero residual need for additional housing in Barrow.
- Each application should be considered on its merits and the threat of an appeal should be disregarded.
- Planning consent has recently been granted for two separate applications for bungalows in the village so any identified local need has already been met.
- There has been significant house building in Barrow since 2011, and the submitted reports do not take account of this.
- The site does not benefit from walkable access to a full range of services and facilities, particularly for the elderly with mobility problems
- The application form states that the development is not within 20m of a watercourse. This is incorrect as there is a stream / sinks on the western boundary.
- Granting consent to the proposed development would create a harmful precedent
- What protection can the residents of Barrow expect against future developments?
- The previously withdrawn application included a draft Heads of Terms document for an s106 agreement and referred to a contribution for Public Open Spaces. Should the current application be approved, this contribution must be included and the parish council wishes to be consulted and is keen to discuss ways to mitigate the effect of overdevelopment in the parish.
- Would cause extra pressure on the highways through Barrow and in particular, the junction from Whalley Road onto the A671.
- The parish council demands that consideration is given to installing a traffic management scheme (traffic lights / roundabout) at this junction with developers covering the costs.
- A construction management scheme must be agreed whereby construction vehicles are not permitted through Barrow village at any time.

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

LCC Highways have no objection to the proposal following the submission of a speed survey and revised details in respect of visibility splays. The Highways Development Control Section have further requested that number of conditions be imposed should consent be granted.

### **UNITED UTILITIES:**

No objections subject to the imposition of conditions relating to foul and surface water drainage.

### **LLFA:**

The Lead Local Flood Authority has no objection to the proposed development subject to the imposition of conditions requiring that a full surface water drainage scheme and surface water and pollution prevention strategy be submitted prior to the commencement of development.

## **LCC EDUCATION:**

### Primary Places

LCC seek a contribution from the developer in respect of the full pupil yield of this development, i.e. 3 places.

### Secondary Places

LCC seek a contribution from the developer in respect of the full pupil yield of this development, i.e. 2 places.

## **ADDITIONAL REPRESENTATIONS:**

Five letters of representation, including one from Clitheroe Civic Society, have been received objecting to the proposal on the following grounds:

- Insufficient access to a full range of services and facilities within a walkable distance
- Increase in traffic in the area
- Insufficient health/education infrastructure in the area to accommodate further growth
- Increase in pollution
- The proposal will be of detriment to highways safety
- Increase in noise

Members will note that one letter supporting the application has been received from Clitheroe Golf Club.

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

- 1.1 The application relates to an area of greenfield land which is 2.6 hectares in size located within the defined open countryside sited to the north of and outside the defined settlement boundary for Barrow by approximately 248m
- 1.2 The site is bounded to the south by a committed housing site (DS1 Allocation) however members will note that this committed site also lies outside of the defined settlement boundary and therefore is considered to be within the defined open countryside. The site is bounded to the west by Clitheroe Golf Club with the northern extents of the site being located directly adjacent the vehicular access to the club, with the eastern extents of the site directly fronting Whalley Road.
- 1.3 A large number of well-established and mature trees are located within the site being located towards the western and southern extents of the site boundary. Members will note that these are currently protected by a Tree Preservation Order (TPO 7/19/3/2013) being categorised as a woodland group (W1) and two groupings (G1 and G2). The former consists of a mix of Oak, Ash, Beech Elm and Birch with the latter groupings, in total, consisting of 5 Sycamore, 7 Oak, 1 Chestnut, 6 Ash and 1 Birch.

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

- 2.1 Full consent is sought for the erection of 14 open-market bungalows for those aged over 55 and 10 non age-restricted affordable bungalows with vehicular and pedestrian access being provided off Whalley Road to the east.

2.2 The submitted details propose that the affordable bungalows will be clustered to the northern extents of the site within a small cul-de-sac arrangement with the open-market housing occupying the remainder of the site. The majority of the open-market dwellings are served by the primary access road which once again terminates in a cul-de-sac arrangement, with the remainder fronting Whalley Road being served by a private drive arrangement.

3. **Relevant Planning History**

3/2018/1046:

Erection of 24 new bungalows for the over-55s (10 affordable and 14 open-market dwellings). (Application withdrawn)

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 EN4 – Biodiversity and Geodiversity

Key Statement H2 – Housing Balance

Key Statement H3 – Affordable Housing

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DMH1 – Affordable Housing Criteria

Policy DME3 – Site and Species Conservation

Policy DMB4 – Open Space Provision

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The application site lies within the defined open countryside being located outside of the defined settlement of Barrow, as such and given the application seeks consent for new residential development Policies DMH3 and DMG2 are fully engaged. Both policies seek to restrict residential development within the defined countryside to that which meets a number of criteria, one of which being that which satisfies an identified local need.

5.1.2 In this respect, the application has been accompanied by Local Housing Needs assessment which was undertaken in 2017 with the survey having been issued on the 19th of July 2017 with a return date of the 11th of August 2017. The survey was undertaken in the form of a postal survey to a 52% sample of all households in the parishes of Barrow, Wiswell, Pendleton and Whalley which equates to 1096 surveys having been issued.

- 5.1.3 The survey itself targeted a specific demographic omitting those under the age of 50 from completing the survey. A total of 52 fully completed surveys were received which equates to a response rate of 4.7%. The report makes an assumption that given the survey was issued to 52% of households in the selected parishes it is considered reasonable to assume that if the 100% of the households had been sampled that the response rate would have equated to approximately 100 respondents.
- 5.1.4 The survey sought to identify what type of property the residents would like to buy and gave a choice between house, bungalow, adapted or supported housing or apartment/flat. 50 respondents (96%) stated that they would like a bungalow as a first preference with 8% stating that they would live in a house, 8% would live in a flat and 4% would live in adapted or supported accommodation. 96% of the respondents were currently in owner occupied tenure with 2% living within private rented accommodation and 2% living within the social rented sector. The report concludes that there are currently therefore at least 100 households within the parish and adjacent parishes that are likely to be seeking two and three bedroom bungalows for those aged 55 and over and a specific demand for around 40 units of this nature within Barrow itself.
- 5.1.5 The Local Authority recognises the content and findings of the submitted Local Needs Housing Assessment. However there are a number of issues relating to the survey that raise concerns as follows:
- The survey itself was undertaken in July 2017 with a return date of August 2017, in this respect the survey itself is, at the time of writing, two years out of date;
  - The response rate, 4.7%, is very low- on average there is a 10-15% response rate for external surveys;
  - It is unclear whether the households chosen to complete the survey is a true reflection of the demographics in the area to enable a true housing need to be established;
  - The survey itself does not take full account of housing consents granted prior to the survey having been undertaken or those that may have been subsequently granted in the intervening period between its production and the submission of the application (June 2019).
- 5.1.6 The assessment concludes that there is a need for over 55s bungalows within this part of the Borough. The Core Strategy does include a requirement for the provision of over 55 accommodation as part of new housing development as this need was established when the Core Strategy was adopted in 2014. Since its adoption over 55s accommodation, including bungalows, has been provided on new housing developments, this includes within Barrow and Whalley.
- 5.1.7 Within Barrow and Whalley 131 bungalows have either been granted approval or awaiting completion of a Section 106 Agreement since January 2017 of which 113 are restricted to people over the age of 55.
- 5.1.8 Considering Barrow in isolation, 84 bungalows have been given consent (or are awaiting completion of the S106 Agreement) within/adjacent to the settlement, 66 of which are reserved for those aged 55 and over.
- 5.1.9 The submitted needs assessment concludes that the survey undertaken demonstrates there is a need for bungalows to accommodate 100 households

within the parish and adjacent parishes with a specific demand for around 40 bungalows within Barrow itself. Notwithstanding the concerns with the extent of the survey and the response rate if the need as specified with the assessment was a true reflection of need this has already been provided for.

5.1.10 At this stage it is therefore important to consider the development in respect of the requirements of Policies DMH3 and DMG2. The criterion of policies seeks to restrict residential development within the defined countryside solely to that which meets an identified local need. Whilst the applicant asserts that there is a local need for the type of housing proposed within the development this is contradicted somewhat by the approval of sufficient housing to meet the need within this part of the Borough.

5.1.11 Whilst the authority recognises there is a borough-wide need for affordable housing and the benefits associated with the delivery of such housing, in this case the development of open-market residential development within this location (in the absence of identified need) is contrary to the policies of the Core Strategy. Additionally the lack of affordable 'older persons' accommodation as part of the development is contrary to Key Statement H3 and Policy DMH1.

5.1.12 In this respect and taking account of the above housing needs issue it is considered that the proposal would be in direct conflict with Policies DMG2 and DMH3 insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need.

## 5.2 Impact upon Residential Amenity:

5.2.1 As the application is made in full, due consideration must be given to the potential for negative impacts upon nearby existing or future residential amenity that may be resultant from the proposals. The proposal site is largely remote from other residential receptors save that for the adjacent residential development to the south. In this respect plots 16, 17 and 24 of the proposed development have a direct interface with the shared boundary of the aforementioned development with the southern boundary delineating the rear private gardens areas of the plots.

5.2.2 In respect of the existing development, plots 1, 6-10 and plots 27-30 have a direct relationship with the shared boundary by virtue of their proximity and orientation. The relationship of these plots with the proposed development can be summarised as follows:

- Plot 1: Side elevation 7.5m offset from shared boundary – First floor window serving en-suite only window with direct-facing interface with proposed development.
- Plot 6: Side elevation 6m (closest point) offset from shared boundary – Property is a bungalow therefore no direct first-floor overlooking issues present.
- Plots 7-10: Front elevation offset from shared boundary 11m (closest point) – Distance is considered adequate insofar that it will not result in any direct negative impact upon residential amenity.

- Plot 27: Side elevation offset distance from shared boundary approximately 9m – no first floor windows on facing elevation – side to rear elevation interface distance with proposed plot 17 in excess of 26m.
- Plot 28: Rear elevation offset distance of approximately 12.5m from shared boundary –rear to side elevation interface distance with proposed plot 16 approximately 26m.
- Plots 29-30: rear elevation offset distance of 16m (at closest point) with shared boundary.

5.2.3 Taking account of the above interface and offset distances it is not considered that the proposal will be of detriment to existing residential amenity by virtue of direct over-looking nor an overbearing impact.

5.2.4 Consideration must also be given to the proposal layout and the relationships as proposed within the main body of the development itself. In this respect the proposed layout, spatial arrangements and proposed offset distances within the main body of the development are considered adequate as ensure acceptable levels of future residential amenity.

### 5.3 Matters of Design/Visual Amenity:

5.3.1 The application site lies to the northern extents of Whalley Road being located directly adjacent and to the north of the former Hansons Garden centre site which has now been developed for the purposes of housing. As such, the proposal site, whilst being adjacent a parcel of existing built-form, is significantly detached not only from the defined settlement boundary of Barrow (248m north of the boundary) but is also significantly detached and remote from the main built up area of the settlement being within the defined open countryside.

5.3.2 Policy DMG2 requires that proposals should consolidate, expand or round-off development so that it is closely related to the existing main built up area of the settlement.

5.3.3 Members will note that the adjacent site has been developed for housing. This was the former Hansons Garden Centre site which secured outline planning permission in June 2014. This site is also outside the defined settlement of Barrow nor does it represent the consolidation, rounding-off or expansion of the settlement. In fact the site is remote from and detached from the defined settlement boundary.

5.3.4 The adjacent housing site, in spatial terms, represents a discordant form of development by virtue of its lack of direct relationship with any adjacent built-form. It was granted planning permission at a time when the Local Authority could not demonstrate a 5 year housing land supply and it involved the development of previously developed land. In this respect, it is considered that when taking account of the existing level of development, in concert with the quantum of development proposed, that the proposal will result in further exacerbating the already discordant and anomalous pattern of development created by the existing committed housing site.

### 5.4 Highway Safety and Accessibility:

5.4.1 The Highway Development Control section have raised no objection to the proposal following the receipt of a speed survey and details relating to visibility splays. Should the authority be minded to grant consent the Highways Engineer has requested that conditions be imposed relating to the construction of the access point/access road, a condition ensuring that the visibility splays remain unimpeded, the requirement to provide a construction method statement and that vehicle charging points be provided within the development.

## 5.5 Landscape/Ecology:

5.5.1 The application has been accompanied by an extended Phase 1 Habitat Survey which concludes that there is no evidence of any specifically protected or otherwise important species occurring within the development footprint and no important habitats were identified that would be adversely affected by the development.

5.5.2 The report does recognise that there may be an initial but relatively minor loss of breeding habitat for birds. However it is considered that this could be mitigated in the long term through enhancements provided within the development. A number of other recommendations are made within the report which identify the need for further surveys within specified timeframes if development has not commenced within a requisite period or if works are undertaken within 5m of the ditch located to the north and west of the site.

5.5.3 In respect of bats, the submitted report identifies that bats commute alongside the site boundaries adjacent to the stands of trees and sections of hedgerow but whilst there is potential for roosting, none has been identified. The report therefore recommends further survey works be undertaken should it be determined that further tree removal or pruning works are to be undertaken.

5.5.4 The submitted details propose amenity landscaping within the main body of the development with tree-planting proposed to plot frontages, within the public realm and site frontage. The submitted details also propose the replanting of a section of the existing hedgerow fronting Whalley Road, rearward of its current location, to ensure adequate visibility for vehicles leaving the site.

5.5.5 A number of concerns have been expressed by the authority's countryside officer in respect of a number of dwellings being located within close proximity to trees that are protected by preservation order. A number of the dwellings located to the western extents of the site are within extremely close proximity to or have a direct interface with the crown spread of a number of trees which is likely to result in significant tree-resentment issues for residents. Concerns have also been raised in that it may be likely a number of the dwellings may encroach upon the root protection area so the aforementioned trees due to a likely asymmetrical root protection area by virtue of a ditch to the west of the trees which would influence root-growth in a more easterly and asymmetrical direction/pattern than that which is shown in the submitted arboricultural impact assessment.

5.5.6 In light of the above concerns, should consent be granted, it is considered reasonable to therefore impose a condition that will require further investigative works to be undertaken to establish the actual root protection areas of the trees along the western boundary.

5.5.7 Further to the above requirement to undertake additional survey/investigative works, it is also considered reasonable to require that details of mitigation, by employing specialised methods of construction, be provided in the event it is determined that the construction of the dwellings will encroach upon the root protection areas of the trees.

## 5.6 Flood Risk and Drainage:

5.6.1 The Lead Local Flood Authority have stated that they have no objection to the proposal subject to the imposition of a conditions relating to the requirement to submit details of surface water drainage, surface water management/maintenance and details in respect of how surface water and pollution prevention will be managed during the construction phase of the development.

5.6.2 United utilities have also raised no objection to the proposal subject to the imposition of conditions relating to the management and maintenance of sustainable drainage systems and the requirement for a surface water drainage scheme.

## 5.7 Developer Contributions:

5.7.1 Should consent be granted the developer will be required to make an educational contribution of £40,235.70 towards primary and secondary school, places within Clitheroe. The amount payable has been calculated by LCC education as follows:

Primary places:

$(£12,257 \times 0.97) \times \text{BCIS All-in Tender Price } (324 / 240) \text{ (Q1-2019/Q4-2008)}$   
= £16,050.54 per place

$£16,050.54 \times 3 \text{ places} = £48,151.62$

Secondary places:

$(£18,469 \times 0.97) \times \text{BCIS All-in Tender Price } (324 / 240) \text{ (Q1-2019/Q4-2008)}$   
= £24,185.16 per place

$£24,185.16 \times 2 \text{ places} = £48,370.32$

5.7.2 In addition to the above educational contribution, should consent be granted, the applicant will be required to make a contribution towards leisure/play facilities within Barrow. The contribution sought will be based on the following methodology which is calculated based following detailed information being available in relation to 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

## 5.8 Affordable/Older Persons Housing Provision:

- 5.8.1 The submitted details propose that the development will bring forward 24 bungalows with the housing mix being as follows:
- 10 x 2 bedroom affordable bungalows (non-age restricted)
  - 1 x 4 bedroom open-market bungalow (over 55 occupation only)
  - 13 x 3 bedroom open-market bungalows (over 55 occupation only)
- 5.8.2 Members will note that in respect of affordable and older persons housing provision both Key Statement H3 and Policy DMH1 require that 15% of the units will be sought to provide for older people on sites of 10 units or more. Within this 15% figure a minimum of 50% would be affordable and be included within the overall affordable housing threshold of 30%. The remaining 50% (i.e. the remaining 50% of the 15% older people's element) will be for market housing for older people.
- 5.8.3 The proposal will bring forward 10 affordable bungalows which equates to 42% on-site affordable housing provision which exceeds the policy requirement to provide 30% on-site provision. However, whilst it is recognised the proposal will result in a level of on-site affordable housing provision that exceeds policy requirements, the proposal fails to be fully policy compliant insofar that it fails to bring forward any affordable housing that is solely for occupation by those considered as 'older persons' and as such is considered to be in direct conflict with Key Statement H3 and Policy DMH1.
- 5.8.4 Whilst the proposals fails to satisfy the requirements of Key Statement H3 and Policy DMH1 in relation to 'older persons' affordable housing it is recognised that the proposal exceeds the 7.5% policy requirement in respect of open-market 'older persons' housing by providing 58% on-site provision.
- 5.8.5 Whilst the authority recognises the benefit of the over-provision of the open-market 'older persons housing' there is a requirement for all housing proposals to be fully policy compliant. There exists no mechanism within the development plan that would advocate the increase in open-market 'older persons' accommodation in-lieu of affordable housing 'older persons' accommodation, particularly where the proposal would result in the complete omission to provide any provision of affordable 'older persons' housing.
- 5.8.6 As such, and notwithstanding the over provision of open-market 'older persons' housing and affordable non-age restricted housing, the proposal remains contrary to and in direct conflict with the requirements of Key Statement H3 and Policy DMH1 by virtue of the failure to provide adequate provision of 'older persons' affordable housing.

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

- 6.1 Taking account of the above matters and all material considerations, it is considered that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need. Furthermore, the proposal fails to provide a policy compliant level of affordable housing provision for those aged 55 and over.
- 6.2 It is further considered that the development fails to represent the consolidation, expansion or rounding off of development so that it closely relates to the main built of

area of the settlement and as such would result in the exacerbation of an already anomalous and discordant pattern of development within the defined open countryside.

- 6.3 For these reasons and all other reasons outlined above, the development is considered to be in direct conflict with Key Statements DS1 and H3 and Policies DMG1, DMG2 and DMH1 of the Ribble Valley Core strategy and as such it is recommended that the application be refused.

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

1. The proposal is considered contrary to Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that approval would lead to the creation new residential dwellings in the defined open countryside, located outside of a defined settlement boundary, without sufficient justification insofar that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need.
2. The proposal is considered contrary to Key Statement DS1 and Policy DMG2 of the Ribble Valley Core Strategy insofar that it does not represent the consolidation, expansion or rounding off of development so that it closely relates to the main built of area of the settlement of Barrow.
3. The proposal, by virtue of its locational aspects and the quantum of development proposed, when considered in concert with adjacent existing housing development, would contribute to and exacerbate an already anomalous and discordant pattern of development which cumulatively would be of significant detriment to the character, appearance and visual amenities of the defined open countryside and immediate context by virtue of the developments degree of visual and physical separation and poor relationship to the main built up area of the settlement of Barrow contrary to Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.
4. The proposal is considered contrary to Key Statement H3 and Policy DMH1 of the Ribble Valley Core Strategy insofar that it fails to satisfy the requirement to provide an adequate level of provision of affordable dwellings for those aged 55 and over (Older persons Housing).

#### BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2019%2F0510](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0510)

## APPLICATIONS WITHDRAWN

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2019/0507	Repair works to the roof	Clitheroe Royal Grammar School York Street, Clitheroe
3/2019/0632	Change of trading hours to 24 hour opening	Roundabout Filling Station Chatburn Road, Clitheroe
3/2019/0360	Variation of Condition 5 of planning permission 3/2017/0256 to allow an extension of time to put in place a comprehensive program for carrying out the development	Dilworth Barn Back Lane Slaidburn
3/2019/0465	Erection of sheep shed with access tracks from existing vehicular accesses	Field off Lower Road Dutton
3/2019/0511	Conversion of barn into one new dwelling and creation of new vehicular access	Oaks Barn, Birks Farm Birks Brow, Longridge
3/2019/0512	Conversion of barn into one new dwelling and creation of new vehicular access	Oaks Barn, Birks Farm Birks Brow, Longridge
3/2019/0071	Outline planning application for the erection of up to 110 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Henthorn Road. All matters reserved except for means of access. Resubmission of outline application 3/2018/0688.	Land off Henthorn Road Clitheroe
3/2019/0574	Demolition of existing conservatory and erection of single storey extension to rear with ramped access.	26 Mytton View Clitheroe
3/2019/0150	Application for the removal of condition no 15 of planning consent 3/2000/0071, to allow the holiday accommodation to be used as permanent residential accommodation.	Brownhills Cottages Farlands Hall Farm New Lane Withgill, Clitheroe
3/2019/0615	Sign to be fixed to existing post mounted 'County of North Yorkshire' sign on highway verge to announce arrival into Craven District	Land at A682 Newsholme BB7 4JF (nearest)
3/2019/0587	Proposed new single storey building at the rear of the public house to create an additional guest bedroom	Three Millstones Inn Waddington Road, West Bradford
3/2016/0642	Discharge of conditions 3 (materials), 5 (surface water drainage) and 18 (construction method statement) of planning permission 3/2016/0059	Whalley Industrial Park Clitheroe Road, Whalley
3/2019/0674	Application to establish that there is no breach of planning permission or listed building consent as a result of the hotel bedroom arrangement being built differently from the approved drawings in planning permission 3/2017/0268 and listed building consent 3/2017/0262	Holmes Mill Greenacre Street Clitheroe

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2019/0476	Re-design and enlargement of two-storey dwelling with rooms in the roof space on Plot A (previous design given permission in 3/2018/1179).	Land off Ribblesdale View Chatburn

#### 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>Costs App received</u>	<u>Date of Inquiry or Hearing if applicable</u>	<u>Progress</u>
3/2018/0474 R of pp	09/07/2019	Great Mitton Hall Mitton Road, Mitton	WR			Awaiting Decision
3/2018/0468 R of LBC	09/07/2019	Great Mitton Hall Mitton Road, Mitton	WR			Awaiting Decision
3/2018/1020 R of pp	Awaiting start date from PINS	Calding Bank Cottage Whalley Old Rd Billington	WR (to be confirmed)			
3/2018/0582 R of permission in principle	21/05/2019	Land to the south Chatburn Old Rd Chatburn	Changed to Hearing Procedure		8 October 2019 10.00am Cttee Rm 1	
3/2018/0479 R of pp	03/06/2019	74 Church Street Ribchester	HH			Appeal Dismissed 31/08/2019
3/2018/1076 R of pp	16/07/2019	Sabden House Wesley Street Sabden	WR			Awaiting Decision
3/2018/1006 R of LBC	16/07/2019	Sabden House Wesley Street Sabden	WR			Awaiting Decision
3/2018/1148 R of pp	10/06/2019	Wolfen Lodge Fish House Lane Chipping	HH			Appeal Allowed 24/07/2019
3/2019/0057 R of pp	21/05/2019	Seven Acre Bungalow Forty Acre Lane Longridge	WR			Appeal Dismissed 26/07/2019
3/2019/0117 R to discharge condition	29/07/2019	Susie Cottage Rimington Lane Rimington	WR			Awaiting Decision
3/2019/0241 R of pp	16/07/2019	23 Church Street Clitheroe	WR			Awaiting Decision
3/2019/0242 R of LBC	16/07/2019	23 Church Street Clitheroe	WR			Awaiting Decision
3/2018/1121 R of pp	09/08/2019	The Stables rear of King Street Whalley	WR			Statement due 13/09/19
3/2018/0507 R of outline PP	Awaiting start date from PINS	Land adj John Smith Playing Field Chaigley Road Longridge	Hearing (to be confirmed by PINS)			

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No 6

meeting date: 5 SEPTEMBER 2019  
 title: REVENUE OUTTURN 2018/19  
 submitted by: DIRECTOR OF RESOURCES  
 principal author: VALERIE TAYLOR

## 1 PURPOSE

1.1 To report on the outturn for the financial year 2018/19 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 2019 and that audit has now been completed.

2.2 Under the Accounts and Audit Regulations 2015 we are required to have our audited Statement of Accounts approved by 31 July 2019.

2.3 Our final audited Statement of Accounts was approved by Accounts and Audit Committee at their meeting on 24 July 2019.

## 3 FINANCIAL INFORMATION

3.1 Shown below, by cost centre, is a comparison with the revised estimate. You will see an overall overspend of £37,574 on the net cost of services. After transfers to and from earmarked reserves, the overall overspend is £116,629. This has been taken from General Fund Balances.

Cost Centre	Cost Centre Name	Revised Estimate	Actual	Variance	Associated Earmarked Reserves	Net Variance
		2018/19	2018/19	2018/19	Variance	2018/19
		£	£	£	£	£
AONBS	Area of Outstanding Natural Beauty	15,580	15,519	-61	0	-61
BCFEE	Building Control Fee Earning	15,190	7,993	-7,197	7,197	0
BCNON	Building Control Non Fee Earning	69,200	68,661	-539	0	-539

Cost Centre	Cost Centre Name	Revised Estimate	Actual	Variance	Associated Earmarked Reserves	Net Variance
		2018/19	2018/19	2018/19	Variance	2018/19
		£	£	£	£	£
BCSAP	Building Control SAP Fees	-410	-175	235	0	235
CINTR	Clitheroe Integrated Transport Scheme	7,220	7,216	-4	0	-4
COMMG	Community Groups	0	1,144	1,144	0	1,144
CONSV	Conservation Areas	8,690	8,630	-60	0	-60
COUNT	Countryside Management	53,200	42,098	-11,102	0	-11,102
ECDEV	Economic Development Department	9,670	10,283	613	-613	0
ECPLA	Economic Development and Planning Dept <i>(fully recharged out to other service areas)</i>	0	0	0	0	0
FPATH	Footpaths & Bridleways	0	746	746	0	746
LDEVE	Local Development Scheme	111,180	90,437	-20,743	19,960	-783
LNPLA	Longridge Neighbourhood Plan Referendum	-9,700	-6,064	3,636	-3,646	-10
PENDU	Pendle Hill User Group	15,560	20,090	4,530	-4,530	0
PLANG	Planning Control & Enforcement	6,440	101,074	94,634	33,290	127,924
PLANP	Planning Policy	103,050	94,797	-8,253	7,397	-856
PLSUB	Grants & Subscriptions - Planning	7,880	7,875	-5	0	-5
PNHLP	Pendle Hill Landscape Partnership	0	-20,000	-20,000	20,000	0
	<b>Sum:</b>	<b>412,750</b>	<b>450,324</b>	<b>37,574</b>	<b>79,055</b>	<b>116,629</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.

	Revised Estimate 2018/19 £	Outturn 2018/19 £	Variance £	Reason for movement on Earmarked Reserve
<b>Committee Net Cost of Services</b>	<b>412,750</b>	<b>450,324</b>	<b>37,574</b>	
<b>PLBAL/H336 Planning Reserve</b> The reserve was initially established from planning fee income. Its purpose is to fund future potential planning issues.	-22,530	10,760	33,290	This variance is the balance of a year-end contribution in to the planning reserve from general funds to ensure that adequate funds are set aside for future requirements, offset by a release from the reserve to fund 2018/19 consultancy/ appeal costs in excess of the original estimate.
In recent years resources have been earmarked within the planning reserve to fund the production of a Local Development Plan.	-23,150	-3,190	19,960	The final release from reserve to fund Local Development Plan costs was lower than expected because plan inspection fees are now expected in the 2019/20 financial year.
<b>PLBAL/H284 Neighbourhood Planning</b> On submission of a neighbourhood plan the council receives a contribution from the 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.	9,710	6,064	-3,646	Following the Longridge Neighbourhood Plan referendum the council qualified for £20k funding from MHCLG, the final contribution to the reserve is the residual balance of this funding after accounting for in year expenditure on the referendum.

	Revised Estimate 2018/19	Outturn 2018/19	Variance	Reason for movement on Earmarked Reserve
	£	£	£	
<b>PLBAL/H234</b> <b>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.	-15,190	-7,993	7,197	The final movement in reserve reflects the end of year position on building control fee earning activities where net expenditure was lower than originally forecast.
<b>PLBAL/H273</b> <b>Pendle Hill User Reserve</b> The reserve was established from contributions from visitors to help fund the future upkeep of Pendle Hill.	-15,560	-20,090	-4,530	Expenditure occurring towards the end of the 2018/19 financial year on the upkeep of Pendle Hill has led to a higher release from this reserve than forecast.
<b>FNBAL/H334</b> <b>Restructuring Reserve</b> A restructuring reserve was established to fund any restructuring reviews.	-9,670	-10,283	-613	Set up costs for the new Economic Development and Planning Department that occurred during 2018/19 have been funded from this reserve.
<b>PLBAL/H296</b> <b>Pendle Hill Landscape Partnership</b> This is a new reserve established to earmark funds received from the Pendle Hill Landscape Partnership for improvement works at Pendle Hill.	0	20,000	20,000	A contribution of £20k was received during 2018/19 from the Pendle Hill Landscape Partnership to be used specifically for future improvement works on Pendle Hill. An earmarked reserve has been set aside to fund future planned expenditures as authorised by the partnership.
<b>PLBAL/H374</b> <b>Brownfield Sites Reserve</b> Grant funding towards the preparation and maintenance of a register of brownfield sites suitable for residential development.	0	7,397	7,397	Further grant received in the 2018/19 financial year has been set aside in this earmarked reserve for future use. This has been added to the existing balance previously received.
	<b>336,360</b>	<b>452,989</b>	<b>116,629</b>	

5 KEY MOVEMENTS FROM REVISED ESTIMATE TO OUTTURN

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

<b>Service Area</b>	<b>Description of Variance</b>	<b>Amount £</b>
<b>LDEVE Local Development Plan</b>	Expenditure of £20k that was forecast to occur during 2018/19 on Local Development Plan inspection fees is now expected to fall in 2019/20 resulting in an underspend in the 2018/19 financial year. The expenditure will be funded by an associated earmarked reserve movement in the financial year in which it occurs.	-20,000
<b>PLANG Planning Control/ Planning Fees</b>	The amount of planning fee income which was received during 2018/19 was lower than the forecast which is based on an average of historical income received over the previous three years.	17,909
<b>PLANG Planning Control/ Consultants</b>	There was a sizeable overspend on consultants during 2018/19 following full and final settlement of £79k for appeal costs that were awarded against the council in relation to the Lawsonsteads appeal in Whalley. The expenditure has been funded by an associated movement from the Planning earmarked reserve.	79,987
<b>PNHLP Pendle Hill Landscape Partnership</b>	A contribution of £20k was received during 2018/19 from the Pendle Hill Landscape Partnership to be used specifically for future improvement works on Pendle Hill. An earmarked reserve has been set aside to fund future expenditures authorised by the partnership.	-20,000
<b>COUNT Countryside Management/ Grants to Voluntary Organisations</b>	Applications received from organisations for grant assistance during 2018/19 were lower than that allowed for in the budget.	-10,690

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 overspend of £37,574 on the net cost of services. After transfers to and from earmarked reserves the overall overspend is £116,629.

SENIOR ACCOUNTANT  
PD7-19/VT/AC  
22 August 2019

*For further information please ask for Val Taylor*

DIRECTOR OF RESOURCES

**PLANNING & DEVELOPMENT COMMITTEE  
– VARIANCES 2018/19**

	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</b>							
The 2018/19 cost of an employee's qualification course was lower than allowed for in the budget estimate.	-2,370						
Training costs were recharged to an employee in line with the council's policy after they had left our employment.	-3,863						
Final net expenditure on fee earning building control services is lower than forecast resulting in a reduction to the end of year transfer from this earmarked reserve.						7,197	
<b>Total Building Control Fee Earning</b>	<b>-6,233</b>				<b>-6,233</b>	<b>7,197</b>	<b>964</b>
<b>COUNT: Countryside Management</b>							
Applications received from organisations for grant assistance during 2018/19 were lower than that allowed for in the budget.	-10,690						
<b>Total Countryside Management</b>	<b>-10,690</b>				<b>-10,690</b>		<b>-10,690</b>
<b>ECPLA: Economic Development &amp; Planning</b>							
Anticipated expenditure on training within the Economic Development and Planning Department did not occur during the 2018/19 financial year.	-2,990						
<b>Total Economic Development &amp; Planning</b>	<b>-2,990</b>				<b>-2,990</b>		<b>-2,990</b>

	Variance in Expenditure	Variance in Income	Variance in Support Services	Variance in Capital Charges	Total Variance	Associated Earmarked Reserve Variance	Net Variance
	£	£	£	£	£	£	£
<b>LDEVE: Local Development Scheme</b>							
Expenditure of £20k that was forecast to occur during 2018/19 on Local Development Plan inspection fees is now expected to fall in 2019/20. The expenditure will be funded by an associated movement in earmarked reserve in the financial year in which it occurs.	-20,000					19,960	
<b>Total Local Development Scheme</b>	<b>-20,000</b>				<b>-20,000</b>	<b>19,960</b>	<b>-40</b>
<b>PENDU: Pendle Hill User Group</b>							
Unanticipated expenditure on the upkeep of Pendle Hill occurred towards the end of the 2018/19 financial year. Expenditures on this area are funded by a release from the Pendle Hill user reserve.	4,530					-4,530	
<b>Total Pendle Hill User Group</b>	<b>4,530</b>				<b>4,530</b>	<b>-4,530</b>	<b>0</b>
<b>PLANG: Planning Control</b>							
Software maintenance revenue costs in respect of the planning portal capital scheme didn't materialise during the 2018/19 financial year.	-3,962						

	Variance in Expenditure	Variance in Income	Variance in Support Services	Variance in Capital Charges	Total Variance	Associated Earmarked Reserve Variance	Net Variance
	£	£	£	£	£	£	£
There was been a sizeable overspend on consultants during 2018/19 following full and final settlement of £79k for appeal costs that were awarded against the council in relation to the Lawsonsteads appeal in Whalley. The expenditure has been funded by an associated movement from the Planning earmarked reserve.	79,987					-79,987	
The element of the planning reserve that earmarks funds for future planning issues was reviewed at the end of the financial year and replenished to £100k from the general fund.						113,277	
Costs of placing planning statutory notices in newspapers were higher than forecast during the year. The above inflationary increase will be built in to future estimates.	3,209						
Ordnance survey licence/ maps - planned work within this area is now expected to take place within the 2019/ 2020 financial year.	-3,100						
Lower than anticipated net expenditure in the Economic Development & Planning Department has reduced the annual recharge to the Planning Control Service.			-3,200				

	Variance in Expenditure	Variance in Income	Variance in Support Services	Variance in Capital Charges	Total Variance	Associated Earmarked Reserve Variance	Net Variance
	£	£	£	£	£	£	£
The amount of planning fee income which was received during 2018/19 was lower than the forecast which is based on an average of historical income received over the previous three years.		17,909					
Pre-Application advice income was lower than forecast in the financial year. The actual outturn achieved will be used to inform future budget estimates.		6,997					
<b>Total Planning Control</b>	<b>76,134</b>	<b>24,906</b>	<b>-3,200</b>		<b>97,840</b>	<b>33,290</b>	<b>131,130</b>
<b>PLANP: Planning Policy</b>							
Grant funding for the Brownfield Register was received during the 2018/19 financial year and transferred to the Brownfield Sites Reserve.		-7,397				7,397	
<b>Total Planning Policy</b>		<b>-7,397</b>			<b>-7,397</b>	<b>7,397</b>	<b>0</b>
<b>PNHLP: Pendle Hill Landscape Partnership</b>							
A contribution of £20k was received during 2018/19 from the Pendle Hill Landscape Partnership to be used specifically for planned improvement works on Pendle Hill. This has been set aside in an earmarked reserve to fund future expenditures authorised by the partnership.		-20,000				20,000	
<b>Total Pendle Hill Landscape Partnership</b>		<b>-20,000</b>			<b>-20,000</b>	<b>20,000</b>	<b>0</b>
<b>Other Variances</b>	<b>89</b>	<b>5,494</b>	<b>-3,078</b>	<b>9</b>	<b>2,514</b>	<b>-4,259</b>	<b>-1,745</b>

	Variance in Expenditure	Variance in Income	Variance in Support Services	Variance in Capital Charges	Total Variance	Associated Earmarked Reserve Variance	Net Variance
	£	£	£	£	£	£	£
<b>Total Variances for Planning &amp; Development Committee</b>	<b>40,840</b>	<b>3,003</b>	<b>-6,278</b>	<b>9</b>	<b>37,574</b>	<b>79,055</b>	<b>116,629</b>

# RIBBLE VALLEY BOROUGH COUNCIL

## REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No 7

meeting date: 5 SEPTEMBER 2019  
 title: REVENUE MONITORING 2019/20  
 submitted by: DIRECTOR OF RESOURCES  
 principal author: VALERIE TAYLOR

### 1 PURPOSE

1.1 To let you know the position for the period April 2019 to July 2019 of this year's original 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 overspend of £41,714 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 overspend of £12,765.

Cost Centre	Cost Centre Name	Net Budget for the Full Year	Net Budget to the end of period	Actual including Commitments to the end of the period	Variance
AONBS	Area of Outstanding Natural Beauty	15,530	0	0	0
BCFEE	Building Control Fee Earning	15,290	-49,659	-42,810	6,849
BCNON	Building Control Non-Fee Earning	70,250	1,327	1,146	-181
BCSAP	Building Control SAP Fees	-410	-136	0	136
CINTR	Clitheroe Integrated Transport Scheme	7,250	396	0	-396
CONSV	Conservation Areas	8,400	0	0	0
COUNT	Countryside Management	51,990	3,494	3,343	-151
ECPLA	Economic Development and Planning Dept	0	325,434	322,485	-2,949
LDEVE	Local Development Scheme	120,780	0	0	0
LNPLA	Longridge Neighbourhood Plan Referendum	0	20,000	20,000	0

Cost Centre	Cost Centre Name	Net Budget for the Full Year	Net Budget to the end of period	Actual including Commitments to the end of the period	Variance
PENDU	Pendle Hill User Group	0	0	5,940	5,940
PLANG	Planning Control & Enforcement	-11,790	-210,228	-177,762	32,466
PLANP	Planning Policy	106,700	0	0	0
PLSUB	Grants & Subscriptions - Planning	8,040	0	0	0
	<b>SUM</b>	<b>392,030</b>	<b>90,628</b>	<b>132,342</b>	<b>41,714</b>

Transfers to/from Earmarked Reserves				
Building Control Fee Earning Reserve	-15,290	49,659	42,810	<b>-6,849</b>
Planning Reserve – Local development scheme	-11,200	0	0	<b>0</b>
Pendle Hill User Reserve – Held on behalf of AONB	0	0	-940	<b>-940</b>
Pendle Hill Landscape Partnership Reserve – Held on behalf of AONB	0	0	-5,000	<b>-5,000</b>
Planning Reserve – Spend on consultancy costs above the original estimate, generally met from earmarked reserve	0	0	-16,160	<b>-16,160</b>
<b>Total after Transfers to/from Earmarked Reserves</b>	<b>365,540</b>	<b>140,287</b>	<b>153,052</b>	<b>12,765</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)	<b>R</b>
Variance between £2,000 and £4,999 (Amber)	<b>A</b>
Variance less than £2,000 (Green)	<b>G</b>

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 areas of variances that are **unlikely** to rectify themselves by the end of the financial year are shown below:

Description	Variance to end July 2019 £
<p><b>Planning Control &amp; Enforcement (PLANG) - Consultants</b></p> <p>There has been an overspend on planning consultancy costs in respect of the Henthorn application in Clitheroe.</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 in earmarked reserves will be reviewed as part of the revised estimate.</p>	16,160
<p><b>Pendle Hill User Group – paths and grounds (PENDU)</b></p> <p>Costs for improvement works to footpaths on Pendle Hill which will be funded from reserves held on behalf of AONB. The budget and earmarked reserves will be reviewed at revised estimate.</p>	5,940
<p><b>Building Control – consultants (BCFEE)</b></p> <p>An external consultancy service has been engaged within the Building Control section to provide cover during periods of recruitment and the internal and external training of a new employee of the service. The requirement for the continuing use of the external consultancy service will be subject to ongoing review and the budget forecast for the year will be updated at revised estimate.</p>	6,828

### 3 CONCLUSION

- 3.1 The comparison between actual and budgeted expenditure shows an overspend of £41,714 to July 2019 of the financial year 2019/20. After allowing for transfers to/from earmarked reserves there is an overspend of £12,765.

SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES

PD8-19/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
PENDU/2404	Pendle Hill User Group/Repair & Maintenance - Paths & Grounds	0	0	5,940	5,940	Costs for improvement works to footpaths at Pendle Hill which have been approved by the Pendle Hill Landscape Partnership, the costs of which will be fully met from earmarked reserves held on behalf of AONB.	The budget and earmarked reserves will be reviewed as part of the revised estimate.
BCFEE/3085	Building Control Fee Earning/Consultants	1,130	378	7,206	6,828	An external consultancy service has been engaged within the Building Control section to provide cover during periods of recruitment and the internal and external training of a new employee of the service.	The requirement for continuing use of the external consultancy service will be subject to ongoing review. The budget forecast for the year will be updated at revised estimate.
PLANG/8404u	Planning Control & Enforcement/Planning Fees	-691,570	-230,706	-218,362	12,345	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 review the budget level to best reflect the latest forecasts at the time of the Revised Estimate.
PLANG/3085	Planning Control & Enforcement/Consultants	9,090	9,090	25,250	16,160	Actual to the end of July are for costs in relation to a planning appeal at Henthorn Road, Clitheroe.	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 in earmarked reserve will be reviewed as part of the revised estimate.

## 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	Indicator	Reason for Variance
ECPLA/0109	Economic Development and Planning Dept/Superannuation Salaries	117,500	39,196	35,450	-3,746		This variance is a combination of lower take up of the superannuation scheme than allowed for in the budget and employee vacancy savings which exceed that estimated.
PLANG/3261	Planning Control & Enforcement/Statutory Notices	21,970	7,322	10,632	3,310		Both the number and the cost of units in the first four months of the year for statutory notices are higher than anticipated. The budget will be reviewed at revised estimate.
PLANG/8495n	Planning Control & Enforcement/Pre-Application Advice	-50,430	-16,822	-12,750	4,072		The budget forecast for this year has been set based on the requirement to fund an increase in hours of the pre-application officer post from a part-time to a full-time position as approved by P&F Committee in June 2018. Income is currently falling below target.

# RIBBLE VALLEY BOROUGH COUNCIL

## REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

INFORMATION
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Agenda Item No 8

meeting date: 5 SEPTEMBER 2019  
 title: CAPITAL MONITORING 2019/20  
 submitted by: DIRECTOR OF RESOURCES  
 principal author: ANDREW COOK

### 1 PURPOSE

1.1 To provide members with information on the progress of this Committee's 2019/20 capital programme, for the period to the end of July 2019.

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 One new capital scheme for this Committee, totalling £14,500, was approved by the Special Policy and Finance Committee and Full Council at their meetings in February 2019 and March 2019 respectively.

2.2 In addition to the original estimate budget, there was one 2018/19 capital scheme that was not completed by 31 March 2019 and had unspent budget of £26,420 available at that date. The unspent budget is known as slippage. This slippage was transferred into the 2019/20 capital programme budget, after approval by this Committee in May 2019.

2.3 As a result of the above, the total approved budget for this Committee's capital programme of two schemes is £40,920. This is shown at Annex 1.

### 3 CAPITAL MONITORING 2019/20

3.1 The table below summarises this Committee's capital programme budget, expenditure to date and variance, as at the end of July 2019. Annex 1 shows the full capital programme by scheme. Annex 2 shows scheme details, financial information and budget holder comments to date for each scheme.

BUDGET					EXPENDITURE	
Original Estimate 2019/20 £	Budget Moved from 2018/19 £	Slippage from 2018/19 £	Additional Approvals 2019/20 £	Total Approved Budget 2019/20 £	Actual Expenditure including commitments as at end of July 2019 £	Variance as at end of July 2019 £
14,500	0	26,420	0	40,920	0	-40,920

3.2 At the end of July 2019 there had been no spend on the two schemes, as follows:

- **Introduction of Planning Portal Link to the Planning Application System and Planning System Update (-£26,420):** The computerised system currently used within both the Planning and Building Control services is overdue to be upgraded and the upgrade is needed to facilitate the introduction of the Planning Portal. However, a review of how the upgraded software can be used to improve the efficiency and effectiveness of the service is currently underway. The proposed changes to the processes within the service and associated software costs will be reported to CMT by January 2020 and then to a future meeting of this Committee.

The current elements included in this capital scheme need to be compatible with the functionality of the Planning system going forwards and may change as a result of the wider process review. Given that, this scheme is now on-hold awaiting the outcome of the review.

- **Replacement of Plotter/Copier in the Planning Section (-£14,500):** The plotting/copying requirements in the Planning section have changed since this capital bid was submitted. The Planning section will review the needs of the section, in consultation with Building Control, and with the process review currently underway (see above) before going ahead or not with the purchase of a replacement. The proposed changes from the process review will be reported to CMT by January 2020 and then to a future meeting of this Committee.

#### 4 CONCLUSION

4.1 At the end of July 2019 there had been no spend on the two schemes in this Committee's capital programme.

4.2 At this stage, the outcome of further reviews on both schemes is awaited before establishing whether the schemes will be completed or not in 2019/20.

SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES

PD9-19/AC/AC  
27 August 2019

For further background information please ask for Andrew Cook.  
BACKGROUND PAPERS – None

## Planning and Development Committee - Capital Programme 2019/20

Cost Centre	Scheme	Original Estimate 2019/20 £	Budget Moved from 2018/19 £	Slippage from 2018/19 £	Additional Approvals 2019/20 £	Total Approved Budget 2019/20 £	Actual Expenditure including commitments as at end of July 2019 £	Variance as at end of July 2019 £
PLOTT	Replacement of Plotter/Copier in the Planning Section	14,500	0	0	0	14,500	0	-14,500
PLANN	Introduction of Planning Portal Link to the Planning Application System and Planning System Update	0	0	26,420	0	26,420	0	-26,420
<b>Total Planning and Development Committee</b>		<b>14,500</b>	<b>0</b>	<b>26,420</b>	<b>0</b>	<b>40,920</b>	<b>0</b>	<b>-40,920</b>

## Planning and Development Committee – Capital Programme 2019/20

### Replacement of Plotter/Copier in the Planning Section

Service Area: Planning Services

Submitted by: John Macholc

#### Brief Description of the Scheme:

The bid is for a replacement 44" wide colour printer/copier/scanner.

The current printer/copier/scanner was purchased in the financial year 2012/13 at a cost of £11,896.

It is well used to capacity by the Planning section and other sections around the building and as such will benefit from replacement for a more modern model in the financial year 2019/2020.

#### Revenue Implications:

Annual maintenance costs have been quoted at £800. There is already a budget allowed for in the base budget for the annual maintenance of the current printer/copier/scanner.

#### Timescale for Completion:

September 2019.

#### Capital Cost:

	£	Actual Expenditure including commitments as at end of July 2019 £	Variance as at end of July 2019 £
Total Approved Budget 2019/20	14,500	0	-14,500
ANTICIPATED TOTAL SCHEME COST	14,500		

#### Progress – Budget Holder Comments:

**July 2019:** The plotting/copying requirements in the Planning section have changed since this capital bid was submitted. The Planning section will review the needs of the section, in consultation with Building Control, and with the process review currently underway before going ahead or not with the purchase of a replacement (see comments in relation to the Introduction of Planning Portal Link to the Planning Application System and Planning System Update scheme). The proposed changes from the process review will be reported to CMT by January 2020 and then to a future meeting of this Committee.

## Planning and Development Committee – Capital Programme 2019/20

### Introduction of Planning Portal Link to the Planning Application System and Planning System Update (Slippage)

Service Area: Planning Services

Submitted by: 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>

#### Original Timescale for Completion:

2016/17

## Planning and Development Committee – Capital Programme 2019/20

### Capital Cost:

	£	Actual Expenditure including commitments as at end of July 2019 £	Variance as at end of July 2019 £
Original Estimate 2019/20	0		
Slippage from 2018/19	26,420		
Total Approved Budget 2019/20	26,420	0	-26,420
Actual Expenditure 2016/17	0		
Actual Expenditure 2017/18	0		
Actual Expenditure 2018/19	3,775		
<b>ANTICIPATED TOTAL SCHEME COST</b>	<b>30,195</b>		

### Progress - Budget Holder Comments

**July 2019:** The computerised system currently used within both the Planning and Building Control services is overdue to be upgraded and the upgrade is needed to facilitate the introduction of the Planning Portal. However, a review of how the upgraded software can be used to improve the efficiency and effectiveness of the service is currently underway. The proposed changes to the processes within the service and associated software costs will be reported to CMT by January 2020 and then to a future meeting of this Committee. The current elements included in this capital scheme need to be compatible with the functionality of the Planning system going forwards and may change as a result of the wider process review. Given that, this scheme is now on-hold awaiting the outcome of the review.

**March 2019:** There has been 2018/19 spend on IT consultant input to complete the Planning Portal Update, prior to installing the Planning Portal Link, and to begin the M3 to Engage migration. Protracted communication with the service provider has led to delay in implementation of an update in the current system which has resulted in a lack of progress.

**November 2018:** The Head of Planning Services and ICT Manager have agreed to implement the Planning Portal integration into the current version of the system as soon as possible and to then look at migrating the whole system to Assure and completing the planning system update. Some expenditure is expected prior to the end of the financial year, but the scheme will not be completed within the 2018/19 financial year.

**September 2018:** The Director of Economic Development and Planning, Head of Planning Services and ICT Manager are to meet with the software supplier on 1 November to investigate the functionality that the M3 / Assure system will provide going forward. Based on the outcome of that meeting a decision will be made on how this scheme will be progressed.

**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.

**Planning and Development Committee – Capital Programme 2019/20**

**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.
- 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.

**Planning and Development Committee – Capital Programme 2019/20**

**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.

meeting date: 5<sup>th</sup> SEPTEMBER 2019  
 title: 2018/2019 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 2018/2019 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 2018/19. Notes are provided where necessary to explain significant variances either between the outturn and the target or between 2018/2019 data and 2017/2018 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 2018/2019 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 2019/2020.
- 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:
  - 85.71% (6) of PIs met target (green)
  - 0% (0) 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:
- 29.17% (7) of PIs improved
  - 8.33% (2) of PIs stayed the same
  - 62.50% (15) 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:
- **PI RH10 - % New homes built on previously developed land** - The lack of available brownfield sites and pressure for new housing leads to a requirement to develop green field sites.
- 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 2018/2019 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 2018/2019

PI Code	Short Name	2017/18		2018/19		2019/20	Current Performance	Trend year on year	Target setting rationale	Objective
		Value	Target	Value	Target	Target				
<b>PI PL2 (BV204)</b>	Planning appeals allowed	41.0%	23.0%	28.9%	30.0%	30.0%				
<b>PI PL2a</b>	Planning appeals received - householder appeal	4		5						
<b>PI PL2b</b>	Planning appeals received - written representation	12		13						
<b>PI PL2c</b>	Planning appeals received - Inquiry	1		1						
<b>PI PL2d</b>	Planning appeals received - Hearings	3		1						
<b>PI PL2e</b>	Planning appeals determined - Householder appeal	3		5						
<b>PI PL2f</b>	Planning appeals determined - written representation	13		11						
<b>PI PL2g</b>	Planning appeals determined - Inquiry	0		0						
<b>PI PL2h</b>	Planning appeals determined - Hearings	3		2						
<b>PI PL3</b>	Applications refused by committee but recommended for approval	0		6						

PI Code	Short Name	2017/18		2018/19		2019/20	Current Performance	Trend year on year	Target setting rationale	Objective
		Value	Target	Value	Target	Target				
PI PL4	Applications approved by committee but officers recommended for refusal	4		2						
PI PL5 (BV188)	% of planning decisions delegated to officers	96.05%		92.43%						
PI PL14a (N157a)	Processing of planning applications: Major applications	86.11%	50.00%	75.00%	60.00%	70.00%			The use of Extension of Times has enabled the delay in S106 to be taken into account so these are often excluded from figures allowing us to meet a higher target	
PI PL14b (N157b)	Processing of planning applications: Minor applications	91.51%	65.00%	81.24%	70.00%	75.00%			Due to high level of applications and the contentious nature many applications are determined at committee which makes it difficult to determine within the 8 week period.	
PI PL14c (N157c)	Processing of planning applications: Other applications	89.11%	75.00%	82.08%	75.00%	78.00%			Re-organisation of staff to focus on minor applications	
PI PL14d	Processing of planning applications: Number of applications received	710		709						To conserve our countryside, the natural beauty of the area and enhance our built environment
PI PL14e	Processing of planning applications: Number of applications determined	659		661						To conserve our countryside, the natural beauty of the area and enhance our built environment
PI PL14f	Processing of planning applications: Number of applications withdrawn	44		46						To conserve our countryside, the natural beauty of the area and enhance our built environment
PI PL14g	Processing of planning applications: Number of applications determined under delegated powers	633		611						To conserve our countryside, the natural beauty of the area and enhance our built environment

PI Code	Short Name	2017/18		2018/19		2019/20	Current Performance	Trend year on year	Target setting rationale	Objective
		Value	Target	Value	Target	Target				
<b>PI PL14h</b>	Processing of planning applications: Number of applications approved	589		567						To conserve our countryside, the natural beauty of the area and enhance our built environment
<b>PI PL14i</b>	Processing of planning applications: Number of applications refused	70		94						To conserve our countryside, the natural beauty of the area and enhance our built environment
<b>PI RH10 (BV106)</b>	% New homes built on previously developed land	24.00%	30.00%	18.00%	27.00%	25.00%			Due to the lack of available brownfield sites and pressure for new housing it leads to significant need to develop green field sites.	To conserve our countryside, the natural beauty of the area and enhance our built environment
<b>PI RH11</b>	Number of new homes granted planning permission	409	85	361	100	100			Based on estimates of additional permissions necessary to maintain 5 year supply. Additional permissions needed to balance out reduction in supply from actual units delivered at reserved matters.	To conserve our countryside, the natural beauty of the area and enhance our built environment
<b>PI RH12</b>	Number of new homes constructed	400	280	412	280	280			Set at 280 to reflect the annulated figure of the Core Strategy	To meet the housing needs of all sections of the Community



## Appeal Decision

Site visit made on 16 July 2019

by **R E Walker BA Hons DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

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**Appeal Ref: APP/T2350/W/19/3228826**

**Seven Acre Bungalow, Forty Acre Lane, Longridge PR3 2TY**

- 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 Ball against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2019/0057, dated 14 January 2019, was refused by notice dated 2 April 2019.
  - The development proposed is the conversion of the existing bungalow into a double garage and store and the creation of a replacement two storey dwelling.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Ribble Valley Borough Council against Mr & Mrs Ball. This application is the subject of a separate Decision.

### Procedural Matter

3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development also comprises an extension of residential curtilage. The Council dealt with the proposal on this basis and so shall I.

### Main Issues

4. The main issues are:
  - the effect of the proposal on the character and appearance of the area; and
  - The effect of the proposal on the living conditions of the occupants of Rock House with particular regard to privacy and overshadowing of the garden.

### Reasons

#### *Character and Appearance*

5. The appeal site contains a modest sized bungalow and a detached dormer annex. The existing bungalow was formerly an annex however, it has lost its original function and connection to its historical host property. The existing

garden curtilage at the appeal site merges into a field, which is also in the appellants' ownership, allowing open panoramic views.

6. The 2 buildings within the appeal site are positioned adjacent to and accessed past a much larger, modern property. The garden associated with another neighbouring property, Rock House, also borders the site and is positioned on a lower ground level. The group of buildings in and adjacent to the appeal site lie within open countryside. This area is characterised predominantly by agricultural land uses and the change in topography as it rises from Longridge. The character of the area is also influenced by the settlement of Longridge and other rural built development such as caravan parks, reservoirs and golf courses.
7. The site lies outside any settlement boundary defined by the Local Plan and therefore for the purposes of planning policy is in the countryside. Policy DMH3 Dwellings in the Open Countryside and AONB of the Ribble Valley Borough Council Core Strategy 2008-2028 (CS) adopted December 2014 states that the replacement of an existing dwelling in the countryside will be permitted subject to three criteria. The first of these requires that the property is not abandoned and thus this criterion is met. The second requires that there be no adverse impact on the landscape. The third requires that there be no need to extend an existing curtilage. Having considered this and other CS policies brought to my attention I am satisfied that they are consistent with the principles of sustainable development within the Framework.
8. The existing dwelling is a small building and its size reflects its previous use as an annex. By contrast the proposed dwelling would be a large 2 storey house with the existing bungalow retained and converted to a garage and store. On the ground floor the house would have an entrance hall, living room, study, a large kitchen/dining room, utility, wc and plant room. The first floor would have a lounge, 4 bedrooms, including one with an en-suite and dressing room, and a bathroom. The replacement dwelling and garage/store would have a substantial footprint. On the basis of both its dimensions and the amount of accommodation, there can be no doubt that the proposal would represent a significant enlargement over and above the existing dwelling.
9. The proposed dwelling would be positioned on land that falls away from the existing bungalow. However, the additional height and bulk of the proposed dwelling would still have a greater visual impact than the existing modest bungalow. The proposals would be seen from small sections of Forty Acre Lane, public footpaths in close proximity to the site and to a lesser degree more distant views from the lower ground toward Longridge Road. Views of the proposed dwelling would mostly be seen in combination with the neighbouring large modern house. I understand that this was a replacement dwelling however I do not have the full details of this scheme such as what building was replaced and so I cannot be certain that the circumstances are the same.
10. I saw during my site visit that the area intended for the proposed dwelling has been informally used as garden land, it appears maintained and contains some domestic features. However, there is no substantive evidence to suggest that this is lawful, and the appellants acknowledge that the proposals do seek to extend the garden curtilage.
11. The design of the house makes use of the views out towards the open countryside at the back and the remaining field. However, the proposed garden

curtilage would comprise of a small paved area around the replacement property. In my view this small garden space would not be commensurate with the scale of the dwelling and would lead to pressure to extend the garden further into the adjoining large field.

12. I have had regard to the appeal decision (ref APP/T2350/W/16/3156329) which allowed the existing annex to be built within the site. As this annex was not a replacement dwelling it would not have been assessed against the criteria laid out in Policy DMH3 of the CS which is relevant to the current proposals. Nevertheless, although that building does not necessarily appear subservient to the bungalow, it is still a relatively small building overall and is positioned in between the existing bungalow and the large modern neighbouring property. As such either individually or cumulatively the relationship with the surrounding built form and countryside is distinct from the current proposals.
13. The combination of factors outlined leads me to conclude that the additional height and bulk of the proposed dwelling alongside the existing buildings, when combined with the extension of the garden curtilage and future pressures would result in an erosion of the countryside. The cumulative effects of which would be to the detriment of the character and appearance of the area. The proposal would therefore fail to comply with the requirements of Policy DMH3 of the CS and the Framework which broadly seek to protect the countryside and deliver sustainable patterns of development.

#### *Living Conditions*

14. Rock House is positioned on a lower ground level to the appeal site and the common boundary comprises of a combination of walling, shrubs and trees. These features intermittently serve to limit views from the appeal site into the garden of Rock House however there are areas where clear views are obtainable. The neighbouring property has a large garden to its front, side and rear and the part facing toward the appeal site includes a paved external seating area, planting and lawn.
15. The introduction of the proposed dwelling would see a dominant built form from the neighbouring garden. Even though this would be set back further than the existing bungalow is, the introduction of a 2 storey dwelling in this location on the higher ground level would lead to an increased level of overlooking from upper floor windows. There is some mitigation from the existing vegetation which will limit the extent of overlooking and some of the windows would serve a bathroom and wc so would realistically be obscure glazed. However, due to the scale of the proposed dwelling and change in ground level from the appeal site to the garden of Rock House the proposals would result in an increased level of overlooking particularly from upper floor windows. This would lead to an adverse impact on the use and enjoyment of the garden by the occupiers of the neighbouring property.
16. With regards to overshadowing, due to the position of the proposals with the garden of Rock House any potential overshadowing is likely to be confined to the latter parts of the day when the sun is at its lowest. Rock House has a large garden and it contains several tall trees which would result in varying degrees of shadowing already. There is no substantive evidence to quantify the level, if any, of shadowing effects from the proposed dwelling. However due to the orientation, the set back from the common boundary and the existing vegetation any shading is not likely to be substantial overall. It would not

therefore result in a significant adverse effect on the use and enjoyment of the garden of Rock House.

17. I therefore conclude, based on my findings on privacy, that the proposed dwelling would harm the living conditions of the occupiers of the neighbouring property. It would therefore fail to comply with the requirements of Policy DMG1 General Considerations of the CS and the Framework which amongst other things seek to secure a good standard of living conditions for existing and future residents.

### **Conclusion**

18. Whilst I have found no significant adverse effects from overshadowing as a result of the proposal, I have found that it would result in a loss of privacy within the garden of the neighbouring property. Furthermore, the proposal in combination with the extension of the garden curtilage would have an adverse impact on the character and appearance of the area. The appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. For these reasons, and having had regard to all matters raised, the appeal is dismissed.

*Robert Walker*

INSPECTOR



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## Costs Decision

Site visit made on 16 July 2019

**by R E Walker BA Hons DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 July 2019**

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### **Costs application in relation to Appeal Ref: APP/T2350/W/19/3228826 Seven Acre Bungalow, Forty Acre Lane, Longridge PR3 2TY**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Ribble Valley Borough Council for a full award of costs against Mr & Mrs Ball.
  - The appeal was against the refusal of planning permission for the conversion of the existing bungalow into a double garage and store and the creation of a replacement two storey dwelling.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Council in making its application cites paragraph 052 and 053 of the PPG. At paragraph 052, the PPG explains that appellants are required to behave reasonably in relation to the procedural matters at appeal. The non-exhaustive list of examples of unreasonable behaviour in the appeal procedures in this paragraph include providing information that is manifestly inaccurate or untrue.
4. At paragraph 053, the PPG explains that the right of appeal should be exercised in a reasonable manner; an appellant is at risk of an award of costs being made against them on substantive grounds if their appeal had no reasonable prospect of succeeding. This may occur when the development is clearly not in accordance with the development plan, and no other material considerations are advanced that indicate that decisions should have been made otherwise. Alternatively, where other material considerations are advanced, there must be adequate supporting evidence.
5. The Council sought an award of its costs on procedural and substantive grounds. The Council stated that the appellants had provided wrong, incomplete and/or misleading information in that the appellants misrepresented the pre-application advice given by the Council. Also, the Council stated that the appellants' have given little regard to the adopted status of the development plan and its compliance with the National Planning Policy Framework in submitting the original application and appeal, and no

- substantive reasoning has been put forward by the appellants. Therefore, the Council considered that the appeal had no reasonable prospect of success.
6. The Council contends that the appellants misrepresented the pre-application advice given within their statement of case by suggesting that references to concerns regarding the extension of the garden curtilage were not cross referenced with the relevant policy. I have had sight of the pre-application advice given by the Council as part of the appeal and it is evident to me that the Council's position was clear regarding the principle of a replacement dwelling and the relevant criteria laid out in Policy DMH3 of the Ribble Valley Core Strategy 2008-2028 (CS) adopted December 2014. I do agree therefore that the wording within paragraph 4.1 of the appellants' statement of case does provide an inaccurate representation of the pre-application advice.
  7. Whilst this paragraph does inaccurately represent the pre-application advice given, the paragraph appears to me to set the context for the appellants' case rather than forming the basis of the case. Furthermore, the inaccurate representation of the pre-application advice has not in itself demonstrably required the Council to undertake additional work for the appeal. The pre-application advice letter has been provided in full and this evidence confirms the advice provided by the Council. It seems to me that there has been so little extra work involved in responding on this matter that it can be regarded as *de minimis*. In effect the Council has quickly and easily rebutted the appellants' position without wasting expenditure. As such it does not constitute valid grounds for an award of costs.
  8. That I found in favour of the Council on the substantive matters of the appeal does not determine the outcome of this application for an award of costs. I do agree with the Council that references in paragraph 7.5 of the appellants' statement of case that the proposals fully comply with Policy DMH3 of the CS are incorrect. The third criterion of this policy requires that there be no need to extend an existing curtilage. The proposals clearly seek an extension of the existing garden curtilage and it therefore stands to reason that it cannot comply with the third criterion. However, the appellants' case was not without substance.
  9. The appellants' arguments when read as a whole did have some standing and I have had to consider their arguments carefully. Issues relating to character and appearance and any effects on the living conditions of the neighbouring property are largely subjective. The National Planning Policy Framework, the relationship to the neighbouring properties and the extent of works previously approved and undertaken on adjacent sites and their relevance to the appeal proposals were put forward as material considerations. Whilst the case was ultimately unpersuasive, I do not agree that it had no prospect of success.
  10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. It follows that an award of costs is not justified.

*Robert Walker*

INSPECTOR



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## Appeal Decision

Site visit made on 10 July 2019

**by Jamie Reed DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 July 2019**

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**Appeal Ref: APP/T2350/D/19/3227340**

**Wolfen Lodge, Fish House Lane, Chipping PR3 2GR**

- 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 Ballard against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2018/1148, dated 14 December 2018, was refused by notice dated 18 February 2019.
  - The development proposed is demolition of existing conservatory and erection of a single storey rear extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing conservatory and erection of a single storey rear extension at Wolfen Lodge, Fish House Lane, Chipping PR3 2GR in accordance with the terms of the application, Ref 3/2018/1148, dated 14 December 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: Existing Plans, Existing Elevations, Roof Plan and Typical Section, 3074/001 Rev A; Proposed Floor Plans, Elevations, Roof Plan and Section, 3074/002 Rev B; Proposed Rear Elevation, Block Plan and Location Plan, 3074/003 Rev B; Existing Block Plan, 3074/004.
  - 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.
  - 4) The development hereby permitted shall be carried out in strict accordance with the Method Statement contained within the Reasonable Avoidance Measures document dated 29 November 2018 submitted with the application.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the appeal property and the surrounding countryside, which includes the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

## Reasons

3. The appeal property is a large, former agricultural barn of stone construction with a natural slate roof and was converted to a 2 storey dwelling many years ago. The property is accessed via a long private driveway which leads from Footpath 110 and is set within its own extensive grounds which are enclosed by tall hedgerows. When outside of the site, very little of the appeal property is readily visible, other than a small glimpse of the front elevation, when looking down the private driveway from Footpath 110.
4. The proposal would involve the demolition of an existing conservatory to the rear of the property. This features a slate 'cat slide' roof which ties into the eaves of the original building and effectively forms a continuation of the roof slope, bringing this down to single storey level. Such an arrangement results in the conservatory relating well with the original form of the building. The proposed extension would have a similar 'cat slide' roof and projection as the conservatory and would be about twice its width. Whilst greater in width, the extension would nonetheless be of a similar form that would assimilate well with the original form of the appeal property, much in the same way as the conservatory, which it would replace. Furthermore, due to the proposed extension being located to the rear of the appeal property, which faces onto the extensive enclosed rear garden area, it would not be readily visible outwith the site.
5. The Council have stated that they consider the building to be a non-designated heritage asset as a result of its age and character and have suggested that the proposed extension would detract from the visual quality and traditional appearance of the building as a barn. Due to the well-weathered appearance of the alterations that would have been carried out a significant period of time ago however, the building now has far more of a domestic character and appearance than that of an agricultural barn. When viewed in context with the small amount of other residential buildings that are nearby, the building fits in well with the vernacular and does not appear inharmonious. In addition, the sites extensive mature gardens and landscaping unequivocally characterise the site as a whole as being domestic in nature. As a result, I give this argument only limited weight.
6. The Council also suggest that the scale and appearance of the proposals would introduce overly domestic features that would not be in-keeping with the original building or respect its existing fenestration. As explained above, the appeal building and its site are clearly of a well-established residential nature and whilst the extension would be larger in size than what may normally be seen on a residential property, the original building itself is large and can, therefore, readily accommodate such a proposal. Accordingly, I find that the proposal would not result in harm to the character and appearance of the appeal property or the surrounding area.
7. Consequently, the proposed extension does not conflict with Key Statement EN2 and EN5 and Policies DMG1, DMG2 and DME4 of the Ribble Valley Core Strategy (2014). When read together, these require developments to be of a high quality design that are in keeping with the character of the surrounding landscape and vernacular whilst avoiding any substantial harm.
8. The site is located within the Forest of Bowland AONB. The National Planning Policy Framework (the Framework) advises that great weight is to be afforded

to conserving the landscape and scenic beauty of such areas, which have the highest status of protection. Accordingly, I have also paid special attention as to whether the proposal would conserve or enhance the natural beauty of the AONB. Due to its setting to the rear of the appeal property, within its secluded private gardens, the proposal would not be readily visible and therefore would not harm the AONB, thereby conserving its natural beauty.

### **Conditions**

9. The Council has suggested a number of planning conditions. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty and a condition requiring that the materials used match the appeal property, in order to ensure that the development is in-keeping with the character and appearance of the appeal property. Also, in order that any potential impacts upon protected species are minimised, I have imposed a condition that requires the development to be carried out in accordance with the method statement contained within the Reasonable Avoidance Measures document dated 29 November 2018 that was submitted with the application.

### **Conclusion**

10. For the reasons given above, the appeal is allowed, subject to the above conditions.

*Jamie Reed*

INSPECTOR



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## Appeal Decision

Site visit made on 2 July 2019

**by Sarah Manchester BSc MSc PhD MIEnvSc**

**an Inspector appointed by the Secretary of State**

**Decision date: 31th July 2019**

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**Appeal Ref: APP/T2350/D/19/3226227**

**Wilkins Cottage, Church Street, Ribchester PR3 3XP**

- 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 Frost against the decision of Ribble Valley Borough Council.
  - The application Ref 3/2018/0479, dated 30 May 2018, was refused by notice dated 31 January 2019.
  - The development proposed is replacement of existing conservatory as well as replacement windows and roof of an existing wrap around extension.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of Ribchester Conservation Area.

### Reasons

3. Wilkins Cottage, 74 Church Street, is a 19<sup>th</sup> century end of terrace property. It is one of several properties designated as Building of Townscape Merits in recognition of their positive contribution to the character and appearance of the Ribchester Conservation Area (the CA). It is adjacent to St Wilfrid's Primary School, with the River Ribble and open countryside beyond. The CA is notable for a variety of features including its Roman remains, listed buildings, former handloom weavers' settlement and cottages, St Wilfred's church complex and good examples of late 19<sup>th</sup> century terraced housing along Church Street and Blackburn Road. The similar ages and styles of terraced properties in this part of the CA results in a harmonious and traditional character and appearance to the street scene.
4. There is an existing conservatory extension to the side and rear of the appeal property. The proposal would retain the existing stone walls. The flat roof would be replaced with a pitched slate-effect roof, which would be more in keeping with the appearance of the host property than the existing flat roof. However, the design, size and expanse of windows, which include top-opening lights in the side elevation, would be out of scale and not in keeping with the host property.
5. Notwithstanding that the windows would be 'timber look' uPVC, plastic is a modern construction material that is not characteristic of the area. In this respect, the Ribchester Conservation Area Management Guidance (2006) (the

- RCAMG) notes the particular importance of using appropriate traditional materials in extensions and alterations to Buildings of Townscape Merit.
6. The RCAMG also clarifies that the increased thickness of plastic frames compared to traditional timber frames results in harm to the character and appearance of historic buildings. While the proposed heritage-style frames appear to come in varying thicknesses, there is little before me to demonstrate that the thickness of the new frames would be in keeping with the traditional wooden frames that are characteristic of historic buildings in the area.
  7. The property is some distance from the Roman Bath House and the proposal would not be visible from this location. However, although the appeal scheme would be set back from the street and partially screened behind a boundary wall, it would be visible from locations in and around Church Street including the adjacent school and the nearby River Ribble. By virtue of its modern design and proportions, and materials, and its juxtaposition with the traditional surroundings, it would be a conspicuous feature that would not be sympathetic to the character of the adjacent Buildings of Townscape Merit or the area.
  8. My attention has been drawn to properties elsewhere in Ribchester where non-traditional construction materials have been used. Full details of those schemes are not before me. However, some are to the rear of properties and do not impact on the street scene, while others are outside of the CA and were assessed in a different policy context. They are not therefore directly comparable to the appeal scheme and they do not provide a justification for it. Similarly, while the bins stored at the adjacent school may be unsightly, they are not directly comparable to the proposed development.
  9. As a result of the harm to the character and appearance of the appeal property and the area, the proposal would fail to preserve or enhance the character or appearance of the Ribchester Conservation Area. However, the proposal is modest and it is not overly prominent in the context of the conservation area as a whole. Consequently, it would cause less than substantial harm to the significance of the conservation area as a designated heritage asset. Nevertheless, the appeal property is a private dwelling and no public benefits have been demonstrated that would outweigh the harm to the conservation area. I therefore conclude that the proposed development would conflict with the National Planning Policy Framework.
  10. By virtue of the harm to the CA, the proposal would conflict with the development plan including Key statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Borough Council Core Strategy A Local Plan for Ribble Valley 2008-2028 Adopted December 2014. These require, among other things, that development makes a positive contribution to local distinctiveness and sense of place and, in conservation areas, that it conserves and where appropriate enhances the character and appearance of the area and those elements that contribute to its significance.

### **Other Matters**

11. I acknowledge that the appellant has sought to overcome the concerns of the Council through the appeal process, including by proposing the replacement of the top-hung lights with fixed non-opening glazing, the erection of a fence to screen the proposal from the street, or the use of an alternative colour or

finish. However, no amended plans have been submitted to the appeal to demonstrate an alternative scheme.

12. In any case, the Planning Inspectorate's guidance<sup>1</sup> is clear that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh application. The appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. For these reasons, I cannot be certain that no interested parties would be prejudiced if I was to accept any or all of the suggested variations to the scheme and therefore I have determined the appeal on the basis of the plans that were considered by the Council.
13. The heritage window brochure submitted to the appeal refers to other local planning authorities where proposals have been approved with plastic window frames. However, there are no details before me of any such schemes which would demonstrate that they are directly comparable to the appeal scheme. Therefore, this is a matter which carries limited weight in my determination.
14. I accept that the existing conservatory is in a relatively poor state of repair and that the appellant, as a long-term resident of the area, has sought to propose a replacement that is sympathetic to the CA while requiring less routine maintenance. However, no compelling argument has been put forward to justify a proposal that would result in harm to the character and appearance of the area.

### **Conclusion**

15. For the above reasons, the appeal should therefore be dismissed.

*Sarah Manchester*

INSPECTOR

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<sup>1</sup> Procedural Guide – Planning Appeals – England dated 19 March 2019