

# RIBBLE VALLEY BOROUGH COUNCIL

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Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** is at **6.30pm** on **THURSDAY, 23 MAY 2013** at the **TOWN HALL, CHURCH STREET, CLITHEROE.**

I do hope you can be there.

Yours sincerely

CHIEF EXECUTIVE

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

## AGENDA

### Part I – items of business to be discussed in public

1. Apologies for absence.
- ✓ 2. To approve the minutes of the last meeting held on 11 April 2013 – copy enclosed.
3. Declarations of Interest (if any).
4. Public Participation (if any).

### DECISION ITEMS

5. Appointment of Working Groups (if any).

(To confirm arrangements/membership of any Working Groups that belong to this Committee – or pick up any representation on Outside Bodies missed at the Annual Meeting.)

- a) Core Strategy Working Group (6 Members).

- ✓ 6. Planning Applications – report of Director of Community Services – copy enclosed.
- ✓ 7. Non-Determination Appeal in relation to an Outline Application for the Provision of Up to 190 Residential Units (falling within Use Class C3) Including Affordable Housing with 2 New Vehicular and Pedestrian Accesses onto Whalley Road, Onsite Landscaping, Form and Informal Open Space and Associated Infrastructure Works Including a New Foul Water Pumping Station at Land to the southwest of Barrow and West of Whalley Road, Barrow – report of Director of Community Services – copy enclosed.
- ✓ 8. Housing Land – report of Director of Community Services – copy enclosed.
- ✓ 9. Core Strategy Local Development Scheme – Proposed Revision – report of Chief Executive – copy enclosed.
- ✓ 10. Proposed Revision to Core Strategy Statement of Community Involvement – report of Chief Executive – copy enclosed.
- ✓ 11. Capital Outturn 2012/13 – report of Director of Resources – copy enclosed.

#### INFORMATION ITEMS

- ✓ 12. Core Strategy – Service Centre Health Checks – report of Chief Executive – copy enclosed.
- ✓ 13. Core Strategy Gypsy and Traveller Accommodation Assessment Update – report of Chief Executive – copy enclosed.
- ✓ 14. Core Strategy Update – Minutes of Working Group – copies enclosed.
- ✓ 15. Representatives on Outside Bodies – report of Chief Executive – copy enclosed.
- ✓ 16. Appeals:
  - a) 3/2012/0831/P – Installation of a 2.5m x 1m balcony to second floor window on Lowergate aspect of 29 Moor Lane, Clitheroe. Appeal dismissed.
  - b) 3/2012/0938/P – New double side extension including balcony to the rear. Alterations to materials for base of existing front extension at 26 Waddow Grove, Waddington. Appeal dismissed.
  - c) 3/2011/1032/P – “Log cabin” style holiday lodges at Whins Lodge, Whalley Old Road, Langho. Appeal dismissed.
  - d) 3/2011/0025/P – Outline planning application for residential development (10 dwellings) at Land off Chatburn Old Road, Chatburn. Appeal allowed with conditions.
- 17. Report of Representatives on Outside Bodies (if any).

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

DECISION ITEMS

- ✓ 18. External Representation in Relation to Forthcoming Planning Appeals – report of Director of Community Services – copy enclosed.

INFORMATION ITEMS

- ✓ 19. Core Strategy Evidence Base – Exemptions to Financial Procedures – report of Chief Executive – copy enclosed.

<b>INDEX OF APPLICATIONS BEING CONSIDERED</b>					
<b>MEETING DATE: 23 MAY 2013</b>					
	<b><u>Application No</u></b>	<b><u>Page</u></b>	<b><u>Officer</u></b>	<b><u>Recommendation</u></b>	<b><u>Site</u></b>
<b>A</b>	<b>APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS</b>				
				NONE	
<b>B</b>	<b>APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR APPROVAL</b>				
	3/2012/0789/P	1	CS	AC	Land opposite Foxhill House Whins Lane, Simonstone
	3/2012/0870/P	12	CS	AC	Dove Syke Nursery West Bradford
	3/2012/1113/P	23	CS	AC	Development at Parker Avenue Clitheroe
	3/2013/0004/P	29	CS	AC	Abbey Farm Nethertown Close, Whalley
	3/2013/0276/P	37	CS	AC	Ribble Valley Borough Council Church Walk, Clitheroe
	3/2013/0285/P & 3/2013/0286/P	39	JM	AC	Sharley Fold Farm Dixon Road, Longridge
<b>C</b>	<b>APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL</b>				
	3/2013/0296/P	42	CS	R	24 Ribchester Road Wilpshire
<b>D</b>	<b>APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES 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

JM John Macholc  
SW Sarah Westwood  
CS Colin Sharpe  
AD Adrian Dowd

GT Graeme Thorpe  
MB Mark Baldry  
CB Claire Booth  
SK Stephen Kilmartin

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

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Agenda Item No

meeting date: THURSDAY, 23 MAY 2013  
 title: PLANNING APPLICATIONS  
 submitted by: DIRECTOR OF COMMUNITY SERVICES

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

APPLICATION NO: 3/2012/0789/P (GRID REF: SD 377489 435316)  
 PROPOSED DEMOLITION OF THE EXISTING BUILDING AND THE ERECTION OF ONE  
 DETACHED DWELLING AND ACCESS ALTERATIONS AT LAND OPPOSITE FOXHILL  
 HOUSE, WHINS LANE, SIMONSTONE

PARISH COUNCIL: Initially, by letter dated 2 October 2012 expressed no objections to this application. Having withdrawn that original letter, the Parish Council then objected to the application by letter dated 14 October 2012 for the following reasons:

1. The development is outside the settlement boundary, and therefore does not meet the criteria set out for development.
2. The height of the house does not fit in with surrounding properties, and is out of character.
3. This site has been classed as a brownfield site, which I consider to be very debatable, and expressed concern. The applicant agreed it was a grey area.
4. Felling of trees. A tree survey has been done at ground level and there are concerns that there are bats nesting in the trees as many bats have been observed flying around in this location. Also the felling of over 70% of the trees on the site will have a major impact on the area.
5. It is difficult to see how a house will fit on the site, hence the reason why the proposed house is so high. It would be one of the tallest houses in the area.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objections to this application on highway safety grounds as the new property will retain the existing parking provision for four vehicles, all of which could manoeuvre to and from the site in a forward gear.

HEALTH & SAFETY EXECUTIVE: Does not advise on safety grounds against the granting of planning permission in this case.

ADDITIONAL REPRESENTATIONS: A letter has been received from a local resident who expresses support for the proposed development for the following reasons:

1. The site is an eyesore and it is good to see someone who is prepared to invest and develop the site.
2. The site is ripe for development and the construction of the proposed house would greatly enhance that part of Whins Lane.
3. I am a strong advocate of using brownfield sites such as this for new housing development.

A total of 8 letters from 6 local households plus a letter from a planning consultant acting on behalf of 5 of those households have been received. The letters all contain objections to the proposal for reasons that are summarised as follows:

1. The site is outside the settlement boundaries of Read and Simonstone and therefore has a high level of protection in the Local Plan. The environmental and landscape characteristics have not changed since the adoption of the Local Plan; the provisos of which therefore remain applicable.
2. The site is highly visible from Whins Lane and the proposed dwelling would have a significant impact as it is inappropriate for the area in size and design.
3. The development is not essential for the local economy or social wellbeing of the area and it is not for agricultural, forestry or other purposes solely appropriate for a rural area. The proposal is therefore not sustainable.
4. The proposal involves the removal of a large percentage of trees on the site. This would be harmful to nesting birds and other wildlife and would be contrary to Local Plan Policies aimed at preserving and retaining woodland in this locality.
5. The proposed building is too tall to be in keeping with the locality and represents overdevelopment of the site.
6. The removal of trees would increase noise and light pollution to a neighbouring property.
7. Due to the height of the building it would adversely affect the privacy of a neighbouring property.
8. There is no need to release sites for housing in the open countryside especially as the Council can now demonstrate a 5 year supply of housing land.

9. Due to its previous use as a stone quarry, the site is not suitable or sustainable for a dwelling. It would be difficult, on land within the applicant's control, to provide the septic tank that would be required because (contrary to the statement in the application) there is no mains sewer in the locality.
10. The land cannot be regarded as brownfield as the original permission for the garage required the unit to be maintained and when, in the opinion of the Local Planning Authority, it was not capable of economic repair, they may direct the owner, at the owner's expense, to remove the wooden garage and reinstate the land. Furthermore, the permission was for the use of the building as a private lock up and did not authorise any commercial uses of the building in order to protect the surrounding residential properties. The use is therefore not considered to fall within the definition of "previously developed land" under NPPF or the previous definition under PPS3 because the intention of the original permission was not to create a permanent structure. The opinion of a QC has been sought on this matter. The QC concurs with the opinion of those instructing him that the proposed development does not comprise previously developed land within the meaning of the glossary to NPPF. (This matter will be discussed later in this report.)
11. Policies G1 and G5 of the Local Plan are consistent with NPPF and are therefore still applicable. The proposal conflicts with these policies.
12. The reference to isolated houses in NPPF appears to refer to housing outside settlements, as opposed to houses in an isolated context per se. This is therefore an isolated site and the proposal does not constitute any of the "special circumstances" listed within paragraph 55 of NPPF. This interpretation is supported by an appeal decision in Yorkshire in which permission was refused for new housing within a small village on the grounds of the poor sustainability credentials of the site.

## **Proposal**

As originally submitted, the application sought full planning permission for the demolition of the existing building on the site and the erection of a detached dwelling with granny annex and access alterations. That originally proposed dwelling had a footprint of 15m x 10m and was three storeys high across the whole of this footprint. It had an eaves height of 8.3m and a ridge height of 11.54m. The originally proposed dwelling contained a garage with workshop and a self-contained one bedroom granny flat on the ground floor with a 4 bedroom dwelling occupying the other two floors.

That dwelling was considered to be inappropriate for the site due to its 3 storey height. Amended plans were therefore requested and received on 5 April 2013. As amended, permission is now sought for a 2 storey dwelling with an eaves height of 5.6m and a ridge height of 8.2m. The footprint of the main two storey part of the dwelling measures 14m x 10m. Attached to the eastern end of the main dwelling there is a single storey element measuring 4m x 7.4m with an eaves height of 2.8m and a ridge height of 4.9m. This would contain a single garage and a utility room. There is also a proposed approximately 2m x 3.3m porch on the front elevation. The main part of the house would contain two lounges, kitchen/dining room and study on the ground floor with four bedrooms (one with en suite shower room) and a bathroom at first floor level.

The external materials would comprise natural stone for the front elevation, render to the other elevations and a natural slate roof.

The proposal involves alterations to the access into the site and the provision of a hard surfaced parking/turning area in front of the dwelling.

### **Site Location**

The application site, that has an area of approximately 0.13 hectares, comprises a former quarry site that fronts the north side of Whins Lane approximately 400m to the west of the Four Lane Ends crossroads.

The site has a road frontage of approximately 25m and there is an existing gated vehicle access slightly to the west of the centre of the frontage. The site is adjoined to the west and north by agricultural land and to the east by a small area of woodland. There are existing residential properties on the opposite side of Whins Lane to the south of the site.

The front part of the site, where the quarrying has taken place, is generally flat with the rear of the site rising upwards from south to north (ie away from the road). On the flat part of the site there is a single storey garage/workshop of timber construction with a mono-pitched roof set approximately 22m back from the road frontage. It is stated in the submitted application documents that this building has been used historically as a domestic garage to an existing property on the opposite side of Whins Lane.

The site is outside the settlement boundaries of Read and Simonstone. Whins Lane, in general, comprises residential properties scattered at intervals along both sides of its entire length. The existing dwellings in the locality are of a variety of types and architectural styles.

### **Relevant History**

7/7/6285 – Proposed erection of double garage with side-port for loose box in disused quarry off Whins Lane. Approved with conditions in January 1970.

### **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy H2 - Dwellings in the Open Countryside.

Policy ENV3 - Development in Open Countryside.



Policy ENV13 - Landscape Protection.

*Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft*

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMH3 – Dwellings in the Open Countryside and AONB.

Policy DME2 – Landscape and Townscape Protection.

Site and Species Protection and Conservation.

National Planning Policy Framework (NPPF).

### **Environmental, AONB, Human Rights and Other Issues**

The matters for consideration in the determination of this application relate to the principle of the development and the effects of the proposal upon trees/ecology/visual amenity, the amenities of nearby residents and highway safety. These matters will be discussed below under appropriate sub-headings.

#### **Principle of Development**

Nearby residents and persons acting on their behalf have made representations that, although containing a building, this is not a brownfield site and should not be treated as Previously Developed Land (PDL). The opinion of a QC on this issue has been sought and submitted by a nearby resident in support of his objection to the application. Extracts of the QC's "Note Advising" are as follows:

- I am asked to advise as to whether or not the site ought to be treated as Previously Developed Land (PDL) when assessing the overall merits of the proposal.
- The building on site was built following a permission in January 1970 (ref 7/7/6285) condition 1 of which states *"that the building shall be maintained in a proper state of repair to the satisfaction of the Local Planning Authority and when, in the opinion of the Local Planning Authority, the building becomes incapable of economic repair, it shall be removed and the land reinstated at the expense of the applicant or owner to the satisfaction of the Local Planning Authority"*.
- The concept of PDL is not intended to simply be an application of a judgement as to whether or not a parcel of land has development on it. Rather it is a formal categorisation of land which then places any given site with that category of sites which are preferred to be released for development or not.
- Initially Governments simply used the National Land Use Database categorisation as to whether or not land to was be treated as PDL, but over time the definition has been used as a tool as policy and has been refined such that it is now an integral part of National Planning Policy and is to be found within the glossary of NPPF. Thus the starting point for consideration in this case is that the question of whether the land is or is not to be treated as PDL is a question of the proper interpretation of policy and not a question of fact and degree.

- NPPF defined previously developed land in the glossary at Annex 2 as *“land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure this excludes land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time”*.
- Those instructing me are firmly of the view that because the development of the site was only ever authorised on a temporary basis (since the planning permission under which the garage was developed specifically requires the site to be reinstated) therefore the garage cannot be ‘permanent’ and falls outwith the definition of PDL. I concur with that view. The effect of condition 1 means that the building is not to be treated as a permanent structure and is therefore outside the definition. Furthermore, even if the view was formed that the building was to be treated as ‘permanent’ (on the grounds that to maintain the building indefinitely on site all the landowner needs to do is maintain it in good order) I am still of the view that the site should not be treated as PDL.
- The definition of PDL excludes *“land that has been developed for minerals extraction ... where provision for restoration has been made through development control procedures”*. In the normal course of events this sentence would seem to relate to the grant of a minerals permission with a condition requiring reinstatement and/or restoration of the land pursuant to a scheme to be agreed. However the language used is plainly more general; thus the land has plainly “been developed for mineral extraction” and the effect of condition 1 is that provision has been made through the development control process for the land to be restored. The fact that one is not dealing with a classic restoration within a minerals consent is an irrelevance given that the clear use of language encompasses the circumstances under consideration.
- In short in the light of condition 1 of the 1970 consent, I am of the view of that the proposed development does not comprise PDL within the meaning of the glossary to NPPF.

The Council does not seek to dispute the finding of QC as summarised above; and the status of the land as so described (ie not constituting PDL) has formed part of the Council’s considerations in the drafting of this report.

The site therefore falls to be considered (as a site not defined as PDL) within the context of national, regional and local development plan policies. At national level, the National Planning Policy Framework (NPPF) came into force on 27 March 2012 and states that at the heart of NPPF is the presumption in favour of sustainable development which means that for decision-making purposes that:

*“where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or specific policies in the framework indicate that development should be restricted”*

The NPPF requires Local Planning Authorities to consider housing applications in the context of a presumption in favour of sustainable development and the relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable sites.

On 30 April 2013, the Council was advised by the Planning Inspectorate (PINS) that “on 24 April 2013 the Government laid an Order in Parliament to revoke the Regional Strategy for the North West. The Regional Strategy for the North West will be revoked in its entirety. The Order will come into force on 20 May 2013”. This means that the housing requirements of Policy L4 of the Regional Strategy will no longer be part of the development plan.

At March 2013, the Council calculates that it has a supply of 5.79 years against the Core Strategy requirement of 200 dwellings per annum. This includes allowance for sites considered to be undeliverable in the five-year period.

In the Council's opinion, this does not mean that every application for housing development outside a settlement boundary should be refused, as the overriding aim of NPPF “Achieving Sustainable Development” is a major consideration in the determination of all planning applications.

Paragraph 55 of NPPF seeks to promote sustainable housing development in rural areas stating that “housing should be located where it will enhance or maintain the vitality of rural communities. Eg, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances”. A number of such “special circumstances” are then listed within the paragraph. This development would not satisfy any of the listed “special circumstances” but the Council does not consider that it needs to, because the proposal would not result in an “isolated home in the countryside”.

The reference to isolated development needs to be considered within the context of the stated requirement for development to enhance or maintain the vitality of rural communities. In this regard (although obviously accepting that the site is outside the settlement boundary of Read/Simonstone) Policy G3 of the Local Plan is considered to provide some relevant context. This states that within Read/Simonstone (and also Mellor Brook) planning permission will be granted for the development and redevelopment of land wholly within the settlement boundary not defined as essential open space. In the explanatory text to the policy it is stated that “these villages are considered most suitable to accommodate modest development. This is by virtue of the facilities already existing within the villages.” Read/Simonstone is therefore effectively identified in the Local Plan as a sustainable location for new development. Although not within the settlement boundary of the historic Local Plan, the Council contends that the application site is within close proximity to a built up area and existing dwellings. There are existing dwellings on the south side of Whins Lane opposite the site and (after relatively short lengths of undeveloped land in both directions) further dwellings to the east and west on the north side of the road. The occupiers of these existing dwellings (and the proposed dwelling in the event of permission being granted) will contribute as much towards enhancing and maintaining existing local facilities as the residents of dwellings within the settlement boundary.

To amplify the Council's contention that the site is in a sustainable location, there are existing facilities within the settlement of Read/Simonstone which is situated on the A671 Whalley Road that links to the larger settlements, with a larger range of facilities of Whalley and Padiham. Whalley Station gives access to the wider rail network and junction 8 of the M65 (approximately

3 miles from the application site) to the wider motorway network. A bus route between Clitheroe and Burnley passes the front of the application site.

For these reasons, the proposal is considered to represent sustainable development in the locational sense (irrespective of whether this is considered to be a greenfield or a brownfield site) such that, in this regard, the development is considered to be acceptable in principle. The other relevant elements of sustainable development will be discussed below.

### Trees/Ecology

With regards to the consideration of ecology, an extended Phase I Habitat Survey and Ecological Evaluation by Pennine Ecological has been submitted with the application. This has been studied by the Council's Countryside Officer who comments that the conclusions of the survey are as follows:

- There are no statutory wildlife sites within 1km of the site.
- The site fails to meet any guidelines for selection associated with County Biological Heritage Sites.
- There are no known protected species relating to the site.
- There are no UK biodiversity action plan habitats or species present.
- The tree cover does have some affinity with Lancashire Biodiversity Plan (LBAP) but being small in area this diminishes its association with the LBAP.

The Countryside Officer concludes that the proposal will only directly affect the small areas of common habitats of site-local value and no further surveys are required.

The Countryside Officer notes, however, that a small area of Japanese knotweed was recorded and therefore appropriate treatment through a planning condition will be required.

With regards to trees, a Tree Survey and Arboricultural Impact Appraisal by Bowland Tree Consultancy has been submitted with the application. This has been studied by the Council's Countryside Officer who explains and comments upon its findings as follows:

1. The arboricultural impact appraisal/tree survey complies with BS5837 trees in relation to demolition, design and construction 2012.
2. The appraisal has identified a total number of 19 individual trees and 8 groups of trees which have been categorised in accordance with the cascade chart for tree quality assessment as follows:
  - Category A (trees of high quality) – one individual tree and one group of trees.
  - Category B (trees of moderate quality) – 9 individual trees and one group of trees.
  - Category C (trees of low quality) – 7 individual trees and 4 groups of trees.
  - Category U (trees unsuitable for retention) – 2 individual trees and 2 groups of trees.
  - The total number of trees is 52 of which 36 are Category C/U trees.
  - Four Category B trees are shown to be removed.
  - The proposals indicate the retention of 12 trees all of which are Category A/B trees which amounts to approximately 20% of the total tree cover.

3. The greatest visual impact of tree removal will be through the loss of two groups of Leyland Cypress trees G2 and G8 consisting of eight tall conifers located at the front of the site. However, the trees are Category C1 (tree of low quality/unremarkable trees of limited merit and impaired condition) and Category U trees (trees unsuitable for retention and in such condition that they cannot realistically be retained for longer than 10 years). Whilst such trees can be considered for retention, this is only if they are of sufficient conservation/heritage value (which they are not) and any issues surrounding their condition can be appropriately managed.
4. Of the four Category B trees indicated for removal, only one is a B1 tree, a Sycamore, the remaining three are Category B2 trees (trees present in numbers that may represent a more collective value than as individual specimens, making little visual contribution to the wider locality).
5. The remaining trees to be removed are Category C1/2 trees (unremarkable trees of very limited merit or impaired condition) and Category U trees (trees in such condition that they cannot be realistically considered for retention).
6. In conclusion, the area of tree cover does not strictly meet the criteria of woodland but taking into account the factors (ie size of woodland, position in the landscape, viewing population, presence of other trees, composition and compatibility) the tree cover does have some collective visual amenity value albeit modest. However, none of the trees individually could be classed as specimen trees. The loss of trees will have an impact on the collective visual amenity value of the overall tree cover but with appropriate planting with good quality trees, the visual amenity (such that it is) could be reinstated.

Therefore, subject to appropriate conditions, the Countryside Officer does not consider there to be any reason for refusal of the application relating to the effects of the proposal on the ecology of the site or the existing trees. On this basis, it is considered that the proposal would not contravene the environmental role of sustainability as contained in Section 11 of NPPF 'Conserving and Enhancing the Natural Environment'. The effects of the proposed tree removal upon visual amenity will be discussed under the next sub-heading.

#### Visual amenity

As stated above, the loss of trees will have some effects on visual amenity. The removal of trees will undoubtedly make the proposed dwelling more visible in the local street scene of Whins Lane that would be case if more of the trees were to be retained.

The proposed development as amended, however, comprises a detached two storey house with a natural stone front elevation, render to the other elevations and a natural slate roof. It would be partially, but not totally screened by trees.

Whins Lane comprises residential properties of a variety of types, sizes, designs and external materials. There are terraced houses with front elevations on the road edge ranging through to large detached houses within large curtilages. The houses that are not on the road edge are screened by tree cover and hedges to varying degrees.

The proposed development would not, therefore, in my opinion, be in any way discordant or over prominent in the street scene. It would not be out of character with the locality. I do not

therefore consider that a reason for refusal relating to the effects of the proposal on visual amenity would be reasonable or sustainable.

### Residential Amenity

Only one of the letters of objection refers to this particular consideration. This is from the owners/occupiers of a dwelling to the north east of the site who consider that the privacy that they presently enjoy would be damaged by the sight of windows in the side and rear elevations of the proposed dwelling. This letter, however, was written in relation to the originally proposed three storey dwelling, and there is a distance of approximately 100m between the now proposed two storey dwelling and that neighbouring property. Due to this separation distance I do not consider that the proposal would have any seriously detrimental effects upon the amenities of that particular nearby existing dwelling. Furthermore, I do not consider that there would be any detrimental effects upon the amenities of any other nearby properties.

### Highway Safety

The County Surveyor has confirmed that the access into the site and the parking provision are appropriate and acceptable such that there is no objection to this application on highway safety grounds.

### Conclusion

The proposed development will result in the provision of a dwelling in a sustainable location without any seriously detrimental effects upon ecology/trees, visual amenity, the amenities of nearby residents or highway safety. As such, the proposal satisfies the requirements of NPPF. It is considered that more weight should be afforded to NPPF than to the settlement strategy policies (in this case Policy G5) of the Local Plan which are to be considered out of date. As stated in NPPF, where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in the Framework indicate that development should be restricted.

For reasons given in this report, it is not considered that a permission for one dwelling in this relatively built up locality would have any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole. Also there are no specific policies in the Framework that indicate that this development should be restricted.

It is therefore considered that planning permission should be granted subject to appropriate conditions.

### SUMMARY OF REASONS FOR APPROVAL

The proposed development would provide a dwelling in a sustainable location to the benefit of the local rural economy and without any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

RECOMMENDATION: That planning permission be GRANTED subject to the following condition(s):

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

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

2. This permission shall relate to the proposal as shown on the amended plans received by the Local Planning Authority on 5 April 2013 (drawing no LOF/01 Dwg01B).

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

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

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

4. The development shall be carried out in accordance with the Tree Survey Schedule for Arboricultural Impact Appraisal Report By Bowland Tree Consultancy Limited (Ref. BTC359 dated 26 July 2012) Prior to the commencement of any development works including delivery of building materials and excavations for foundations or services, all trees identified for retention in that report shall be protected with a root protection area in accordance with the BS5837 [Trees in Relation to Construction]. Details of a tree protection monitoring schedule shall also be submitted to and agreed in writing by the Local Planning Authority before any site works are begun. The monitoring schedule shall then be implemented in accordance with the agreed details.

The root protection area shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble. During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone. In addition no impermeable surfacing shall be constructed within the protection zone.

No tree surgery or pruning shall be implemented without prior written permission of the Local Planning Authority, which will only be granted when the Authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and will be carried out by an approved arboricultural contractor.

REASON: In order to ensure that the trees within the site that are to be retained are afforded maximum physical protection from the adverse effects of development in order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

5. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever possible the retention of existing trees, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening. The scheme shall include an appropriate number and species of trees to replace those trees that are to be felled as part of the proposed development scheme.

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

REASON: In the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

6. No part of the development shall be commenced until a non-native species removal and disposal method statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the eradication and removal from the site all Japanese Knotweed and Himalayan Balsam. The removal and disposal of these species shall then be carried out in accordance with the approved method statement to the satisfaction of the Local Planning Authority.

REASON: To ensure that there is no risk of further spread of a non-native plant species and to ensure that there are no residue non-native plant species parts remaining in the interests of protecting the native ecology of the site and to comply with with Policies G1 and ENV13 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Core Strategy 2008-2028- A Local Plan for Ribble Valley Regulation 22 Submission Draft.

APPLICATION NO: 3/2012/0870/P (GRID REF: SD 373163 445294)  
CHANGE OF USE OF AN AGRICULTURAL BUILDING WITH OFFICE AND STAFF FACILITIES TO MIXED USE FOR AGRICULTURAL, OFFICE, STAFF FACILITIES, CIDER MAKING AND HOLIDAY COTTAGE USE (PART RETROSPECTIVE) AT DOVE SYKE NURSERY, EAVES HALL LANE, WEST BRADFORD

PARISH COUNCIL: Has no objections to the change of use for staff facilities and a cider making plant.

The Parish Council, however, objects to the conversion of part of the building into a holiday cottage. Councillors feel that this may set a precedent for other agricultural buildings of this type of construction to be converted into holiday and permanent homes within the Parish and feel the application should be refused as the building is not suitable as a residential property.



ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

No objections to the application on highway safety grounds although the combination of commercial unit and holiday accommodation is unusual, the two bedroom holiday unit would have no discernable impact on the safe operation of the adjacent highway and as such no objection is raised to its provision. However, it will be necessary to provide a clear route to and from the holiday accommodation distinct from and not impeded in any way by the operation of the commercial unit. This will include the introduction of designated and permanently marked parking spaces for two vehicles. A plan should therefore be submitted that shows a designated route to the holiday accommodation and the associated parking spaces.

ADDITIONAL  
REPRESENTATIONS:

Three letters of objection have been received. Two of these are identical letters from the owners/occupiers of two nearby dwellings. The third is from a planning consultant acting on behalf of those local residents. The observations and objections contained in the letters are summarised as follows:

1. The proposal relates to an unsightly and inappropriate building in the AONB and to uses which give rise to significant noise nuisance, cause physical damage to the local access lane and result in traffic danger.
2. Permission 3/2007/0603 for the erection of an agricultural building with office and staff facilities was subject to 9 conditions, numbers 3 and 6 of which require the submission and approval, prior to the commencement of development, of important details relating to site levels, site plans and elevations and a scheme for the disposal of foul and surface water. Condition number 5 required the submission and approval of details of walls, roofing and window surrounds prior to their use in the proposed works. No details have ever been submitted to discharge these conditions. As these prior submission details go for heart of the planning permission, the whole of the building as it stands and the uses approved are unauthorised and do not benefit from any planning permission. The reference in the application to 'part retrospective' is therefore inaccurate and the whole of the proposal falls to be considered anew.
3. This building was to be used for agricultural purposes with office and staff facilities, the last two uses clearly intended to be ancillary to the principal agricultural use. That agricultural use, which mainly involved the growing and sale of Christmas trees is now a minor part of the use of this site. Other uses appear to include cider making, mainly from imported juice, the importation for sale of Christmas trees not grown at the site (this is a

retail use) the retail and wholesale selling of cider on site and the holding of festivals. Some of these activities take place outside the hours of operation restrictions imposed by condition 9 of permission 3/2007/0603.

4. Not only is the building unauthorised but it has also been substantially altered from the scheme previously approved by the addition of windows, doors and first floor accommodation. The proposal therefore falls to be considered against relevant policies of the Local Plan. In terms of building design, the proposal which involves a utilitarian building of no design merit is clearly contrary to Policies G1 and ENV1 both of which require a high standard of building design particularly in an AONB location.
5. With regards to the use of the site, the trees which are sold are largely imported on to the site. This is therefore a change of use from a growing nursery to a retail use which requires planning permission.
6. The use of the site for cider production and sale is similarly not an agricultural use in that it relies very substantially on imported juice. Of great concern to neighbours is that this could give rise to 45,000 litres using existing equipment. The additional juice is brought into the site on heavy commercial vehicles which are clearly unsuitable for the access track and cause significant damage to the neighbouring residents' access. What has now been created on site is an industrial use for which planning permission is required.
7. The use of the site for cider and beer festivals that take place four or five times a year result in a high level of noise and disturbance late into the night. Whilst these festivals are licensed under other legislation they are however required to operate under planning controls. Uses of this site by customers are restricted by condition 9 to daytime hours and must cease by 6pm (4pm Sundays). The festival use outside of these hours therefore requires planning permission.
8. The proposed use of the building as a 'holiday let' as described in paragraph 5.3 of the Planning Statement is clearly an on site residence for use by the applicants and not a holiday let. From the layout of the building it is also clear that it could not be let independently. As such the application description of the holiday let is clearly misleading and inaccurate and the proposal should be evaluated as an on site dwelling.

9. The proposal is contrary to Policies G1 and ENV1 by virtue of its design and fails to meet the requirements of Policy G1 as it is not sympathetic in terms of size, intensity and nature; the access arrangements are clearly inadequate for the proposed uses; the materials are not sympathetic to the character of the area; and, above all, it will adversely affect the amenities of neighbour and therefore fails the principal test of Policy G1.
10. It is really a dwelling in the open countryside contrary to Policy H2 of the Local Plan. Even if it is assessed as a holiday let, it fails the requirements of Policies RT1 and RT3 as it is not well related to a settlement or group of buildings; the materials and design are inadequate; access is very poor and the site is not well related to the public transport network; also under the AONB consideration, the building does not display a high standard of design appropriate to the area. In relation to Policy RT3 the proposal will cause unacceptable disturbance to neighbours and access to the site is not of a safe standard.
11. Due to the significant element of retail sales, the application should be evaluated against the shopping policies of the Plan. The relevant policies here are S7 (farm shops) and S8 (garden centres) and the proposal fails to meet the criteria of these policies and any significant retailing activity is contrary to planning policy.
12. Reference is made in the planning statement to Policies EMP9 and EMP12. EMP9 relates to the conversion of barns and other rural buildings. As pointed out, this is a new building and should be evaluated as such. However, even if treated as a conversion, the proposal fails to meet all the detailed criteria of the policy. The proposal also fails to meet the requirements of Policy EMP12 in that the proposed building is not appropriate in terms of scale and character.
13. NPPF features prominently in the planning statement. Fundamentally, this is not a sustainable development in that it seeks to create industrial, retail, entertainment and residential development in a remote area and unrelated to any settlement or group of buildings. It also has serious detrimental impacts on residential amenity and the character of an area of special protection. As such it is not supported by the NPPF.
14. The development as it stands is clearly unauthorised and urgent enforcement action should be taken to rectify the numerous breaches of planning control. This application

should be refused and any alternative proposal should be carefully controlled to ensure that it is appropriate to the location.

## **Proposal**

The application relates to a building that was granted permission (3/2007/0603/P) as an agricultural building including office and staff facilities.

The permission was subject to two conditions (No's 3 and 6) that require the submission of details prior to commencement of development. Those conditions were not satisfied, but the building was constructed. Condition No 8 of the permission contains a restriction on the use of the building stating that 'the building hereby permitted shall be used to house an office, workers' amenities and planting/loading facilities in connection with the existing nursery business on site at present and for no other purpose' and there is also an hours of operation condition, No 9, which states that 'the use of the premises for customers in accordance with this permission shall be restricted to hours between 8am and 6pm Monday to Saturday and 9am to 4pm on Sundays.

The building is divided into two distinct areas. Over one half, the ground floor is open to the underside of the roof and relatively open and is used for the nursery business and cider making. The ground floor of the second area is sub divided into a series of rooms and there is a first floor above this part of the building which has also been divided into a series of rooms.

The building is presently put to various uses with the large open area used in connection with a nursery/landscaping business and also for cider production. There is a room primarily dedicated to wreath production; a ground floor office and associated store and a living/dining kitchen area and toilet and shower facilities which are used on a daily basis by the applicants and their staff in connection with the operation of the business. The first floor rooms provide additional storage space and office, occasionally being used as a bedroom by the applicants.

The development proposed in this application (which is partly retrospective) involves the change of use of the building approved for agricultural and incorporating office and staff facilities, to a mixed use for agriculture, office, staff facilities, cider making and holiday cottage accommodation. The development also involves the regularisation of the creation of several new window openings and the creation of first floor accommodation within part of the building.

It is stated in the application documents that the cider making operation is semi commercial and fairly small-scale currently producing 18,000 litres of cider per annum with a maximum capacity of the equipment currently sited within the building of approximately 45,000 litres. It is stated that the cider is predominately sold on a wholesale basis although there are some direct sales generally from the nursery and during cider festivals which are held intermittently at the property. It is stated that the change of use to cider production relates to only part of the building with approximately 33m<sup>2</sup> being set aside solely to this activity and the balance of that part of the building within which the equipment is located being used for mixed use associated with nursery landscaping activity and cider production.

It is also stated in the submitted application documents that the proposed creation of a self-contained holiday cottage within part of the building would enable the applicants to lawfully reside on site from time to time when they need to whilst retaining their property in West Bradford which will continue to be their main residence. The holiday let would also be available for use by friends and family.

## **Site Location**

The site is located off a single track approximately 350m to the southwest of the junction with Eaves Hall Lane, West Bradford. The track also provides access to two residential properties sited further to the southwest. The site is within the Forest of Bowland Area of Outstanding Natural Beauty.

## **Relevant History**

3/2004/0997/P – Two proposed polytunnels. Approved with conditions.

3/2004/1015/P – Proposed lean-to extension to provide seed planting facilities. Approved with conditions.

3/2005/0650/P – Proposed extension to existing storage shed to provide a covered loading area. Approved with conditions.

3/2005/1055/P – Proposed agricultural building to house office, workers amenities and planting and loading facilities. Approved with conditions.

3/2007/0603/P – Proposed agricultural building to house office and staff facilities including the retention of another existing building. Approved with conditions.

## **Relevant Policies**

### *Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy ENV1 - Area of Outstanding Natural Beauty.

Policy RT1 - General Recreation and Tourism Policy.

Policy RT3 - Conversion of Buildings to Tourism Related Uses.

Policy EMP9 - Conversions for Employment Uses.

Policy EMP12 - Agricultural Diversification.

### *Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft*

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DMB1 – Supporting Business Growth and the Local Economy.

Policy DMB2 – The Conversion of Barns and Other Rural Buildings for Employment Uses.

Policy DMB3 – Recreation and Tourism Development.

National Planning Policy Framework (NPPF).

## **Environmental, AONB, Human Rights and Other Issues**

In this particular case, and in response to a representation received from a planning consultant acting on behalf of nearby residents, it is necessary to first consider the legitimacy of determining this application on the basis of the stated description of development.

It is not disputed by the applicant's agent that the building was constructed without two conditions precedent having been satisfied. The agent was advised that, in these circumstances, and following careful consideration of the matter within the context of some case law examples, it appeared that a decision could not be made on the basis of the "part retrospective" element of the description of development given in the application. This is because the relevant conditions (no's 3 and 6 of 3/2007/0603/P) both clearly state that "development" (as opposed to any less specific/precise words such as "works") shall not be commenced until certain details/plans have been submitted to and approved by the Local Planning Authority. The required details related to site levels, site plans, elevational drawings and details of a scheme for the disposal of foul and surface water. Due to their precise wording, these are considered to be true "conditions precedent" and the details that they required are considered to go to the heart of the planning permission. In such circumstances, case law seems to indicate that non-compliance with these conditions means that the development is unauthorised and unlawful for planning purposes.

In response to this, the agents submitted invoices for building work which are dated Autumn 2007 and it is stated that the works were completed and the building was in use by Christmas 2007. These invoices appear to provide clear evidence that the building to which this application relates has been completed for more than 4 years (it is actually more than 5 years) and has therefore become lawful through the expiration of time and is immune from enforcement action. It is therefore considered that the application can be legitimately considered on the basis of the submitted description of development. Even if the building had been built more than 4 years ago without any planning permission at all, an application for alterations or changes of use of the building could still be considered without the necessity to also seek permission retrospectively for the building itself.

Whilst, therefore, not seeking retrospective permission for the building itself, the drawings submitted with the application show the unauthorised first floor rooms over approximately half of the footprint of the building and a number of door and window openings that were not shown on the original application drawings. Any permission in respect of this application would therefore authorise these aspects of the existing building.

The first floor accommodation in itself does not have any detrimental effects upon any recognised planning interests. The actual use of this accommodation will be discussed later in this report. The unauthorised door and window openings are similar in size and have similar frames to the authorised openings. I do not consider that these doors and windows have any seriously detrimental effects upon visual amenity; and the nearest residential properties to the site are not close enough for the privacy of their occupiers to be in anyway affected by these additional openings. There is therefore, in my opinion, no expediency for enforcement action in relation to either the formation of the first floor accommodation or the additional openings. I can therefore see no objections to these matters being authorised as part of any permission that might be granted in respect of this application.

The next aspect of the application relates to the use of part of the building (ie the part of the building with only ground floor accommodation) for cider making. This is a relatively small-scale use. It is acknowledged that, at the present time, the majority of the apple juice used in the cider making process is purchased from elsewhere; but it is stated in the application documents that it is the applicant's intention to plant more apple and pear trees at the site in the future and to rent orchards in order to become self-sufficient in the cider making process.

The cider making represents an agricultural diversification. Saved Policy EMP12 of the Local Plan states that: "proposals for agricultural diversifications will be approved, subject to other policies within the Local Plan and provided they are appropriate in both scale and character to the rural areas of Ribble Valley and do not compromise its natural beauty".

Saved Policy EMP9 is also relevant and states that planning permission will be granted for employment generating uses in barns and other rural buildings provided all of the following criteria are met:

1. The proposed use will not cause unacceptable disturbance to neighbours in any way.
2. The building has a genuine history of use for agriculture or other rural enterprise.
3. The building is structurally sound and capable of conversion for the proposed use without the need for major alterations which would adversely affect the character of the building.
4. The impact of the proposal or additional elements likely to be required for the proper operation of the building will not harm the appearance or function of the area in which it is situated.
5. The access to the site is of a safety standard or is capable of being improved to a safe standard without harming the appearance of the area.
6. The design of the conversions should be of a high standard and be in keeping with local tradition, particularly in terms of materials, geometric form and window and door openings.

I consider that this small-scale use within an existing building does not have any detrimental effects upon the appearance and character of the locality. No external alterations to the building are required and the County Surveyor has no objections to the application with regards to the means of access to the site. The proposal does involve deliveries of juice and dispatch of cider but the vehicles involved do not have to pass the two nearby dwellings that are further down the lane beyond the application site. I do not therefore consider that this element of the application has any seriously detrimental effects upon the amenities of nearby residents.

The cider is sold wholesale with a small amount of retail sales during cider festivals that are held at the site intermittently under temporary use permitted development rights and with the appropriate events licence having been first obtained. The establishment of an A1 retail use at this location would not be appropriate. A condition would therefore be required on any permission to restrict retail sales to an ancillary part of the other uses legitimately operating from the site.

The final element of the application concerns the use of the part of the building with two floors of accommodation as a holiday let. Concern has been expressed by nearby residents that this part of the building has been used by the applicants as living accommodation. It is not denied by the applicants or their agent that they have on occasions, for security reasons, stayed overnight at the site; they do, however, have a main residence in West Bradford. It is also not denied that they would continue to use the building for their own intermittent occupation if they were to obtain permission for the use of this part of the building as a holiday let.

As part of the Council's investigation of the alleged residential use of the building, the site has been visited on 20 January 2012 and 7 August 2012 by two Council Officers on each occasion.

On each occasion the applicants denied that they were using the site as a permanent accommodation and an inspection by the Officers of the rooms concerned supported this claim. It was therefore stated in writing to the applicants and their agent that, at the time of those visits, the building was not in use as a permanent dwelling. It cannot therefore be claimed in the future that the premises has been used as a permanent accommodation from any time before 20 January 2012. The Council will continue to monitor this matter (irrespective of the decision reached in relation to this application) in order to ensure that the use of the site as a permanent residence does not become lawful through the passage of time (ie by such use having been carried out unlawfully for 4 years).

Given the ability of the Council to monitor the use and to take enforcement action if necessary, this application for the holiday let use must be considered on its own merits. As with any application, the decision must be made on the basis of what is applied for, and should not be influenced by any concerns about any other use or development that may or may not occur in the future.

Saved Policy RT3 deals with the conversion of buildings for tourism related uses and states that: "planning permission will be granted for tourism related uses in rural buildings provided that all of the following criteria are met:

1. The proposed use will not cause unacceptable disturbance to neighbours in any way.
2. The impact of the proposal or additional elements likely to be required for the proper operation of the building will not harm the appearance or function of the area in which it is situated.
3. The access to the site is of a safe standard or is capable of being improved to a safe standard without harming the appearance of the area.
4. The design of the conversion should be of a high standard and be in keeping with local tradition particularly in terms of materials, geometric form and window and door openings.
5. If the building is isolated from others then it should have a genuine history of use for agriculture or other rural enterprise and be structurally sound and capable of conversion for the proposed use without the need for major alterations which would adversely affect the character of the building.

I do not consider that this particular use of this part of the building would cause any unacceptable disturbance to the neighbours in any way. Additionally, the new openings which have already been created and would be regularised as part of any permission in respect of this application, as previously stated, do not have any detrimental effects upon the appearance of the locality. Again, as previously stated there is a safe access to the site and vehicle movements would not be excessive and would not pass close to the nearby residential properties. The building is part of a group and not in a totally isolated location and the approval of this element of the application would not require any buildings works to be undertaken.

Whilst the conversion of part of a modern farm building into a holiday cottage is not typical of this type of use, it would provide a standard of accommodation at least equivalent to a static caravan that is widely accepted as a form of holiday accommodation. The agent considers that the unit would appeal to persons such as cyclists or persons attending any of the temporary



events at the site who might not been seeking accommodation of a higher (and more extensive) standard.

Overall, when judged on its own merits and in accordance with the saved policies of the Local Plan, I can see no sustainable objections to the application. Indeed, when judged in this way, I can see no objections to any of the elements of the application.

Whilst the Local Plan provides some context for the consideration of this application, it is perhaps more important to consider the application in relation to the more up to date guidance of NPPF.

Section 3 of NPPF relates to “supporting a prosperous rural economy” and states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new developments. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas both through conversion of existing buildings and well-designed new buildings;
- promote the development and diversification of agricultural and other land based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

I consider that the proposed uses of the building would satisfy the above stated intentions of NPPF and would contribute towards the local rural economy. For reasons already given in the report, I do not consider that these uses of an existing building would have any detrimental effects upon visual amenity, the character of the locality, the amenities of nearby residents or highway safety. I can therefore see no objections to the application subject to appropriate conditions.

#### SUMMARY OF REASONS FOR APPROVAL

The proposed uses of the building would support the local rural economy and would not have any seriously detrimental effects upon visual amenity, the character of the locality, the amenities of any nearby residents or highway safety.

**RECOMMENDATION:** That planning permission be GRANTED subject to the following condition(s):

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

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

2. This permission shall relate to the external appearance of the building (ie window and door numbers, sizes and positions) and to the uses of the different parts of the building as shown on submitted drawing number Cre/5731/1508/01.

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

3. The unit of holiday accommodation hereby permitted shall not be let to or occupied by any one person or group of persons for a continuous period of longer than 3 months in any one year and in any event shall not be used as a permanent accommodation. A register of such lettings shall be kept and made available to the Local Planning Authority to inspect on an annual basis.

REASON: In order to comply with Policies G1 and RT1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DMB3 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft; and because the building is located in an area where the Local Planning Authority would not normally be minded to grant permission for the use of the building for a permanent residential accommodation.

4. The cider produced at the site shall be for wholesale only with no retail sales from the site other than incidental sales during any authorised temporary events held at the site.

REASON: As the establishment of an A1 retail use would be inappropriate in this rural location to the detriment of the character of the area contrary to Policies G1 and ENV1 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME2 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

5. With regards to the cider making business, any deliveries of raw materials to the site or despatch of the finished product from the site shall only take place between the hours of 9am and 6pm Monday to Saturday with no deliveries or despatch on Sundays or Bank Holidays.

REASON: In the interests of the amenities of nearby residents and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

6. Prior to the first occupation of the unit of holiday accommodation hereby permitted, a plan showing the location of designated parking spaces for the unit and indicating a pedestrian route between those spaces and the unit (that is distinct from and not in any way impeded by the operation of the other commercial uses of the building) shall be submitted to and approved in writing by the Local Planning Authority. The approved parking spaces and pedestrian access route shall be available for use at all times when the unit of holiday accommodation is in use.

REASON: In the interests of highway/pedestrian safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 to 2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft.

APPLICATION NO: 3/2012/1113/P (GRID REF: SD 374048 440941)  
PROPOSED HOUSING DEVELOPMENT AT PARKER AVENUE, CLITHEROE

TOWN COUNCIL: No observations to make on this application.

ENVIRONMENT DIRECTORATE Initially made the following observations:

(COUNTY SURVEYOR):

1. Would prefer the vehicular access to be from the Parker Avenue side of the site, but it appears that the ownership of the land required to provide such an access on this side has not yet been determined. The developer should be requested to delay a decision on the application until the landownership is resolved.
2. If it is necessary to gain access to the dwellings from Back Whalley Road because the land on the other side of the site is not owned by the developer, I would have some concerns regarding the access onto the adopted highway.
3. The developer needs to show that there is a right of access to Whalley Road as records tend to indicate that the required link between the gable ends of 180 and 182 Whalley Road is a private road.
4. If a right of way is proved, the back road is in a poor state of repair and would be required to be improved by the developer.
5. The usual requirement for vehicle access gates to be set back 5m from the highway is not requested in this case as the accesses are onto a private roads.
6. The proposed high fencing on the rear boundaries of the properties would obstruct the visibility of drivers leaving the parking spaces to the detriment of highway safety. Such high fences will also tend to encourage anti-social behaviour.

The applicants agent responded to these comments as follows:

1. Ownership of the adjoining land beyond the western boundary of the site is still unresolved and could take some considerable time, possibly years, to resolve.
2. The applicants Deeds show a right of way from Whalley Road via the unadopted private road between numbers 180 and 182 Whalley Road (copy documents have been submitted as proof).

3. Resurfacing of the back street appears unjustified and unnecessary because the existing road is currently being used by vehicles from Back Whalley Road and Parker Avenue and any vehicle accessing the workshop. Therefore the proposed use could potentially generate significantly less traffic than the current use.
4. Lower walls on the rear boundary of the properties would compromise security.
5. The potential for anti-social behaviour would be reduced by the re-development of the site for three houses.

The County Surveyor then commented as follows:

1. If an access from Parker Avenue is not possible I would not object to the use of the right of access along the private road to Whalley Road between the gable ends of 180 and 182 Whalley Road but this would be conditional upon improving the private road from Whalley Road up to the vehicle access points into the proposed dwellings.
2. The boundary treatment at the rear could be in the form of a 1.2m high closed boarded fence with railings or other form of open fencing above this height.

UNITED UTILITIES:

No objections to this application.

ADDITIONAL  
REPRESENTATIONS:

Four letters have been received from nearby residents in which objections are made to the application on the following grounds:

1. Whilst having no objections to housing development on the site, there is objection to the proposed access from Back Whalley Road because:
  - this is a private road;
  - it is extensively used for parking which would not leave sufficient room for cars to turn into the development;
  - it is narrow and if two cars meet, one would have to reverse onto the road;
  - there is no lighting;
  - we do not want wagons, diggers and building materials being delivered via this back street;
  - parking should be on Parker Avenue.
2. No provision has been made for visitor parking. Visitors and possibly the residents of the new houses will park on Parker Avenue where parking is already problematic,

especially at evenings and weekends. The terraced houses numbers 2-16 Parker Avenue have only 1.5 parking spaces each. Currently there are 14 vehicles using these 12 spaces. Any use of Parker Avenue for parking will increase the use of the dangerous junction of Parker Avenue onto Whalley Road.

3. Users of the allotments currently park where the entrances to the new houses would be. Where would the allotment holders park in future?
4. The refuse vehicle sometimes has problems getting down Parker Avenue due to parked vehicles. Emergency vehicles could therefore also have problems.
5. Concerns regarding the ownership of the land and rights of way over the proposed new development. Prior to it being fenced off this land has been used for many years as a shortcut between Whalley Road and Parker Avenue.
6. The statement in the application documents that the residents of Parker Avenue are looking forward to the Avenue becoming a 2 cul-de-sac is misleading because the residents have not been asked this question.
7. The proposal is too large for the limited amount of space on the site representing an unacceptable high density of housing development.

### **Proposal**

Full planning permission is sought for the erection of a terrace of three, three bedroom, two storey houses. The building would have an eaves height of 5.15m and a ridge height of 7.25m and would be of natural stone construction with reconstituted stone quoins and concrete roof tiles.

The front elevations, including a porch to each dwelling would face west. There would be a small private garden area to each house on this side of the terrace with pedestrian access only obtained from the end of Parker Avenue.

The rear elevations would face Back Whalley Road. Two parking spaces would be provided within the rear curtilage of each dwelling with access gained from Whalley Road via Back Whalley Road.

### **Site Location**

The site is occupied by a corrugated sheet clad building that has in the past been used as a vehicle maintenance workshop but is presently used for general storage.

The site is adjoined to the north by allotments; to the east by Back Whalley Road and the rear elevations of traditional terraced houses on Whalley Road; to the south by a more modern

terrace of houses on Parker Avenue; and to the east by a strip of land of undetermined ownership beyond which is a detached single storey dwelling, number 17 Parker Avenue.

This is a predominantly residential locality within the settlement boundary of Clitheroe.

### **Relevant History**

None.

### **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

*Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft*

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

National Planning Policy Framework (NPPF).

### **Environmental, AONB, Human Rights and Other Issues**

The matters for consideration in the determination of this application relate to the principle of development, visual amenity, the amenities of nearby residents and parking/access/highway safety issues. These matters will be discussed under appropriate sub-headings below.

#### **Principle of Development**

As a development of three houses on a brownfield site within the settlement boundary of the main settlement of Clitheroe, the proposal would comply with saved Policy G2 of the Local Plan as carried forward by Policy DMG2 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft. As the site is very close to a bus stop and within easy walking distance of the facilities and amenities of Clitheroe Town Centre, the development also complies with the sustainability requirements of NPPF. As a development of three houses within Clitheroe there is no requirement under the approved document “Addressing Housing Need in Ribble Valley” for any of the units to be affordable. The proposed development is therefore, in my opinion, acceptable in principle.

#### **Visual Amenity**

The site is adjoined to the east by traditional terraced houses facing Whalley Road and to the south by a more modern terrace of 8 houses facing Parker Avenue. The proposal to construct a terrace of three houses on the site is therefore in keeping with the general character of the locality. The height and design of the proposed houses and the proposed use of natural stone and concrete roof tiles is also appropriate. Subject to the submission for approval of precise details of the external materials, the proposal would not therefore, in my opinion, have any detrimental effect upon the visual amenities of the locality.

### Amenities of Nearby Residents

The rear elevation of the proposed dwellings would be approximately 25m away from the main two-storey rear elevation of the terraced houses on Whalley Road, and approximately 19m away from the single storey rear extensions on those dwellings which do not have any principle windows in their end elevations facing the application site.

The front elevation of the proposed dwellings would also be approximately 21.5m away from the dwelling at the northern end of Parker Avenue to the east of the application site. I consider that the separation distances would not result in any seriously detrimental effects upon the privacy of existing nearby residents and would provide a satisfactory level of privacy for the future occupiers of the proposed dwellings.

The front elevation of the terrace would be approximately 4m forward of the front elevation of the modern terrace of houses to the south of the site. As the proposed development is to the north of the existing dwellings, I do not consider that this would result in any seriously overshadowing effects upon the existing dwellings; nor would it be seriously overbearing. As no windows are proposed in the southern gable elevation of the terrace, there would also be no detriment to the privacy of the occupiers of the existing adjoining terraced houses.

Overall, I consider the proposal to be acceptable with regards to its effects upon the amenities of any nearby residents. I consider it worthy of note that no nearby residents have expressed any objections with regards to the effects upon their amenities.

### Parking/Access/Highway Safety Issues

Due to a question mark over the ownership of a strip of land at the front (west) of the site, it is proposed to provide vehicle access and parking provision utilising the privately owned, unadopted, Back Whalley Road at the rear. The applicant claims to have a right of way from Whalley Road to the eastern site boundary across Back Whalley Road. It is for the applicant to ensure that this right of way is in place. If it was not, then any planning permission relying upon it to access the required onsite parking spaces could not be implemented. This will be the subject of an advisory note in the event of planning permission being granted. A condition would also be imposed to require the provision of the parking spaces, and vehicle access to them, prior to the first occupation of the dwellings, and their retention thereafter in perpetuity.

The County Surveyor, whilst preferring the provision of vehicle access from Parking Avenue at the front, has no objections in principle on highway safety grounds to the provision of parking spaces at the rear with access of Back Whalley Road as proposed in the application. The resurfacing of the back street as preferred by the County Surveyor would require the permission of all of the owners of the back street. The County Surveyor accepts that this would prove difficult and has confirmed that the use of the back street in its existing form would not actually be detrimental to highway safety and, as such, he would not insist upon a condition to require the resurfacing of Back Whalley Road. As the level of use of the back street might, in any event, differ little from its use in association with the existing use of the site, and as the County Surveyor is not expressing any objections on highway safety grounds, I consider that a condition requiring the surfacing of the back street would be unnecessary and unreasonable.

The County Surveyor has also expressed concern about any proposed closed board fencing above 1.2m high on the rear boundary of the site. The precise nature of the treatment of this boundary could be the subject of an appropriate condition in order to satisfy the highway safety

objectives of the County Surveyor whilst also ensuring an appropriate level of security for the future occupiers of the proposed dwellings.

Overall, subject to appropriate conditions, the proposed development would not have any seriously detrimental effects upon highway safety.

As the proposal is also considered to be acceptable in principle, and would not have any seriously detrimental effects upon visual or nearby residential amenity, I can see no objections to this application.

#### SUMMARY OF REASONS FOR APPROVAL

The proposal will provide three dwellings in a sustainable location within the main settlement of Clitheroe without any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

RECOMMENDATION: That planning permission be GRANTED subject to the following condition(s):

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

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

2. This permission shall relate to the development as shown on drawing numbers RA039/02A and 03A.

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

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

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

4. Prior to the first occupation of each of the dwellings hereby permitted a hard surfaced parking area for two vehicles with access from Back Whalley Road shall have been formed within the rear curtilage to the satisfaction of the Local Planning Authority in accordance with the details shown on drawing number RA039/02A. Thereafter, two parking spaces and vehicular access to the spaces shall be permanently retained for each dwelling to the satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.



5. The fencing and gates on the rear (east) boundary of the site shall not exceed 1.2m in height unless precise details of the design of any fencing above that height have first been submitted to and approved in writing by the Local Planning Authority. Any fencing above 1.2m high shall be permanently retained in accordance with the approved design unless the Local Planning Authority agrees in writing to any future amendments or alterations.

REASON: In the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

NOTE(S):

1. The applicant is advised to ensure prior to the commencement of development that the proposed on-site parking spaces for each dwelling benefit from a legal right of way from Whalley Road across Back Whalley Road, as any failure to provide the required access and parking spaces would be liable to enforcement action in respect of a breach of condition number 4 of this planning permission.

APPLICATION NO: 3/2013/0004/P (GRID REF: SD 372592 436652)  
PROPOSED ERECTION OF FOUR DWELLINGS (ALTERNATIVE SCHEME TO THAT APPROVED UNDER REFERENCE 3/2009/0807/P) AT ABBEY FARM, NETHERTOWN CLOSE, WHALLEY

PARISH COUNCIL: By letter dated 18 January 2013 the Parish Council expressed 'no observations' on this application. By letter dated 19 April 2013, however, the Parish Council objects to the proposal for the reason that the previous applications for development on this land kept within the boundary and footprint of the original barn structure. This renewal application is now proposing to build outside the originally approved development area. This amounts to a 72% increase and results in building on agricultural land. The impact of this extra building results in significant loss of amenities to adjacent properties. The Parish Council is strongly of the opinion that this is a new application, not a renewal, and is therefore subject to the full planning process.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): Initially had concerns about aspects of the proposal relating to the proposed number of parking spaces, the accessibility of some of the parking spaces, the width of the access track and the geometry of its junction with the carriageway of Nethertown Close. These matters have been addressed in amended plans received on 3 March 2013 and the County Surveyor has confirmed that he has no objections to the application as amended.

**ADDITIONAL  
REPRESENTATIONS:**

Letters have been received from the owners/occupiers of three nearby residential properties in which objections are made to the application on the following grounds:

1. Noise nuisance due to cars passing close to the side wall of the adjoining single storey dwelling.
2. Statements in the application documents that the site already benefits from planning permission for four dwellings are inaccurate because the site in this current application is larger than in the previous applications. Therefore only three of the dwellings now proposed are on land that has the benefit of planning permission. The fourth dwelling should therefore be considered as new build outside the settlement boundary of Whalley and should be considered in relation to saved Local Plan Policy G5. The proposal does not fall within any of the types of development defined as permissible in the open countryside by Policy G5.
3. The now proposed plot 4 is to be built on agricultural land outside the footprint of the original barn when the previous proposed development was wholly inside that footprint. This represents over development of the site.
4. A two storey detached garage/annex at the rear of the house on plot 4 would be on elevated ground overlooking an existing neighbouring property.

**Proposal**

Full planning permission is sought for the erection of four dwellings in the form of one semi-detached pair and two detached two storey houses. Plot 1 would have an attached single garage; and a detached double garage would be shared by Plot 2 and 3. The largest dwelling and the largest curtilage is Plot 4 that also has a proposed two storey detached garage/annex building in its rear garden.

The dwellings on Plots 1, 2 and 3 would have an eaves height of approximately 5.5m and a ridge height of approximately 8.9m. The dwelling on Plot 4 would have an eaves height of approximately 5.4m and a ridge height of approximately 8.5m. The garage/annex building on Plot 4 would have an eaves height of approximately 3.6m and a ridge height of approximately 6.8m.

The dwellings would be constructed using natural stone to all four elevations with stone heads and cills to the windows. The detached garage and detached garage/annex would have stone front elevations with render to the other three elevations. The roofs of all buildings would be natural blue slate.

## **Site Location**

The site comprises the site of a recently demolished agricultural building plus an area of adjoining agricultural land. It is located to the west of Mitton Road and forms part of the former Abbey Farm complex that no longer functions as a farm.

The site is adjoined to the north by dwellings at Nethertown Close that have been formed through the conversion of former agricultural buildings; to the south by a detached dwelling within a large curtilage that fronts Mitton Road; and to the west by agricultural land.

The site is outside the settlement boundary of Whalley within land designated as open countryside.

## **Relevant History**

3/2005/0216/P – conversion of existing agricultural building to form two holiday lets. Approved with conditions.

3/2006/1015/P – conversion of existing agricultural building to form four holiday lets. Approved with conditions.

3/2009/0807/P – proposed demolition of existing agricultural building and replacement with four holiday cottages. Approved with conditions.

3/2012/0264/P – application for the removal of holiday occupancy condition to allow the units to be used as permanent residential dwellings. Approved.

3/2012/0586/P – Prior notification application for the demolition of the existing building. Approved.

3/2012/1069/P – application for the renewal of permission 3/2009/0807/P for the demolition of the existing agricultural building and its replacement with four holiday cottages. Approved.

## **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G5 - Settlement Strategy.

Policy H2 - Dwellings in the Open Countryside.

Policy ENV3 - Development in Open Countryside.

*Core Strategy 2008-2028 A Local Plan for Ribble Valley Regulation 22 Submission Draft Policy*

DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMH3 – Dwellings in the Open Countryside.

Policy DME2 – Landscape and Townscape Protection.

National Planning Policy Framework (NPPF).

## **Environmental, AONB, Human Rights and Other Issues**

The matters for consideration in relation to this application relate to the principle of development, and the effects upon visual amenity, the amenities of nearby residents and highway safety. These matters are discussed below under appropriate sub-headings.

### **Principle of Development**

In relation to the principle of the development, it is considered appropriate in this case to outline the recent planning history of the site.

Outline planning permission was granted on 18 December 2009 for the demolition of an existing agricultural building and the erection in its place of four holiday cottages in two stone built buildings, together with garden areas and parking. All of the proposed development was to be within the footprint of the building that was to be demolished.

An application (3/2012/0264/P) was submitted for the removal of the holiday occupancy condition attached to the outline permission in order to allow the units to be used as permanent residential dwellings. That application was considered in May 2012 in relation to the requirements of the relevant saved policies of the Local Plan and the advice contained within NPPF. It was concluded that the erection of four dwellings on the site as opposed to the originally approved four holiday lets was in accordance with the relevant saved policies and advice within NPPF and permission was therefore granted.

A prior notification application for the demolition of the existing building (3/2012/0586/P) was then approved on 30 July 2012. The building has since been demolished.

As no reserved matters application had been submitted in respect of the original outline permission, that permission would have lapsed on 18 December 2012 if a renewal application (3/2012/1069/P) had not been submitted prior to that date. Although seeking to renew a permission for four holiday lets, the previous removal of the restrictive occupancy condition meant that granting permission in respect of the renewal application would effectively be renewing a permission for the erection of four dwellings on the site.

Central Government advised the Local Planning Authorities in respect of renewal applications is clear that, where no material change in planning circumstances has occurred, a refusal to renew planning permission would be unreasonable. In this particular case, the saved Policies of the Local Plan that were applicable to the consideration of both the original application for the holiday lets and the application to remove the holiday occupancy condition remained applicable to the renewal application. The general requirements of those saved Local Plan Policies had, at the time of consideration of the renewal application, been carried forward in the equivalent policies in the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft. The proposal therefore remained in accordance with the applicable policies and it was also considered that the site is in a sustainable location such that the requirements of NPPF would also be satisfied. The renewal was therefore granted.

The effect of this planning history is that there is an extant planning permission for the erection of either four holiday lets or four permanent residential dwellings on a site comprising the footprint of the now demolished agricultural building.

Three of the dwellings proposed in this current full planning application would also be within that footprint. As there have been no changes in policies or guidance since the renewal permission was granted in January 2013, it is evident that the erection of those three dwellings remain totally acceptable in principle. The erection of four dwellings at this general location also, in my opinion, remains acceptable in principle.

The dwelling now proposed on Plot 4 is on a small parcel of land extending to the west of the original application site. The whole of the site, however, is outside the settlement boundary of Whalley, but was considered to be acceptable in principle for the erection of 4 houses. This was not solely because they were to be built on the site of a previously existing building but that the site was in a sustainable location and the development therefore complied with the requirements of NPPF. I therefore consider the construction of a dwelling on Plot 4 beyond the boundaries of the original application site to be acceptable in principle. The detailed considerations specific to Plot 4 will be discussed below.

### Visual Amenity

The application relates to the erection of 4 dwellings (1 with an attached garage) a double garage shared between two properties and a detached 2 storey double garage/annex building on Plot 4. On the originally submitted plans, the dwellings, the garages and the annex building all had stone to their main front elevation with render to the other elevations. On the amended plans received on 6 March 2013, all four elevations of all four dwellings are to be in natural coarsed stone with stone heads and cills to the windows. The detached garage and the detached garage/annex building are still to have stone front elevations with render to the other elevations. The roofs of all buildings are to be natural blue slate. I consider the design and external materials of the buildings to be appropriate for locality.

Although Plot 4 extends beyond the western edge of the existing development at Nethertown Close, it does not extend as far west as the nearby dwellings to the north in Wittam Close and Wittam Road.

I do not consider that either by virtue of their precise location or their design and external materials, the proposed buildings would have any seriously detrimental effects upon the visual amenities of the locality.

### Amenities of Nearby Residents

In relation to this consideration, it should be borne in mind that permission has been granted for four dwellings on part of the current application site, in the form of two semi-detached pairs of two-storey houses. The pair closest to Mitton Road is orientated with its rear elevation facing east towards Mitton Road with the other pair positioned at right-angles with its front elevation facing north towards Nethertown Close.

In this current application, all four dwellings have north facing front elevations and the dwelling on Plot 4 extends further to the west than the previously approved development. It is these changes that must be considered in relation to their effects upon the amenities of nearby residents.

The reorientation of the houses on Plots 1 and 2 mean that they now have their rear elevations facing the adjoining property to the south. There is a dense and high evergreen hedge on the boundary between the site and that adjoining property; and the northern gable elevation of that

neighbouring property (as opposed to a main front or rear elevation) is also approximately 14m away from that boundary. Through the combination of these factors it is not considered that this reorientation of the dwellings on Plots 1 and 2 would have any seriously detrimental effects upon the privacy or general residential amenities of that adjoining property to the south; nor would there be any detrimental effects upon the amenities of any other nearby dwellings.

As now proposed, the front of the dwelling on Plot 4 now faces the side elevation and across the rear garden of the adjoining two-storey dwelling to the north. Previously the dwellings on Plots 3 and 4 did not look over that neighbouring rear garden. This has been acknowledged in the internal room layout and window positions on the front elevation of the proposed dwelling. At the western end of that elevation there is a ground floor window to a study and two small windows at first floor level to an en suite bathroom. The agent has expressed agreement to a condition requiring these three windows to be fitted and permanently retailed with obscured glass. Subject to such a condition, I do not consider that the proposed amended location for the dwelling on Plot 4 would have any seriously detrimental effects upon the privacy of the adjoining property to the north.

The owner/occupier of that adjoining property has objected to the application but only on the grounds that the changed layout and position of Plot 4 would result in more vehicles passing down the side of her dwelling. On the original approved layout, however, there were 8 parking spaces in two rows of four spaces (ie tandem spaces) close to the side/front of her dwelling. The position and layout of those eight parking spaces would, in my opinion, have resulted in more vehicles manoeuvring close to her neighbouring property than would result from the amended location of the garage and driveway on Plot 4 in this current application.

The owner of the adjoining property on Mitton Road to the south of the site objects to the detached garage/annex on Plot 4 on the grounds that it would adversely affect his privacy. The garage/annex is on land behind the curtilage of that adjoining dwelling but it is not immediately behind the dwelling itself. The direct view from the rear windows of the neighbouring property would therefore not be obstructed and the proposed garage/annex would only be visible when looking at an angle out of those windows. Additionally, there are no windows proposed in the eastern end elevation of the garage/annex facing the neighbouring dwelling (and this could be retained in perpetuity by the imposition of an appropriate condition). Finally, there is a distance of approximately 33m between the proposed building and the rear elevation of the neighbouring property. I do not therefore consider that the proposed annex on Plot 4 would have any seriously detrimental effects upon the privacy or general residential amenities of that adjoining property.

Overall, I do not consider that the proposed development would have any seriously detrimental effects upon the amenities of any nearby residents.

### Highway Safety

Following the receipt of amended plans that addressed concerns that he had initially expressed, the County Surveyor has no objections to this application. A condition will, however, be required to ensure the satisfactory provision and permanent retention of the garages, driveways and parking spaces.

### Additional Matter

A Phase I Land Quality Assessment Report submitted with the application concludes that “due to the existing building being removed and the lack of contamination risk for the site, it is unlikely that any further contamination investigation is required”. On this basis the appropriate condition to impose would be one requiring appropriate action to be taken if contamination is suspected during construction works. Such a condition is included in the recommendation at the end of this report.

### Conclusion

Although extending onto adjoining land, the proposal differs little from the extant permission with regards to its acceptability or otherwise in principle. With regards to detailed considerations, it is not considered that the development would have any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety. Overall, I can therefore see no sustainable objections to this application subject to appropriate conditions.

### SUMMARY OF REASONS FOR APPROVAL

The proposed development relates to the provision of 4 dwellings in a sustainable location without any seriously detrimental effects upon visual amenity, the amenities of nearby residents or highway safety.

RECOMMENDATION: That planning permission be GRANTED subject to the following condition(s):

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

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

2. This permission shall relate to the proposed development as shown on the amended plans received by the Local Planning Authority on 6 March 2013 (drawing numbers WHA/01 Dwg 01B, 02A, 03C, 04C and 05).

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

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

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

4. Prior to the first occupation of any of the dwelling hereby permitted, their respective driveways, parking spaces and garages shall have been provided in accordance with the details shown on drawing number WHA/01 Dwg 04C. Thereafter these facilities shall be

retained permanently available for their designated purpose to the satisfaction of the Local Planning Authority.

REASON: In the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

5. The ground floor window to a study and the two first floor windows to an en suite shower room at the western end of the front elevation of the dwelling on plot 4 shall be fitted with obscured glazing, precise details of which shall be submitted to and approved in writing by the Local Planning Authority. The approved glazing shall be fitted prior to the first occupation of this dwelling and thereafter shall be retained in this manner in perpetuity unless the Local Planning Authority grants permission in writing for any alterations to the glazing in these windows.

REASON: In the interests of the privacy of the occupiers of a neighbouring property and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

6. No doors, windows or other openings shall at any time be formed in the south facing rear elevation or the east facing side elevation of the detached garage/annex building on Plot 4 unless a further planning permission has first been granted by the Local Planning Authority in respect thereof.

REASON: In the interests of the privacy of the occupiers of a neighbouring property and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

7. The garage/annex building on Plot 4 shall only be occupied as ancillary accommodation in association with the occupation of the main dwelling on this plot and shall not be used as an independent separate residential unit.

REASON: To comply with the terms of the application and because the provision of two separately occupied units on this plot could be injurious to the amenities of nearby residents and, as a result of insufficient parking provision, could be detrimental to highway safety. This would be contrary to Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

8. Prior to the first occupation of each of the dwellings, their curtilages shall have been defined by boundary walls, fences or hedges in accordance with precise details that have first been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity and to provide a satisfactory level of amenity for the occupiers of the proposed dwellings in order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.



9. Once development works commence on site, should site operatives discover any adverse ground conditions and suspect that the ground may be contaminated, they should report this to the Contaminated Land Officer at Ribble Valley Borough Council. Works in that location shall then cease and the potential problem area shall be protected by fences, barriers and warning signs as appropriate. Sampling and analysis of the suspected contaminated materials shall then be carried out by a competent person and a report detailing the sampling methodologies and the analysis results together with details of remedial methodologies shall then be submitted for the written approval of the Local Planning Authority. Any approved remediation scheme shall be implemented prior to any further development works taking place and prior to occupation of the development.

In the event that no adverse ground conditions are encountered during site works and/or development, a verification statement shall be submitted to the Local Planning Authority prior to occupation of the dwellings confirming that no adverse ground conditions were found.

REASON: To ensure that the development does not cause pollution of ground or surface waters either on or off site and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

APPLICATION NO: 3/2013/0276/P (GRID REF: SD 874355 441977)  
PROPOSED TWO SETS OF PROJECTING METAL 3D BOX SECTION LETTERS, 500MM LONG, 800MM WIDE AND TWO BOROUGH CRESTS, 100MM X 100MM FIXED TO THE FRONT AND SIDE ELEVATIONS AT RIBBLE VALLEY BOROUGH COUNCIL, COUNCIL OFFICES, CHURCH WALK, CLITHEROE

TOWN COUNCIL: No objections.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR): Has no objections to the application as the signs are unlikely to affect the adjacent highway network.

ADDITIONAL  
REPRESENTATIONS: None received.

### **Proposal**

This application relates to the scheme of corporate signage at the Ribble Valley Borough Council offices in Clitheroe. Most of the new signs on the exterior of the building have already been installed as they did not require Express Consent under the Advertisement Regulations. Such consent, however, is required, and is sought by this application for two identical signs to replace two existing signs.

The signs to be replaced both comprise individual black letters reading 'Ribble Valley Borough Council' in a single line. The first sign is on the wall of the building facing the main car park above the entrance to the staff parking spaces beneath the building. The second sign is on the side wall to the steps leading to the main entrance to the building facing Church Walk.

The replacement signs will both be non-illuminated and will be in similar locations to the existing signs. Each sign will comprise two elements as follows:

1. The Council crest on a 1m x 1m white background with white returns and print mounted to the face.
2. The words 'Ribble Valley Borough Council' in individual black letters arranged in two rows and positioned to the right of the Council crest. The letters would form a sign with overall dimensions of 3.5m wide x 0.8m high.

### **Site Location**

The Council offices in Clitheroe town centre within the Conservation Area.

### **Relevant History**

Although there have been previous planning applications relating to the Council offices, none are considered to be of any relevance to the consideration of this application for Advertisement Consent.

### **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy ENV16 - Development Within Conservation Areas.

*Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft*

Policy DMG1 – General Considerations.

Policy DME4 – Protecting Heritage Assets.

*National Planning Policy Framework (NPPF).*

### **Environmental, AONB, Human Rights and Other Issues**

The County Surveyor has confirmed that the signs would not have any effects upon highway safety. The signs are not to be illuminated and, in any event, there are no nearby residential properties to be in any way affected by the signs.

The only remaining consideration, therefore, relates to the effects of the sign upon the appearance of the building itself and the wider Conservation Area locality. The proposed signs are similar to those that they will replace but they will obviously be newer and more modern in appearance and will appropriately include the Council crest. In my opinion, the signs would not detract from the visual amenities of the locality but could be regarded as representing an improvement in relation to this particular consideration.

### **SUMMARY OF REASONS FOR APPROVAL**

The proposed replacement signs would not have any detrimental effects upon visual amenity, the amenities of any nearby residents or highway safety.

RECOMMENDATION: That Advertisement Consent be GRANTED subject to the following condition:

1. This consent shall relate to the advertisement signs as shown on drawing number 2946-001 dated 7 March 2013.

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

APPLICATION NO: 3/2013/0285/P & 3/2013/0286/P (GRID REF: SD 360655 437331)  
PROPOSED GARDEN FENCE, GATES AND OUTBUILDING AND REMOVAL OF EXISTING STORE AND CONIFERS AT SHARLEY FOLD FARM, DIXON ROAD, LONGRIDGE

TOWN COUNCIL: No objections based on the amended plans.

HISTORIC AMENITY SOCIETIES: No representations at the time of preparing this report.

ADDITIONAL REPRESENTATIONS AND STATUTORY ADVERTISEMENT: Request that any new wall should be constructed fully within its own specifically designed foundations and on the owners land.

### **Proposal**

This proposal is for the creation of a garden fence and gateway and an outbuilding within the curtilage of Sharley Fold Farm, Longridge. The proposed timber fence measures approximately 2.4m high and the gateway is to have brick pillars of a similar height. The gateway would allow access from Fairsnape Avenue where there is an existing track adjacent to the properties at Bleasdale Court which allows entrance to the rear garden of Sharley Fold Farm. The replacement timber building measures approximately 4m x 8m and would have a shallow pitched roof with a maximum height of 2.4m. The location of the timber store building adjacent to a stone wall where there is an existing greenhouse and would back on to the car parking area associated with Sharley Fold.

### **Site Location**

The property is located off Dixon Road in the Longridge Conservation Area. The property itself is a grade II listed building.

### **Relevant History**

3/2012/0648/P – Listed building application. Withdrawn.

### **Relevant Policies**

Planning (Listed Buildings and Conservation Areas) Act 1990.  
National Planning Policy Framework – English Heritage Section.  
Policy ENV20 - Proposals Involving Partial Demolition of Listed Buildings.

Policy ENV19 - Listed Buildings.  
Policy G1 - Development Control.  
Policy ENV13 - Landscape Protection.  
Policy DME4 – Protecting heritage assets.

### **Environmental, AONB, Human Rights and Other Issues**

The main considerations in relation to this application relate to whether the proposal would have on the residential amenity of adjacent dwellings as well as the impact the proposal would have on both the Conservation Area and the listed building.

In relation to the impact on residential amenity, there will be some perceived change with the removal of the conifers adjacent to properties No 7 and 8 Bleasdale court. It would provide less visual protection but the replacement fence at 2.4m would still allow sufficient safeguarding in terms of overlooking.

It is therefore important to emphasise that the key consideration relates to the effect the proposal would have on the character of the listed building and its environment as well as the Conservation Area.

The main impact on the character of the listed building in my opinion relates to the proposed shed which following negotiation from the previous application, has been relocated in order to create less intervisibility between the shed and the main dwellinghouse. I consider that the shed itself would be seen as a standalone building within the gardens of the listed building and not adversely affect the amenity considerations of the building itself. Equally important that the building is of a timber construction which could be easily removed and there is no need for any additional foundation work as it will be situated on existing paving. In relation to the loss of the conifers, although they offer an important element of greenery in the local environment, the proposal is different from the original application in that the conifers on the north east boundary are to be retained and it is those in which there may be some reference to in the Longridge Conservation Area Character Appraisal.

In considering this report, I am mindful of the duty of Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in which it is requested to have special regard to the desirability of preserving the listed building, its setting and any future architectural or historic interest which it possesses. The Section 72(1) of the same Act also requires special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Similar guidance is enshrined in the National Planning Policy Framework.

In relation to the letter of concern, it has been confirmed that the wall on the south east elevation is not to be raised.

I am satisfied that the proposal itself would not have a significant impact on the setting of the listed building or its curtilage, nor be demonstrable to an element that would adversely harm the Conservation Area. On that basis, I am satisfied that subject to appropriate conditions that both planning permission and listed building consent can be granted.

### **SUMMARY OF REASONS FOR APPROVAL**

The proposal would not adversely affect any residential amenity or be detrimental to the listed building or Conservation Area and its setting.

RECOMMENDATION: That planning permission be GRANTED subject to the following condition(s):

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

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

2. This permission shall relate to the development as shown on plan references 12-004/05/1; 12-004/05/2; 12-004/05/3 and 12-004/05/4 with the exception of the raising of existing brick wall on the south east boundary.

REASON: For the avoidance of doubt and to ensure compliance with the submitted plan.

3. Notwithstanding the submitted details, precise specifications of all materials shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority may ensure that materials to be used are appropriate to the locality in accordance with Policy G1 and ENV19 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME4 of Regulation 22 Submission Draft Core Strategy.

4. Prior to commencement of development precise details of the rear and side elevation of the proposed shed shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority may ensure that materials to be used are appropriate to the locality in accordance with Policy G1 and ENV19 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME4 of Regulation 22 Submission Draft Core Strategy.

RECOMMENDATION 2: That Listed Building Consent be granted subject to the following conditions:

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

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

2. This permission shall relate to the development as shown on plan references 12-004/05/1; 12-004/05/2; 12-004/05/3 and 12-004/05/4 with the exception of the raising of existing brick wall on the south east boundary.

REASON: For the avoidance of doubt and to ensure compliance with the submitted plan.

3. Notwithstanding the submitted details, precise specifications of all materials shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority may ensure that materials to be used are appropriate to the locality in accordance with Policy G1 and ENV19 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME4 of Regulation 22 Submission Draft Core Strategy.

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

APPLICATION NO: 3/2013/0296/P (GRID REF: SD 368523 432599)  
APPLICATION FOR THE VARIATION OF CONDITION NUMBER 3 (WINDOW GLAZING/OPENING) OF PLANNING PERMISSION 3/2011/0709/P AT 24 RIBCHESTER ROAD, WILPSHIRE

PARISH COUNCIL: No representations have been received at the time of report preparation.

ADDITIONAL REPRESENTATIONS: A letter has been received from an adjoining resident who objects to the application on the following grounds:

1. The window has already been opened on numerous occasions further than the 45° angle permitted by the condition. The condition was imposed to preserve some, albeit limited, privacy for myself and my family or indeed for any future occupiers of our property.
2. As the window has such a large opening, significant privacy issues have occurred making it embarrassing and uncomfortable for herself and her family, both inside and outside their house. They should not be expected to conduct their private lives around the opening of a neighbour's window but should be able to occupy their rooms and outdoor space whenever they wish, which, until this development, were relatively private without their neighbours looking straight down over them.
3. When the windows are open there have been problems in the past with noise emanating from the rooms causing a nuisance.
4. The applicants have fitted frosted glass as required but the privacy provided by this is immediately lost once the window is opened. Why did the applicants agree to the condition at the time of the original application if this issue would present such a problem to them? This would have been better addressed at the time.
5. I cannot see what is unsafe, risky and unreasonable about a restrictor in the circumstances. With regards to safety issues, the new window is only a few metres away from an existing front window that serves that bedroom and that window opens onto a flat roof. Surely a more convenient option would be to increase the size of the opener in the existing window to make it easier to exit.
6. For these reasons I ask you to reject this application and enforce compliance with the original condition. If the application is refused, I would expect the Council to make a site visit to ensure that the required alterations have been made to the windows.

## **Proposal**

In order to describe the purpose of this current application, it is first necessary to describe the relevant planning history of this residential property.

A flat roof dormer extension was erected on the north-westerly facing roof slope in 2006 in accordance with a Building Regulations application that had first been submitted and approved. As that dormer extension, however, was classed as permitted development under the General Permitted Development Order 1995, no planning application was submitted or required.

Planning permission was, however, required for a subsequently proposed extension to that existing dormer. Such permission was sought by application 3/2011/0709/P. The windows to the proposed dormer extension were at first floor level, to the side elevation of the property and were to be clear glazed. Therefore, the development did not comply with Class B B.2 of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, hence the requirement for planning permission.

In terms of visual impact, it was considered that the scale, size and design of the proposed dormer extension was appropriate and would complement the existing dormer such that its visual impact upon the immediate locality would be minimal.

An adjoining neighbour objected to application 3/2011/0709/P on the grounds of loss of privacy due to overlooking from the windows of the dormer. Having visited the site, the case officer for that application noted that there would be the opportunity to overlook from the windows of the proposed dormer extension towards the amenity space of the neighbouring property, no 39 Somerset Avenue to the north, as well as directly into a first floor bedroom window to the southern elevation of that property. In the light of these concerns, and following a discussion with the applicant, it was agreed that an appropriate condition should be imposed on any permission in order to ensure that the bathroom window is obscure glazed in perpetuity and, due to the size and position of the bedroom window, this should also be obscure glazed (details of which were to have first been agreed by the Local Planning Authority) and that both windows should be fitted with restrictors limiting the degree of opening. Subject to such a condition, it was considered that the degree of overlooking and loss of privacy would be substantially reduced, and that the application could therefore be approved on that basis.

Permission was therefore granted subject to the standard conditions relating to the commencement of development within 3 years and compliance with the submitted drawings plus the following condition number 3 and its reason:

3. The windows serving the dormer extension to the north-western roof slope of the property which is the subject of this application shall be obscure glazed, details of which shall be submitted to, and agreed in writing, by the Local Planning Authority before development commences; and also fitted with restrictors limiting the degree of opening to not more than 45%. Thereafter they shall be maintained in that condition in perpetuity to the satisfaction of the Local Planning Authority.

REASON: In order to protect nearby residential amenity in accordance with Policies G1 and H10 of the Ribble Valley Districtwide Local Plan and the Council's SPG "Extensions and Alterations to Dwellings".

Having agreed with the case officer for application 3/2011/0709/P to the imposition of this condition, the applicant now considers the requirement of the opening restrictors to be “unsafe, risky and unreasonable”. Permission is now therefore sought for the variation of a condition by the removal of the requirement to fit restrictors to the windows limiting the degree of opening to not more than 45°.

The applicant has submitted a letter from a planning consultant in support of the application. The points made in that letter are summarised below:

1. The condition is not reasonable or enforceable as required by Circular 11/95 ‘the use of conditions in planning permissions’.
2. The condition is also ultra vires as defined in circular 11/95 as it conflicts with other regulatory controls, namely the building regulations and the applicant’s human rights with regards to his personal safety.
3. The condition is not necessary as it has a limited impact on amenity by way of overlooking/privacy.
4. If the windows are fitted with restrictors that are ‘over rideable’ this might be compliant with the building regulations but would fall foul of the planning condition as the windows could then be opened by more than the 45°. However, if the condition was amended in this way, it would conflict with the ‘enforceability’ test for a condition set out in 11/95.
5. Over rideable restrictors would not be acceptable to the applicant in any event as they would compromise the safety of himself and his family in the event of fire and would not be considered to be ‘reasonable in all other respects’ as required by test 6 of the Circular.
6. The condition is not necessary because prior to this development, the existing dormer on the application site contained a bedroom window which was directly facing the same neighbouring property with no conditions restricting the glazing/opening as it has been built as permitted development. The enlarged dormer with the additional bedroom window is no closer and is not considered to result in an increased level of overlooking. The condition is also considered to be unnecessary as the 45o opening that was deemed necessary to preserve residential amenity already provides an unobstructed view of the first floor bedroom windows and the ground floor rooms of the relevant adjoining property as well as part of the garden.

### **Site Location**

The application relates to a detached dwelling which has a front elevation facing The Hawthorns and a rear elevation facing Ribchester Road within the settlement of Wilpshire.

The dwelling is adjoined to the southeast by another detached dwelling with similar orientation. To the northwest, the property is adjoined by the rear elevation and rear gardens of two detached houses that face Somerset Avenue.

The application relates to a dormer window on the north-western side elevation of the property which faces those properties in Somerset Avenue.



## **Relevant History**

3/2011/0709/P – Proposed dormer extension to north-westerly elevation of property to provide a bedroom and en suite bathroom. Approved with conditions.

## **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy H10 - Residential Extensions.

Supplementary Planning Guidance: Extensions and alterations to dwellings.

*Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft*

Policy DMG1 – General Considerations.

Policy DMH5 – Residential and Curtilage Extensions.

## **Environmental, AONB, Human Rights and Other Issues**

In the determination of application 3/2011/0709/P it was considered that the proposal would have detrimental effects upon the privacy of an adjoining dwelling on Somerset Avenue if the windows in the proposed dormer were to be clear glazed and capable of being fully open. The application could therefore have been refused due to the harm caused to the privacy of adjoining residents.

Rather than refuse the application however (and with the agreement at the time of the applicant) it was decided to address this potential harm to privacy by the imposition of condition number 3 on the planning permission.

The planning consultant advising the applicant has claimed that the condition is ultra vires as it conflicts with the Building Regulations. I am advised that the fitting of such restrictors is not contrary to the Building Regulations if the restrictor is “over rideable” in the event of an emergency. The condition does not state that the restrictor cannot be “over rideable” therefore it is not in my opinion an ultra vires condition. The condition is enforceable because it would only require a visit to be made to the property to see if the required opening restrictor had been fitted to the windows.

The condition was considered to be necessary for the legitimate planning reason of protecting the privacy of adjoining residents. It is considered to be a legitimate and enforceable condition.

Notwithstanding the supporting letter, I remain of the opinion that the condition is still appropriate.

This application to vary the condition can only be determined with regards to the relevant planning consideration relating to the privacy of adjoining residents. At the time of determination of the original application, it was considered that the harm to the neighbours’ privacy would be so significant as to represent a sustainable reason for refusal of the application unless condition number 3 was imposed. The relationship between the two properties has not in any way changed since that original decision was made. The requirement to pay regard to the privacy of neighbouring residents within saved policies G1 and H10 of the Local Plan and within the Supplementary Planning Guidance: Extensions and Alterations to Dwellings are effectively carried forward into Policies DMG1 and DMH5 of the emerging Core Strategy. The

planning considerations to be made in relation to this request to vary the condition are therefore exactly the same as the considerations that resulted in the imposition of the condition in the first place.

On that basis it is recommended that the application be refused due to the harm that would be caused to the privacy of an adjoining property if the condition was to be varied in the manner requested.

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

1. The variation of the condition by the removal of the requirement to fit restrictors to the windows to limit the degree of opening to not more than 45% would be seriously detrimental to the privacy of the occupiers of an adjoining property contrary to the requirements of saved policies G1 and H10 of the Ribble Valley Districtwide Local Plan, the Supplementary Planning Guidance: Extensions and Alterations to Dwellings, and the requirements of Policies DMG1 and DMH5 of the Core Strategy 2008 to 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

ITEMS DELEGATED TO DIRECTOR OF COMMUNITY SERVICES UNDER SCHEME OF DELEGATED POWERS

The following proposals have been determined by the Director of Community Services under delegated powers:

APPLICATIONS APPROVED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2012/0423/P	Proposed new slurry lagoon (retrospective)	Withgill Farm, Withgill Fold Withgill, Clitheroe
3/2012/0910/P	Proposed change of use of land for the siting of 15 new static holiday caravans in place of the storage area which will be relocated	Bridge Heywood Caravan Park, Dunkirk Farm Whalley Road Read
3/2012/0977/P	Proposed change of use – the provision of an ‘on-site’ residential accommodation for the applicant, and integrated single storey double garage, wood fire boiler and store	Northcote Stud Northcote Road, Langho
3/2012/1070/P	Proposed storage of hazardous substance consent in connection with items falling within Parts A, B and C of Schedule 1 of the 1992 Regulations	Samlesbury Aerodrome Myerscough Road Balderstone
3/2012/1110/P	Proposed extension of dwelling into adjoining barn, conversion of outbuildings into one dwelling and erection of ménage and stables	Quarry House Tosside
3/2013/0009/P	Erection of kitchen extension, utility store (retrospective) and extension to car park from 48 spaces and 4 disabled spaces to 74 car parking spaces and 8 disabled spaces	The Sanctuary of Healing Dewhurst Road Langho
3/2013/0051/P	Restoration of former cottages to create one, three bed dwelling house with attached garage, garden room and walled parking area	Cottages Top Row Sabden
3/2013/0087/P	Discharge of condition for materials, diversion of culverted water course, ground investigation, method statement and tree constraint plan and access and highway improvements relating	Clitheroe Hospital Chatburn Road Clitheroe
3/2013/0089/P	Two storey extension to the side and sunroom to the rear (resubmission)	16 Hawthorne Place Clitheroe
3/2013/0102/P	Two storey rear extension to the property	29 Eastfield Drive West Bradford
3/2013/0104/P	Retrospective application for the erection of a timber post and rail with vertical board fence (amended resubmission of application 3/2012/0737/P)	2 St Denys Croft Pimlico Road Clitheroe

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2013/0107/P	Proposed construction of a conservatory	Foxcroft, Whalley Road Billington
3/2013/0132/P	Proposed pumping station, rising main and surface water outfall ancillary to proposed residential development to land at Preston Road Longridge – Outline Planning Permission 3/2011/0316/P	Preston Road Longridge
3/2013/0134/P	Application for an amendment to planning permission 3/2010/0632 for formation of new window openings on North and East elevation and lowering of window sill on East elevation	Stocks House Hellifield Road Bolton By Bowland
3/2013/0143/P	Proposed non-illuminated fascia sign and 1no. non-illuminated projecting sign to the front elevation to replace existing	Barclays Bank Plc 67 King Street Whalley
3/2013/0146/P	Proposed extension to kitchen and rear of property and creation of garden room; creation of utility room/W.C. to the rear of the garage; creation of new dormer window to front of property - master bedroom and extension of dormer window to bathroom at rear of property	35 The Hazels Wilpshire
3/2013/0153/P	Outline application for a new dwelling in the curtilage of existing dwelling	1 Durham Avenue, Wilpshire
3/2013/0056/P & 3/2013/0057/P	Internal alterations	Abbey Croft 2 The Sands, Whalley
3/2013/1062/P & 3/2013/0163/P	Planning permission and listed building consent for a small link building and the conversion of workshop into habitable space	Black Hall Farm Garstang Road Chipping
3/2013/0165/P	Proposed extension to the side replacing existing garage with, garage, utility and study	40 Moorfield Whalley
3/2013/0167/P	Single storey rear extension	5 Oakway Longridge
3/2013/0172/P	Proposed porch to front of property rendered on the outside to match the existing and with slate roof	7 Highfield Road Clitheroe
3/2013/0195/P	Proposed slated roof to existing single storey rear extension to replace flat felted roof. Refacing front elevation in natural stone to replace existing brick outer leaf	2 Ribblesdale Place Osbaldeston Lane Osbaldeston
3/2013/0196/P	Proposed demolition of the existing rear conservatory and the erection of a single storey rear extension. Alterations to the internal layout of the garage/utility room to form a spare room, WC, utility and workshop/store. A new pitched roof will be	12 Whittam Road Whalley
Cont/		

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
Cont...	extended over the rear end of the existing garage/utility and the walls/roof brought up to current regulations	
3/2013/0198/P	Proposed single storey rear extension and replacement garage	13 Langdale Avenue Clitheroe
3/2013/0200/P	Proposed rear conservatory to the property	49 Fairfield Drive Clitheroe
3/2013/0209/P	Proposed change of use of Unit 6 from Class B1 to Class D2	Unit 6 90 Berry Lane, Longridge
3/2013/0210/P	Proposed extension to existing covered roof area for to create a manure store and new covered area over existing sheep handling area	Birchen Lea Farm Leagram Chipping
3/2013/0211/P	Proposed two-storey rear extension and 4sq.m PV Solar Thermal Panels on the South East elevation. Re-submission of 3/2012/1056	2 Cardigan Close Clitheroe
3/2013/0212/P	Proposed replacement two-storey dwelling following demolition of the existing bungalow. Re-submission of refused application 3/2012/0552/P	Shay Cross Old Back Lane Wiswell
3/2013/0223/P	Installation of drop kerb and hard standing	62 Padiham Road Sabden
3/2013/0226/P	Non-material amendment to application 3/2010/0944/P to provide a front (south-eastern) porch	Pennine View Bleasdale
3/2013/0232/P	Removal of existing pews to form one large open space. Alterations relocation of existing pulpit to side wall	Chipping Congregational Church, Club Lane Chipping
3/2013/0233/P	Loft conversion and formation of French door opening in gable wall	31 Bolland Prospect Clitheroe
3/2013/0234/P	Renewal of planning permission 3/2010/0021/P - Proposed single storey link/garage extension and loft conversion	Oak Barn, Norcross Farm Hothersall Lane, Hothersall
3/2013/0235/P	New glazing and sliding doors to front elevation	Bay Horse Garage Ltd Longsight Road Osbaldeston
3/2013/0238/P	Application for the approval of details reserved by condition no. 3 of planning permission 3/2012/0848/P	Huntroyde Home Farm Huntroyde West Whins Lane, Simonstone
3/2013/0240/P	Proposed window in side elevation. Re-submission of 3/2012/0970	4 Park Mews Gisburn
3/2013/0241/P	Demolition of existing outbuildings and section of boundary wall, and construction of new garage building	38 Townend Farm Longridge Road Chipping
3/2013/0242/P	Non-material amendment to 3/2013/0061. Omission of extension to South West elevation (area of Kitchen on 4316-07A)	31 Mellor Brow Mellor
Cont/		

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
Cont...	formation of sliding/folding door opening to south west elevation (area of sitting area on 4316-07C)	
3/2013/0248/P	Proposed single storey side and rear extensions and new roof to existing attached double garage	The Nook, Snodworth Road Langho
3/2013/0250/P	Demolition of current extension and erection of replacement extension to be rebuilt to modern standard	150 Whalley Road Clitheroe
3/2013/0255/P	Two storey side extension	3 Chapel Hill Farm Cottages Lower Lane, Longridge
3/2013/0256/P	Application for the discharge of condition no.3 (materials) and condition no.4 (method statement) of planning permission 3/2012/1104P	Cherry Tree Cottage Orchard Cottages Waddington
3/2013/0257/P	New fascia featuring 2no 'Maserati logos and 'Bowker Ribble Valley'. Maserati Logo to feature back lights	Bay Horse Garage Ltd Longsight Road Osbaldeston
3/2013/0263/P	Proposed replacement trolley bay from metal framed to wooden framed ones and new timber cladding applied to the side of the entrance area. Proposed relocation of two fire exit doors and new cladding applied to the front of the ATM	Tesco Duck Street Clitheroe
3/2013/0265/P	Application to discharge condition no.3 (materials) of planning permission 3/2012/1068P	16 Whins Avenue Sabden
3/2013/0269/P	Application to discharge condition number 3 (Materials), condition number 5 (Construction Method Statement), condition number 10 (Noise Insulation Measures), condition no 11 (Acoustic Fence Details) and condition number 15 (Landscaping Details) of planning permission 3/2012/0219/P	Altham Pumping Station Burnley Road Altham
3/2013/0326/P	Application for a non-material amendment to planning permission 3/2012/0918/P to allow the West wall of the Garden Room to be constructed in natural stone (as the North and East elevations) instead of the painted render on the approved plans	Cross House Broad Lane Whalley
3/2013/0332/P	Application for the discharge of a planning obligation relating to planning permission 3/2001/0755/P and revoke planning permission 3/2000/0890/P	Burons New Laithe Horton-in-Craven
3/2013/0337/P	Application for a non-material amendment to planning permission (reserved matters) 3/2012/0629P, to amend detached house	Chapel Close Low Moor Clitheroe
Cont/		

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
Cont...	driveways to 4.8m wide to ease parking congestion on the site roads at land	
3/2013/0343/P	Application for non-material amendment to planning permission 3/2012/0154, to move one of the Velux windows to the front of the extension	Alder House Alderford Close Clitheroe
3/2013/0344/P	Application for the discharge of condition 4 (tree protection measures) of planning permission 3/2012/0821/P	Nook House Farm Longsight Road Clayton-le-Dale

#### APPLICATIONS REFUSED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
3/2013/0062/P	Replacement of two existing wood panel garages with a new build brick and block garage. Part retrospective application for the installation of a flue outlet to rear slope on the existing garage	3 Larkhill Cottages Old Langho	Contrary to Policy G1 of DWLP and Policy DMG1 of RVCS.
3/2013/0108/P 3/2013/0109/P	Formation of a car park for use by hotel guests	Eaves Hall Moor Lane West Bradford	Harmful to character of the listed building because the car park would be incongruous, conspicuous and visually intrusive within the designed landscape. Contrary to Policies ENV19, ENV20 and G1(a) of RVDLP, Paragraph 17 and 131 NPPF and Policies DME4 and DMG1 of the RV(Reg 22)CS.
3/2013/0208/P	Application for the removal of condition no. 3 of planning consent 3/2010/1023/P, to allow the holiday let to be used as permanent residential accommodation	Higher Mill Farm Mill Lane Slaidburn Road Waddington	The site is in a predominantly rural location, and the development of the site in principle would therefore not be in accordance with the
Cont/			

Cont...

			<p>NPPF presumption in favour of sustainable development. Contrary to guidance within Local Plan Policies G1, ENV1, H2, H15 and H23, and guidance within the NPPF – unsustainable location for the creation of a new dwelling.</p>
3/2013/0227/P	Proposed bedroom extension over the garage	The Farmhouse Dean Top Whalley Road Simonstone	DWLP – policies G1, H10, SPG – RVCS – policies DMG1 and DMH5 - Scale, design, massing – detrimental to visual amenity and property itself.
3/2013/0244/P	Repairs and refurbishment of existing dwelling	Bell Sykes Farm Catlow Road Slaidburn	The proposals would be unduly harmful to the character (including fabric and setting) and significance of the listed building because of the unjustified removal and alteration of important historic fabric. This is contrary to Policies ENV20 and ENV19 of the Ribble Valley Districtwide Local Plan, Policy DME4 of the Ribble Valley Core Strategy Regulation 22 Submission Draft and the National Planning Policy Framework paragraphs 126 and 131 (desirability of sustaining and enhancing the significance of heritage assets).



CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0207/P	Application for a Lawful Development Certificate for the proposed erection of gates to be less than 1m high	Huntroyde Hall West Whins Lane, Simonstone

CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR ACTIVITY IN BREACH OF PLANNING CONDITION

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0179/P	Application for a Lawful Development Certificate for an existing use. Connected sheds for domestic ancillary use	2 Pendle View Brockhall Village, Langho

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0141/P	Change of use of barn to dwelling and erection of detached garage	Eatoughs Farm Fleet Street Lane Ribchester
3/2013/0142/P	Two floor mounted air conditioning condenser units to the rear	Barclays Bank 67 King Street, Whalley
3/2012/0175/P	Two storey and single storey extensions and proposed drive	Glenlivet, Straits Lane Read
3/2013/0180/P	Retrospective application for decking in the rear garden	2 Pendle View Brockhall Village
3/2013/0199/P	Change of use of ground floor from commercial to residential use to form one two-bed unit	27-29 Bawdlands Clitheroe
3/2013/0214/P	New slurry lagoon	Over Hacking Farm Stonyhurst
33/2013/0213/P	Two storey side extension and single storey rear extension to existing detached dwelling including internal alterations	5 Abbot Walk Clitheroe
3/2013/0136/P	New 4 bed attached house on side of property on garden area in lieu of approved two-storey extension	2 Halton Place Longridge

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0065	Land off Dale View Billington	24/5/12	12	With applicants solicitor
3/2012/0014	Land adj Greenfield Avenue Low Moor, Clitheroe	19/7/12	30	With Agent

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0379	Primrose Mill Woone Lane Clitheroe	16/8/12	14	Deed of Variation Applicants solicitor
3/2012/0497	Strawberry Fields Main Street Gisburn	11/10/12	21	With Agent
3/2012/0420	Land North & West of Littlemoor Clitheroe	8/11/12	49	With Legal/Planning
3/2012/0617	Land off Clitheroe Road Barrow	8/11/12	7	Approved
3/2012/0179	Land at Accrington Road Whalley	6/12/12	77	With Agent
3/2012/0738	Dale View Billington	6/12/12	10	With Legal
3/2012/0785	Clitheroe Hospital Chatburn Road Clitheroe	6/12/12	57	With Agent
3/2012/0964	Land to the north of Whalley Road Hurst Green	14/3/13	30	With Legal
3/2012/1101	The Whins Whins Lane Read	11/4/13	16	With Planning
3/2013/0113	Petre Wood Crescent Langho	11/4/13	25	Negotiations ongoing with agent
<b><u>Non Housing</u></b>				
3/2011/0649P	Calder Vale Park Simonstone	15/3/12		Subject to departure procedures Lancashire County Council to draft Section 106

#### APPEALS UPDATE

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2011/0300 O	17.1.12	Mr & Mrs Myerscough Outline application for the erection of a country house hotel and spa Land adjacent to Dudland Croft Gisburn Road Sawley	-	09/04/13	Waiting for decision

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2011/0025 O	25.6.12	J-J Homes LLP Outline planning application for residential development (ten dwellings) Land off Chatburn Old Road Chatburn	–	Procedure has now been changed – appeal will be dealt with via a Public Inquiry, date 12.03.13	Appeal allowed 19/04/13 Costs application refused 24/04/13
3/2011/1032 D	19.11.12	Mr Peter Street Proposed 'Log Cabin' style holiday lodges Whins Lodge Whalley Old Road Langho	WR	–	Appeal dismissed 26/03/13
3/2012/0831 D	13/12/12	Mr J Harding and Ms C Britcliffe 29 Moor Lane, Clitheroe	WR	-	Appeal dismissed 16/04/13
3/2012/0637 Undetermined	07/01/13	Mr Andrew Taylor, David Wilson Homes, land to the south of Mitton Road, Whalley	Inquiry	15/05/13 (7 days)	Waiting for Inquiry to take place
3/2012/0843 D	07/01/13	Paddy Power plc, Whiteside Bakery, 10 Market Place, Clitheroe	WR	-	Notification letter sent 8/1/13 Questionnaire sent 21/01/13 Statement sent 15/2/13
3/2012/0630 Undetermined	22/01/13	land SW of Barrow and W of Whalley Road, Barrow	Inquiry	4/6/13 (8 days)	Waiting for Inquiry to take place
3/2012/0478 and 0479 Undetermined	23/01/13	28 Church Street Ribchester	WR		Notification letter sent 31/01/13 Questionnaire sent 05/02/13 Statement sent 15/03/13
3/2012/0723 R	25/01/13	site of former stable, Trapp Lane, Simonstone	WR		Notification letter sent 01/02/13 Questionnaire sent 06/02/13 Statement sent 07/03/13

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2012/0526 R	01/02/13	Laneside Farm Pendleton	Changed to Hearing		Notification letter sent 11/02/13 Questionnaire sent 11/02/13 Statement sent
3/2012/0526 R	27/03/2013	Laneside Farm Pendleton	Costs		
3/2012/0089 R	15/02/13	Lanshaw Barn Woodhouse Lane Slaidburn	WR		Notification letter sent 26/2/13 Questionnaire due 01/03/13 Statement sent 29/03/13
3/2012/0402 R	18//2/13	Mason House Farm Clitheroe Road Bashall Eaves	WR		Notification letter sent 25/02/13 Questionnaire sent 25/02/13 Statement due 01/04/13
3/2012/0862 R	13/02/13	Fell View Barnacre Road Longridge	WR		Questionnaire and notification sent 22/2/13 Final comments sent 25/04/13
3/2012/0327 Application for award of costs against RVBC	27/02/13	land to the east of Clitheroe Road (Lawsonsteads) Whalley	Costs		Applicant's application for costs is successful and a full award of costs is being made against RVBC
3/2012/0938 R	11/03/13	26 Waddow Grove Waddington	HH		Appeal dismissed 16/04/13
3/2012/0729 R	13/03/13	Dog & Partridge Tosside	WR		Notification sent 21/03/13 Questionnaire sent 03/04/13

<u>Application No:</u>	<u>Date Received:</u>	<u>Applicant/Proposal/Site:</u>	<u>Type of Appeal:</u>	<u>Date of Inquiry/Hearing:</u>	<u>Progress:</u>
3/2012/1088 R	28/03/13	8 Church Brow Clitheroe	LB		Notification sent 08/04/13 Questionnaire sent 09/04/13
3/2012/0913 R	28/03/13	land off Waddington Road Clitheroe	Inquiry		Notification sent 11/04/13 Questionnaire sent 15/04/13
3/2012/0723 Application for award of costs against RVBC	09/04/13	site of former stable, Trapp Lane, Simonstone	Costs		
3/2012/0792 R	30/04/13	Hodder Bank Stonyhurst	WR		Notification sent 07/05/13 Questionnaire sent 07/05/13
3/2012/1079 R	26/04/13	79 King Street Whalley	WR		Notification sent 07/05/13 Questionnaire due 17/05/13
3/2012/0972 R	23/04/13	Shays Farm Tosside	WR		Notification sent 24/04/13 Questionnaire sent 24/04/13
3/2012/0539 R	25/04/13	Carr Hall Home and Garden Centre, Whalley Road, Wilpshire	Hearing		Notification sent 30/04/13 Questionnaire sent 8/05/13
3/2013/0099	Awaiting confirmation from Inspectorate	land to the west of Whalley Road, Barrow			

#### LEGEND

D – Delegated decision  
C – Committee decision  
O – Overturn

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

Agenda Item No.

meeting date: THURSDAY, 23 MAY 2013  
 title: NON-DETERMINATION APPEAL IN RELATION TO A PROPOSED OUTLINE APPLICATION FOR THE PROVISION OF UP TO 190 RESIDENTIAL UNITS (FALLING WITHIN USE CLASS C3), INCLUDING AFFORDABLE HOUSING, WITH TWO NEW VEHICULAR AND PEDESTRIAN ACCESSES ON TO WHALLEY ROAD, ON SITE LANDSCAPING, FORMAL AND INFORMAL OPEN SPACE AND ASSOCIATED INFRASTRUCTURE WORKS INCLUDING A NEW FOUL WATER PUMPING STATION AT LAND TO SOUTH WEST OF BARROW AND WEST OF WHALLEY ROAD, BARROW  
 submitted by: DIRECTOR OF COMMUNITY SERVICES  
 principal author: MARK BALDRY – ASSISTANT PLANNING OFFICER

### 1 PURPOSE

- 1.1 To advise Committee in relation to the recently received non-determination appeal and request guidance on the issues relating to the Council's reasons for refusal of the scheme.
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives – } The matters identified raise issues associated with protecting and enhancing the local environment, delivering housing needs and promotion of economic development.
  - Corporate Priorities – }
  - Other Considerations – None.

### 2 BACKGROUND

- 2.1 This application was made valid on 21 January 2013. It was given the planning reference 3/2013/0099/P with the 13-week statutory determination period ending on 22 April 2013. The applicant lodged an appeal against the non-determination of the application on 25 April 2013. It is standard practice to assess and aim to make recommendations on applications within the statutory 8 and 13-week periods, however in this case there are reasons why this has not been achieved.
- 2.2 No formal decision has yet been made in relation to this application with there being several reasons for this. There have been ongoing discussions with consultees in respect of highway and education matters. This coupled with the Case Officer's commitments and conflicting priorities in relation to other major development schemes (applications and appeals) and outstanding consultation responses has meant that there have been limited opportunities to progress work on this particular scheme.
- 2.3 The appeal for non-determination was submitted on 25 April 2013 and on receipt no further work can be undertaken in relation to dealing with the planning application. At the time of drafting this report the Council are still awaiting formal confirmation from the Planning Inspectorate to confirm that the appeal is valid.

2.4 The appellant has requested that the appeal be considered at a Public Inquiry which they estimate will sit for 4 days (indicating they will call three witnesses). Should the Inspectorate consider that the Inquiry procedure is suitable and intends to determine this appeal by that procedure, it is important to stress to Members that whilst this is the most appropriate procedure to deal with this scheme, it is also the most costly in terms of Officer time and need to engage Counsel and potentially an expert witness.

2.5 All those persons who were notified or consulted about the application, and any other interested persons who made representations regarding the application, will be notified of the appeal once we have received confirmation from PINS it is a valid appeal with the opportunity given for any additional comments to be submitted to the Planning Inspectorate by a set date yet to be confirmed.

### 3 ISSUES

3.1 In cases for non-determination it is important to gauge the views of Planning and Development Committee in order that Committee Members are satisfied with the officer report and are in agreement with its content and conclusions.

3.2 A report is included as Appendix 1 to this report providing details of the representations received and the issues arising. As Committee will note there has been a great deal of public interest in this proposal and that there are still a number of matters yet to be examined in greater detail in order to form a final opinion.

3.3 However, on the basis of the planning merits of the case at this particular point in time, it is considered that should a formal recommendation have been made to Planning and Development Committee, it would have been one of refusal for the following issues forming the substance of the Council's case:

1. The proposal would be prejudicial to emerging policy in the Core Strategy.
2. Insufficient information has been made available to enable a comprehensive assessment to be made of the likely impacts of the application on the local highway infrastructure.
3. Visual impact.

3.4 Committee are requested that if ongoing discussions between the appellant and the LPA/LHA conclude that the highway network can safely accommodate the level of traffic generated without causing severe residential cumulative impacts then that reason (2 in paragraph 3.3) will not be pursued at the Inquiry.

### 4 RISK ASSESSMENT

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

- Resources – The Public Inquiry process is the most costly route both in terms of officer time required to provide all the relevant documentation prior to and during the Inquiry process itself and the financial cost of employing Counsel and external consultant(s) necessary to assist the Council in defending the appeal.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.

- Reputation – No implications identified.
- Equality and Diversity – No implications identified.

## **5 RECOMMENDED THAT COMMITTEE**

- 5.1 Request that Committee endorse the above issues as reasons for refusal and authorise the Director of Community Services and Head of Planning Services to liaise as appropriate to establish the best possible case to defend the appeal.

MARK BALDRY  
ASSISTANT PLANNING OFFICER

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

### **BACKGROUND PAPERS**

- 1 3/2013/0099 - Outline Application for the Provision up to 190 Residential Units (Falling Within Use Class C3), Including Affordable Housing, with Three New Vehicular and Pedestrian Accesses on to Whalley Road, on Site Landscaping, Formal and Informal Open Space and Associated Infrastructure Works Including a New Foul Water Pumping Station at Land to South West of Barrow and West of Whalley Road, Barrow. Report included as Appendix 1 to this report.

For further information please ask for Mark Baldry, extension 4571.



## APPENDIX

### RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE MINDED TO REFUSE

DATE: 23 MAY 2013

REF: MB/EL

CHECKED BY:

APPLICATION NO: 3/2013/0099/P (GRID REF: SD 373476  
438129)

PROPOSED OUTLINE APPLICATION FOR THE PROVISION OF UP TO 190 RESIDENTIAL UNITS (FALLING WITHIN USE CLASS C3), INCLUDING AFFORDABLE HOUSING, WITH TWO NEW VEHICULAR AND PEDESTRIAN ACCESSES ON TO WHALLEY ROAD, ON SITE LANDSCAPING, FORMAL AND INFORMAL OPEN SPACE AND ASSOCIATED INFRASTRUCTURE WORKS INCLUDING A NEW FOUL WATER PUMPING STATION AT LAND TO THE SOUTH WEST OF BARROW AND WEST OF WHALLEY ROAD, BARROW

WISWELL PARISH Strongly object to the proposals and have asked that the  
COUNCIL: following statements are taken into consideration:

#### Background

1. This application is a scaled down version a previous application to build 504 dwellings. If this application is approved, it is likely that further planning applications on this land would follow and Barrow village cannot sustain such developments. Ribble Valley Borough Council should refuse this application for the same reasons that previous applications were refused.
2. The proposed development is for an excessive number of residential dwellings, submitted without any consultation or consideration of the effects on the local community. No thought has been given to the environmental impact on the local residents. There is no benefit to them from this huge development, only a deterioration of existing services that are already stretched to near breaking point.
3. 20 years ago, Barrow village contained 186 dwellings and by 2010 it has grown to approximately 304 dwellings. After taking into consideration the current building work at Barrow Brook, the village will soon have 406 dwellings and planning permission has recently been approved for a further 135 dwellings. The scale of development in Barrow has not been planned, but rather forced upon the village without consultation or evidence of its sustainability. A further proposed development of 190 dwelling would swamp the existing village.

4. The application contains site maps which are out of date and do not show public footpaths. Many of the statement documents are ambiguous and although they may have been relevant in 2001, they are now very out of date. Eg, there is currently less than a quarter of the original printworks site/Barrow Enterprise Park available for commercial development due to recent planning permission granted for residential properties. The remaining commercial land will certainly not generate 4,000 plus jobs as stated in the planning application, an argument by the developer to justify such a large residential development.

#### The Core Strategy

1. This outline application pre-empts the emerging Core Strategy and the site is not a preferred option within Ribble Valley Borough Council's Core Strategy. A decision on the proposed development should be delayed until the Core Strategy is finalised.

#### The Site

1. The proposed site falls outside the settlement boundary of Barrow and is designated as open countryside (planning policies ENV3, H2 and G5 apply). It has been used for many years for agricultural purposes, as grazing land for sheep and cattle. If allowed, the development would set a precedent to allow other similar large areas of agricultural land, sited in open countryside within the Ribble Valley, to be opened up for very large scale housing development.
2. The proposals are contrary to planning policy G5 which restricts development outside the settlement boundaries and paragraph 55 of NPPF as the village only has a few local facilities.
3. There are public footpaths on the site which have been used for many years by local people, visitors to the area and ramblers. According to the maps of the proposed development, the paths are to be superimposed by the site's access roads.

#### Public Consultation

1. The Parish Council is not aware of any public consultation of this proposed development with local residents. Public consultation is a requirement of the Localism Act, especially with a development of this size, and local residents should have been consulted. The lack of public consultation is a breach of procedures and shows a lack of respect for the community of Barrow.

2. While some residents did received an invitation from the developers in 2011 to attend the meeting, it was cancelled and another meeting was never arranged.
3. Any reference to public consultations made on the proposed developments in 2001 should be disregarded for this application. The proposals in 2001 were very different to the current application and included plans for alternative access roads, a new school etc and thus cannot be compared.

#### Environmental Impact Assessment

1. The Parish Council are very concerned that the developer is unwilling to submit an Environmental Impact Assessment and regard this as an essential requirement for an application of this size in the proposed location.

#### Employment Opportunities

1. In order to justify the proposals, the developer states in this literature that thousands of jobs will be created on the nearby printworks site. At present, this site only contains a McDonalds, a petrol station/Co-op, a food distribution company and an office complex. A large new housing estate has already been built on part of the land designed for employment use. The acreage left to build light industry/commercial business is small in comparison to the original site and it is very unlikely that future employment in this area will be anywhere near the scale proposed.

#### Infrastructure

1. This proposal does not meet the National Planning Policy Framework (NPPF) for sustainable development.
2. Barrow simply does not have the infrastructure to support this size of development. The village has insufficient facilities and infrastructure to support its current population and it cannot accommodate further residential developments.
3. The proposed development does not include any plans for extra amenities for the large number of new residents. This would result in extra car journeys to larger villages or towns so that residents can obtain the services they require.

### Education

1. There are insufficient educational vacancies at Barrow Primary School to accommodate this development. Barrow Primary School is already under pressure to provide places for residents from the new Barrow Brook development in Barrow.
2. Surrounding schools are already approaching their maximum intake and cannot absorb any more pupils at this time.

### Contribution to the Local Community

1. Members of the Parish Council were disappointed to note that the planning application does not include any contributions for the benefit of the community in Barrow. Previous large-scale planning applications in the village have included contributions under Section 106 Agreements to improve and maintain the local playing field. Although members of the Parish Council remain strongly opposed to this application, they believe that if it is approved, the developer should be asked to contribute towards the community, eg with the building of a community centre and the installation of speed cameras on Whalley Road. The Parish Council would be willing to discuss the needs of the local community with the developer, as appropriate.

WHALLEY PARISH  
COUNCIL:

The Parish Council objects to the proposed development for the following reasons:

1. Sustainability – the proposal is for more houses with minimal contribution to the infrastructure of the village/no local commercial gain or employment, only the developer gains/no offered improvement to the social infrastructure, and there is diminution of the built and rural environment. Barrow has insufficient facilities and infrastructure to support its current population. The result will be for residents to use the shops, dentist, doctor, library in Whalley. The suggestion by the applicants that the nearby business park will generate 400 plus jobs and be staffed by local residents is nonsense. Associated traffic problems are well documented.
2. Conservation - the proposal is to build on fields which are at present designated open countryside to which planning policies ENV3, H2 and G5 apply. As the proposal is to build on land outside the settlement boundaries G5 clearly applies. Public footpaths are to be obliterated by two of the sites main access roads. The Parish Council notes that the Environmental Impact Assessment Plan has yet again not been provided by the developer for inspection or evaluation.

3. Sewage and Drainage Assessment – reports that during heavy rain the current system cannot cope with the resultant risk to property and residents health. No investment or upgrade of existing sewage facilities are indicated by the developers, any extra homes will only make existing situation worse.
4. Transport Assessment – Transdev report the existing traffic congestion increases journey time resultant inefficiency and higher fares. However, since this application has been forwarded the 22 service Clitheroe to Blackburn has been withdrawn making car ownership essential. Northern Rail already has overcrowding on the Clitheroe/Manchester service. The increase in patronage brought upon by development will result in further deterioration of these public services.

However the greatest impact is on road traffic. The natural flow of traffic from the proposed site will not be to the A59, but through Whalley village. As reported on the numerous occasions the traffic built up in King Street, Accrington Road and Station Road will result in traffic congestion and blockages. This scenario is already common when lorries, buses meet on a narrow road due to double parking. It is equally prevalent at school opening/closing times due to the sheer volume of traffic. Wiswell Lane will become even more of a rat run with speeding motorists attempting to avoid the mayhem on King Street.

5. Education – primary schools in Whalley, Langho and Barrow are oversubscribed; it is untenable for Whalley village children to be bussed out of the area, but this is already likely to happen with the existing permissions. Barrow children should be taught in their local school. Lancashire County Council figures state that Barrow CP is 12% over subscribed.
- 6.
7. Accumulative Impact – this proposal is deemed to be a development which spuriously suggests that it attunes to Policies G4 and G5 of the Ribble Valley Local Plan. A feature of the last 2 years has been a succession of developers who wish to build both in the immediate environment of Whalley or within the parishes bordering the village. Should all these proposed ribbon developments be successful the accumulative impact would quickly destroy the ambiance associated with the Ribble Valley. Policy ENV3 recognises the need to protect and enhance open countryside, protect and conserve natural habitat and traditional landscape features. This development destroys these features.
8. Core Strategy – to grant permission at the present time, for a development on this green field land outside the

settlement boundary, would be prejudicial to the emerging policies in the Core Strategy as it would pre-determine decisions about the scale and location of the new development that should properly be made through the planning process.

ENVIRONMENT  
DIRECTORATE  
(COUNTY SURVEYOR):

The County Surveyor has provided general comments on the proposals at the time of drafting this report; detailed comments will be circulated once they are available.

However, as the application stands at present there are highways objections to the development proposals. These objections might be withdrawn if the developer provides additional information to satisfy those concerns.

LANCASHIRE COUNTY  
COUNCIL PLANNING  
CONTRIBUTIONS:

Further to the consultation with regard to this development, this consultation response outlines a planning contribution request from Lancashire County Council based upon a methodology published in the 'Planning Obligations in Lancashire' Policy Paper.

### **Transport**

The application is being assessed by the transport team. However, precise details have yet to be verified.

### **Education**

This consultation response seeks to draw the Council's attention to impacts associated with the development and proposes mitigation for these impacts through a planning obligation. The contribution described is directly linked to the development described and would be used in order to provide education places within a reasonable distance of the development (within 3 miles) for the children expected to live on the development. The latest information available at this time was based upon the 2012 annual pupil census and resulting projections.

Based upon the latest assessment, LCC would be seeking a contribution for 67 primary school places and 48 secondary school places.

Calculated at 2012 rates, this would result in a claim of:

Development details: 190 dwellings  
Primary place requirement: 67 places  
Secondary place requirement: 48 places

### **Local primary schools within 2 miles of development:**

BARROW PRIMARY SCHOOL  
WHALLEY C OF E PRIMARY SCHOOL  
Projected places in 5 years: -37

**Local Secondary schools within 3 miles of the development:**

ST AUGUSTINE'S ROMAN CATHOLIC HIGH SCHOOL  
BILLINGTON  
RIBBLESDALE HIGH SCHOOL/TECHNOLOGY COLLEGE  
CLITHEROE GRAMMAR ACADEMY  
Projected places in 5 years: 82

**Education requirement:**

**Primary**

*Latest projections*<sup>1</sup> for the local primary schools show there to be a shortfall of 37 places in 5 years' time, the shortfall will occur without the impact from this development. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

With an expected yield of 67 places from this development the shortfall would increase to 104.

Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield **of this development**, i.e. 67 places.

**Secondary**

*Latest projections*<sup>1</sup> for the local secondary schools show there to be approximately 82 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which has already had planning permission.

**Other developments pending approval or appeal decision which will impact upon these secondary schools:**

In addition to those developments listed in the housing land supply document, a number of planning applications have already been approved in this area and these have an effect upon the places available.

These developments are:

- Old Manchester Offices

- Petre House
- Britannia Street
- Victoria Mill

Collectively these developments are expected to generate demand for 18 additional places.

There are also a number of additional housing developments which will impact upon this group of schools which are pending a decision or are pending appeal. Should a decision be made on any of these developments (including the outcome of any appeal) before agreement is sealed on this contribution, our position may need to be reassessed, taking into account the likely impact of such decisions.

These developments are:

- Land off Dale View
- Land Adjacent Greenfield Avenue
- 23-25 Old Row
- Higher Standen Farm
- Land off Henthorn Road
- Land North of Whalley Road
- Clitheroe Hospital
- Waddow View

Collectively these developments are expected to generate demand for 199 additional places.

**Effect on number of places:**

82 Places available  
 -18 Expected yield from approved.  
 64 Places available  
 -48 Yield from this development

16 Places available  
 -199 Pending applications  
 -183 Places available

**Summary of response:**

The latest information available at this time was based upon the 2012 annual pupil census and resulting projections. Based upon the latest assessment, LCC would be seeking a contribution for 67 primary school places and 48 secondary school places.

Calculated at 2012 rates, this would result in a claim of:

Primary places:

(£12,257 x 0.9) x BCIS Indexation (310.60 April 2012 /



288.4 Q4 2008 = 1.076976)  
= £11,880.45 per place  
£11,880.45 x 67 places = **£795,990**

Secondary places:  
(£18,469 x 0.9) x BCIS Indexation (310.60 April 2012 /  
288.4 Q4 2008 = 1.076976)  
= £17,901.60 per place  
£17,901.60 x 48 places = **£859,277**

**NB:** If any of the pending applications listed above are approved prior to a decision being made on this development the claim for secondary school provision could increase up to maximum of 48 places.

Please note that as this is a claim with a range a recalculation would be required at the point at which the application goes to committee. It is therefore the responsibility of the planning authority to inform LCC at this stage and request a recalculation in order to obtain a definitive figure.

<sup>1</sup> *Latest projections produced at spring 2012, based upon Annual Pupil Census January 2012.*

COUNTY  
ARCHAEOLOGIST:

The proposal site has been identified by the ALSF aggregate extraction in the lower Ribble Valley final report (Oxford Archaeology North/University of Liverpool, 2007) as having a high potential to contain previously unknown archaeological deposits dating to the prehistoric, roman and medieval periods. Well preserved archaeological deposits of either a prehistoric or roman date would be likely to be considered of regional, and possibly national, importance.

NPPF section 128 states that *where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment and, where necessary a field evaluation.*

Lancashire County Archaeology Services would therefore recommend that given the suggested high potential for previously unknown archaeological deposits to be encountered, contrary to the recommendation of the submitted archaeological desk based assessment which concluded that such work could be conditioned, that rather they should be undertaken prior to determination of the current application. This would be in line with NPPF Section 128, the Borough Council's own saved Local Plan Policy ENV14 and recent LCAS pre-application advice to the Borough Council.

COUNTY ECOLOGIST

No representations have been received at the time of drafting.

ENVIRONMENT AGENCY:	No objection in principle to the proposed development subject to the imposition of conditions.
UNITED UTILITIES:	No representations received at the time of writing. However raise no objections to the larger site under reference 3/2012/0630/P subject to conditions.
NATURAL ENGLAND:	<p>Natural England has previously commented on the proposal of 3/2012/0630/P and made comments to the LPA via a letter dated 26.9.2012. The advice provided in our previous response applies equally to this application although we made no objection to the original proposal.</p> <p>Raise no objection to this application which is within 2km of Light Clough SSSI. However, given the nature and scale of this proposal, and the interest features of the SSSI, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted.</p>
CPRE (LANCASHIRE BRANCH):	No representations have been received at the time of writing.
NETWORK RAIL:	Object to the proposal as it would result in a material increase in the type and volume of users over the level crossing.
RAMBLERS' ASSOCIATION:	<p>Object on the following grounds:</p> <ol style="list-style-type: none"> <li>1. Application conflicts with the emerging Core Strategy.</li> <li>2. The land is in an area designated as Open Countryside outside the settlement.</li> <li>3. Severe impact on local wildlife.</li> <li>4. Loss of agricultural land.</li> <li>5. Result in increased light pollution.</li> <li>6. Impact of traffic through Barrow, Wiswell, Whalley will result in increased pollution and congestion to the detriment of the rural environment.</li> <li>7. Negative impact on green tourism.</li> <li>8. Footpaths on site should be protected.</li> </ol>
SUSTRANS:	<ol style="list-style-type: none"> <li>1. Layout should restrict speeds to less than 20mph.</li> <li>2. Design of any smaller properties should include secure storage areas for residents buggies/bicycles.</li> <li>3. The site should contribute to measures to improve the pedestrian/cycling provision on Whalley Road to the town centre towards the station and schools.</li> <li>4. We would like to see travel planning with targets and monitoring set up for the site.</li> </ol>
ADDITIONAL REPRESENTATIONS:	179 letters of objection have been received and these can be summarised as follows:

1. Development is outside of the settlement boundary.
2. Reduction of buffer between urban development of Barrow and River Ribble.
3. Barrow is not a service centre.
4. Services available just off A59 are remote and beyond reasonable walking distance.
5. Proposals do not meet the National Planning Policy Framework.
6. Development is disproportional to existing village of Barrow.
7. The land is agricultural, Ribble Valley is a rural borough and such land usage should not be changed.
8. Size of development will generate ownership of conservatively 200-400 vehicles.
9. Traffic impact will be catastrophic regarding pollution and congestion.
10. Whalley sewage works will not cope with the size of this application.
11. No public consultation has been undertaken by the developer.
12. Applicant continues to show no respect for Ribble Valley Borough Council, its officers, the emerging Core Strategy and Ribble Valley residents.
13. Contravenes measures of the Localism Act.
14. Completely changes the character of the area.
15. There is not sufficient infrastructure to cope with the development.
16. Application contains factual inaccuracies.
17. Whilst it is necessary to build houses within the Ribble Valley, they should be within the natural boundaries of the existing area in smaller pockets.
18. The area is teeming with wildlife.
19. A truly independent wildlife survey should be carried out.
20. Development would lead to the loss of another green site.
21. Not in-keeping with core Strategy.
22. The only people that benefit from this development are the landowner and developers.
23. There is only one primary school provided for Barrow, Pendleton and Wiswell.
24. It is impossible for this development not to impact upon the visual aspect of an individual's property.
25. I find this application, its tone and its misleading nature completely and morally offensive.
26. Historically any significant development has occurred on land between the A59 and the A671.
27. Development will devalue existing properties.

28. The scale of development is disproportionate to the existing village.
29. Does not meet NPPF requirement to be sustainable.
30. Development will make area more suburban than rural.
31. The shortage of mortgage lending will mean slow sales and a protracted construction period.
32. Problems with flooding will be made worse, this field where raw sewage floods, forms part of the development and is totally unsuitable for housing.
33. The thought of all these houses on this land is scandalous and I moved to the Ribble Valley because I wanted to live in the countryside.
34. The fumes that come from the traffic is bad as I get black windows living on the main road.
35. At the present time there is no shortage of homes available with over 600 currently advertised for sale on Rightmove.
36. Barrow is designed to be a small village in a rural location. This application is preposterous.
37. The application deliberately tries to pre-empt the finalisation of the borough's Core Strategy.
38. If development is approved, then the process to determine Ribble Valley's Core Strategy will be seen as a farce.
39. It would bring into question the professionalism of the officers and councillors of the borough and serve only to engender a lack of confidence in local democracy.
40. The developer is untrustworthy in his intentions.
41. We seem to be under siege from developers who are in a feeding frenzy to build at all costs without consideration of the residents.
42. Development does not accord with provisions of the development plan in place.
43. Loss of productive agricultural land.
44. Loss of view and privacy to existing dwellings.
45. Where is the evidence of demand for housing in the area.
46. This will not enhance Barrow in any way.
47. RVBC has a duty of care with regard to the environs it has responsibility for and should also respect the opinions of the current residents.
48. General loss of amenity.
49. An EIA should be undertaken for this development.
50. LCC cannot support an access from Whalley Road but would support a scheme using the A59 access.
51. The submitted statements are at best ambiguous.
52. Where are all these new people going to find school places.
53. Such a massive development would change the whole ethos of the community.
54. Public rights of way through the site should be preserved in their current state.
55. Barrow has had more than its fair share of new houses.
56. The site is a traditional nesting site for curlew and lapwings.

57. The land is not allocated for development.
58. Education and healthcare systems will be seriously over stretched.
59. Barrow is a village that has no amenities.
60. Application is misleading and aggressive.
61. Applicants have not fulfilled the legal requirements with regard consultation.
62. The development proposed is too big and in the wrong location.

## **Proposal**

The proposal seeks outline planning permission for residential development comprising up to 190 dwellings/residential units, together with associated landscaping, open space, drainage infrastructure and access. Detailed approval is sought for means of access at this stage. All other matters are to be reserved for subsequent approval. The development will comprise a mix of types and sizes and is likely to include some single storey units, principally two storey dwellings and limited three storey units.

The proposal makes provision for 30% affordable houses on the site. 15% of the residential development of the site will be for elderly persons, that is persons over 55 years of age (of these a 50/50 split between market and affordable units; elderly persons units will form part of the 30% provision of affordable homes across the site).

The illustrative layout shows one way in which the site might be developed. This seeks to connect development to adjacent open space. Retain existing hedgerows to Whalley Road. Retain important hedgerows and trees as part of linear open space provision. Retain the existing allotments with improved access. Link open spaces and landscape features, incorporating planting to the west and northern boundaries. Retain an area of woodland scrub to the north and connect informal parkland areas incorporating mature trees.

## **Site Location**

The application sites lies at the south-western edge of the settlement of Barrow, to the west of the former A59 now known as Whalley Road. The application site is 8.4 hectares in size and is located directly to the west of Whalley Road. The site is bounded to the north by existing residential properties and a small woodland copse to the south of Barrow Brook, to the east by Whalley Road beyond which is residential development and the Barrow Enterprise Park, to the west is the Ribble Valley line between Clitheroe and Manchester Victoria and to the south Whiteacre Lane. The public footpath extends through the site opposite Whiteacre Lane (footpath 7) and links with another public footpath to the south (footpath 8), which crosses the railway on the route to Whalley. A biological heritage site lies to the south-west of the application site alongside the Ribble Valley line.

## **Relevant History**

As Members are aware this is an application for up to 504 dwellings (application reference number 3/2012/0630/P) which covers this site and a further 10 hectares of land to the south. The proposals for 504 dwellings are the subject of a forthcoming public inquiry following the applicants appeal for non-determination. This public inquiry is scheduled to commence on 4 June 2013 for 8 days.

## **Relevant Policies**

*Ribble Valley Districtwide Local Plan Adopted June 1998*

Policy G1 - Development Control.  
Policy G5 - Settlement Strategy.  
Policy G11 - Crime Prevention.  
Policy ENV3 - Development in Open Countryside.  
Policy ENV6 - Development Involving Agricultural Land.  
Policy ENV7 - Species Protection.  
Policy ENV9 - Important Wildlife Site  
Policy ENV10 - Development Affecting Nature Conservation.  
Policy ENV13 - Landscape Protection.  
Policy ENV14 - Ancient Monuments and Other Important Archaeological Remains.  
Policy H20 - Affordable Housing – Villages and Countryside.  
Policy H21 - Affordable Housing - Information Needed.  
Policy RT8 - Open Space Provision.  
Policy T1 - Development Proposals - Transport Implications.  
Policy T7 - Parking Provision.

*Core Strategy 2008-2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft*

DS1 – Development Strategy.  
EN2 – Landscape.  
EN3 – Sustainable Development and Climate Change.  
EN4 – Biodiversity and Geodiversity.  
EN5 – Heritage Assets.  
H1 – Housing Provision.  
H2 – Housing Balance.  
H3 – Affordable Housing.  
DMI1 – Planning Obligations.  
DMI2 – Transport Considerations.  
DMG1 – General Considerations.  
DMG2 – Strategic Considerations.  
DMG3 – Transport and Mobility.  
DME2 – Landscape and Townscape Protection.  
DME3 – Sites and Species Protection and Conservation.  
DME4 – Protecting Heritage Assets.  
DME5 – Renewable Energy.  
DME6 – Water Management.  
DMH1 – Affordable Housing Criteria.  
DMH3 – Dwellings in the Open Countryside.  
DMB4 – Open Space Provision.  
DMB5 – Footpaths and Bridleways.

*North West of England Regional Spatial Strategy to 2021*

Policy DP1 – Spatial Principles.  
Policy DP2 – Promote Sustainable Communities.  
Policy DP3 – Promote Sustainable Economic Development.  
Policy DP4 – Make the Best Use of Existing Resources and Infrastructure.  
Policy DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility.  
Policy DP6 – Marry Opportunity and Need.  
Policy DP7 – Promote Environmental Quality.  
Policy DP8 – Mainstreaming Rural Issues.  
Policy DP9 – Reduce Emissions and Adapt to Climate Change.  
Policy L1 – Health, Sport, Recreation, Cultural and Education Services.  
Policy L4 – Regional Housing Provision.  
Policy L5 – Affordable Housing.  
Policy EM18 – Decentralised Energy Supply.

*National Planning Policy Framework.  
Technical Guidance to the National Planning Policy Framework.  
Addressing Housing Needs.*

### **Environmental, AONB, Human Rights and Other Issues**

The application was made valid on 21 January 2013, with the 13 week target period ending on 22 April 2013. The applicant lodged an appeal for non-determination on 25 April 2013.

No formal decision has yet been made in relation to this application due to a combination of outstanding consultation responses, the case officer's commitments and conflicting priorities in relation to other major development schemes (applications and appeals) including the larger scheme for 504 dwellings on this site and adjoining land. This has resulted in limited opportunities to progress work on this particular scheme.

This has resulted in the applicant lodging an appeal for the non-determination of this application. Therefore, the purpose of this report is to gain Council and Planning and Development committee support/approval for the following reasons for refusal that will be presented to the Planning Inspectorate as part of the Council's Statement of Case.

The matters for consideration, once the issues surrounding EIA are discussed, are the principle of development, highway safety, infrastructure provision, ecological considerations, visual impacts and impact on residential amenity as follows.

### **Environmental Impact Assessment**

Reference has been made, within various consultation responses received, to the lack of an Environmental Impact Assessment (EIA) in respect of this submission and it is felt appropriate to firstly provide Members with an overview of the situation in respect of this matter to aid their understanding and any implications for passing comments on this proposal.

Members will be aware that similar points were raised in respect of the associated application relating to 504 dwellings on the same site. In respect of the scheme for 504 dwellings the Council took the initial opinion that under the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the scale of the development meant that its impact would not be of a localised nature but have wider environmental impacts beyond the site. Thus it was our contention that the proposal did require an Environmental Statement. The applicant did not agree with that conclusion and requested the Secretary of State make a Screening Direction (dated 16 August 2012).

DCLG responded on 21 September 2012 to the Screening Direction request from the applicant to the effect that:

*In the opinion of the Secretary of State and having taken into account the selection criteria in Schedule 3 to the 2011 regulations, the proposal would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location for the following reasons:*

*There is potential for an impact on the setting of the Forest of Bowland AONB however, advice from Natural England and other available information, leads to the conclusion that the effects are not likely to be so significant as to require an EIA. There are likely to be impacts from additional traffic, both during construction and operation but information provided as part of the planning application indicates that these will not be so significant to require an EIA. The development may have urbanising effects on a predominantly rural area but the*

*visual impact would be unlikely to be significant as it would be seen against the backdrop of existing housing and an industrial development which is in the vicinity. The site also slopes away from the main road through the village (Whalley Road) which will limit the visual impact for existing houses. It is not considered that there are any factors from development, either alone or in cumulation, that will result in significant environmental effects.*

*You will bear in mind that the Secretary of State's opinion on the likelihood of the development having significant environmental effects is reached only for the purposes of this direction.*

Therefore, by virtue of this development being smaller, 190 dwellings, the Council is satisfied, following assessment against the appropriate screening criteria that this particular scheme would not require an Environmental Impact Assessment to be undertaken.

### Principle of Development

In considering the principle of development the views of the Council's Head of Regeneration and Housing have been sought who has provided the following detailed observations.

The starting point to establish the principle of development is by reference to the Development Plan, unless material considerations indicate otherwise. The Development Plan is taken to comprise the Regional Strategy (2008) and the saved Policies of the District-wide Local Plan (1998). Beyond this the principle needs to be examined against the National Planning Policy Framework (NPPF), its transitional arrangements and the emerging Core Strategy.

The Secretary of State has published the Government's intentions to revoke the RS, the abolition of which is now accepted as imminent. Consequently in my view less weight should be attached in practice to the RS policies, however they do form part of the extant Development Plan and need to be given consideration. Relevant policies to which consideration should be given are Policies DP1 (Spatial Principles) and DP2 - 9 that deal with the delivery of sustainable development. Policy DP1 sets the principles that underpin RS: namely:

- promoting sustainable communities;
- promoting sustainable economic development;
- making best use of existing resources and infrastructure;
- managing travel demand, reducing the need to travel and increasing accessibility;
- marry opportunity and need;
- main-streaming rural issues and reducing emissions and adapt to climate change.

As a principle the proposal would in itself and in the context of its spatial setting generally meet these principles in my view with the exception of the points noted below. The question with this proposal becomes more one of the opportunities to consider this in an objective and comparable way through the application of the statutory plan-making process.

Policies DP2 - 9 provide a more detailed consideration of these principles, which again I would take the view that the scheme as proposed is capable of according with, with the exception that I consider there to be less consistency with Policies DP4 (making best use of existing resources and infrastructure) and DP6 (marry opportunity and need). This is particularly so where there is the opportunity to make a choice between sites through the plan-making process; in effect the process the Council has gone through in formulating the Core Strategy. Similarly there are aspects of conflict with Policy DP7 (promote



environmental quality) in relation to respecting the characteristics of places and landscapes, and maintaining and enhancing the tranquillity of open countryside and rural areas.

The Regional Strategy also provides a policy context in relation to housing, including the provision of affordable housing through Policies L4 (Housing Provision) and L5 (Affordable Housing). Whilst Policy L4 sets a housing requirement (161 dwellings per annum) this has been superseded by the Council's current housing evidence base in relation to the submitted Core Strategy and subsequently accepted at appeal that the relevant housing requirement to be addressed should be a minimum of 200 dwellings per annum as per the current evidence. The proposal will of course help deliver housing including affordable housing, consequently these policies in themselves are less relevant to the determination of the application and there is no conflict.

The saved Local Plan provides a local policy context, however it has to be recognised that the strategic policy base dealing with the general development strategy in particular, including the established settlement boundaries are significantly out of date, being formulated against the superseded structure plan and strategic policy context. Detailed Development Management policies are still valid where they are in conformity with the National Planning Policy Framework however and together they provide a useful base to guide decisions. Subject to taking account of the strategic context referred to above, policies that seek to establish the general extent of open countryside, for example should still be taken into account when assessing the implications of the proposal, and settlement policies similarly can provide a helpful context to understand the character of a settlement, but should not in themselves be solely relied upon to judge the application.

Government published the National Planning Policy Framework in March 2012. This represented an important and significant change to the underlying approach to planning which the Council needs to take into account. Whilst NPPF confirms the plan-led approach it is clear that where relevant policies are out of date, the NPPF must be treated as a material consideration. The NPPF also emphasises that in assessing and determining development proposals the Local Planning Authority should apply the presumption in favour of sustainable development.

In the circumstances of a Development Plan to which less weight should be attached (namely the RS) and where relevant planning policies of the Local Plan are shown to be out of date, NPPF sets out the policy framework against which proposals should be considered and against which the balance of weight to be given has to be judged. This is the case in my view for the Council in determining this application.

Amongst other things as a matter of principle, NPPF establishes the following key considerations to be taken into account when determining applications over and above the principles that individual applications of course have to be judged on their merits. These key considerations are set out in paragraph 14 of NPPF, namely:

“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking...

**For decision-taking this means:**

- *approving development proposals that accord with the Development Plan without delay; and*
- *where the Development Plan is absent, silent or relevant policies are out of date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
- *specific policies in this framework indicate development should be restricted. ”*

In addition, and specifically in relation to residential development, NPPF specifically reinforces that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a 5-year supply. These two elements are important factors in making any decision.

Against the Council's most recently published housing land calculation (report to Planning and Development Committee 11<sup>th</sup> April 2013 refers), taking account of comments in relation to the deliverability of identified sites following a recent appeal decision and our latest information on deliverability, the Council has a 5-year supply.

Although we have a 5 year supply, in view of the fact that the Development Plan strategy is considered out of date, the presumption in favour of sustainable development is triggered in any event with the principle of the development standing to be judged primarily against NPPF in this case. Para 14 of NPPF refers. In reality therefore the issue of a 5-year supply is less significant when deciding which policy basis should be used as NPPF and the presumption are engaged in any event.

NPPF considerations mean that the proposal effectively falls to be determined in principle against the three strands of sustainable development namely economic, social and environmental aspects that underpin the question of sustainable development and any other material considerations. As a principle, where an application is shown to deliver sustainable development, NPPF guides the decision-taker towards approval unless material considerations indicate otherwise.

In terms of material considerations, the broad location of the application was included within the illustrative area of search as one of the alternative options for development in the Core Strategy process. At that broad level of sustainability, the location was considered to be capable of delivering sustainable development, particularly when the opportunity to link with the recognised strategic employment location, together with the potential to develop as part of that option for growth (should it have been chosen), other services and facilities focussed on both the existing provision in the village and the potential to develop them.

As part of the Sustainability Appraisal process that assessed the Core Strategy, the option was reviewed and found to be broadly a sustainable option. This would support the site being considered sustainable in that broader context. However, this is not the same as examining the sustainability of a specific proposal or indeed a proposal that is not in the context of a focused strategic growth point with the accompanying mix and range of development that would likely to be entailed and anticipated.

Whilst there is clearly a very strong link with the Council's employment aspirations and those existing services, the built scheme in itself is a wholly residential scheme seeking to deliver a further 190 units in the village. Monitoring identifies that at 31<sup>st</sup> December 2012 there were 205 completions and extant permissions since 2008. If approved this would give a scale of development in Barrow of 395 units or equivalent to just over a third of all development anticipated in the Core Strategy across other settlements outside the main centres. It would be a higher level of provision than that anticipated for Whalley (375 units) which is a service centre.

The resultant scale of development would be significant and not reflective of the Submission Core Strategy.

NPPF however also requires proposals to be judged against other important material considerations. Weight therefore needs to be given as a material consideration to the extent to which the Council's submitted Core Strategy should be considered and the impact that approving this proposal would have on that process.

As a submitted Core Strategy the Council has reached a significant and relatively advanced stage in the preparation of its new Development Plan. Although the progress of the plan was delayed by changes in legislation, the Council has positively progressed through a number of key stages over the last 12 months demonstrating especially in the light of the publication of NPPF, the Council's concern to make progress with the plan.

The Examination is currently suspended to enable key evidence to be brought up to date to reflect NPPF which will introduce some delays to the adoption of the plan, nevertheless the Council has a submitted Core Strategy, it has been developed through extensive consultation and within that statutory process has established a preferred Development Strategy for the borough.

In doing so the process has considered the issue of a strategic growth point focussed on Barrow and through that statutory process the Council has decided that the most appropriate distribution of development excludes the significant growth of Barrow as this proposal would cumulatively bring. Previous schemes at Barrow have been approved in circumstances where there was not a submission core strategy and/or there was not a 5 -year supply of housing.

Although in itself the site is not strategic in terms of the Core Strategy, its cumulative impact would, as a principle be harmful to the Core Strategy overall and its sustainable focus on larger settlements. It would serve to prejudice the Core Strategy by pre-determining its outcome in relation to site selection when there is not a need in housing supply terms to release land in this location.

In the context of the submitted Core Strategy, which does envisage growth at settlements, such as Barrow (that is, growth is not intended to be precluded) the Strategy does not anticipate such a level of growth at Barrow to deliver the assessed development needs, a scheme of this scale which when considered against existing commitments is out of accord with the Council's submitted Strategy. Approval of the scheme as submitted would not accord with the Council's preferred Development Strategy, and would serve to predetermine the outcome of the statutory process. This in itself does not sit well with the intent of the statutory process or the aspirations for localism.

In this regard, I am concerned that approving the scheme as presented outside the opportunity to deal with this issue of scale through the Examination process in relation to the Core Strategy would only serve to limit the proper Examination of issues as the process intends and especially in my view where there is a conflict with the submitted Strategy. Furthermore the Council has committed to an allocations process with the Local Development Framework that would be the opportunity to implement in detail the Core Strategy policies and is the proper mechanism through which sites may be compared and detailed patterns of growth established as intended by the Strategy.

Government guidance on this issue exists in the form of the extant, national guidance issued by the DCLG in 2005 namely "The Planning System: General Principles". This guidance highlights in effect the need to consider the extent to which the granting of permission for such proposals as this could prejudice the consideration of the Core Strategy by pre-

determining decisions about the scale and location of new development being addressed in the emerging policy. In effect the grant of permission would be considered to be premature. At this stage of the process as a significant material consideration it outweighs any benefits the scheme may be promoted as delivering in my view.

In reality we can see from the numbers of applications being approved, the Council is moving quite rapidly to a situation where housing supply is being significantly boosted in accord with the intent of NPPF. At the same time because applications that are coming forward are considered to be within the scope of policy, there is less of an impact on the overarching direction that the submitted Core Strategy is seeking to implement.

Whilst a number of applications have been approved, generally speaking they have been consistent with the Core Strategy and they have not as this proposal would, served to prejudice the preparation of the plan. The harm to the process is the likely need to consider significant changes to the submitted Core Strategy ahead of the Examination including the potential to consider the need to withdraw the submitted Strategy and produce a new plan. The principal harm being the timeframe that would then be required to put a new plan in place, taking it through its statutory stages when Government guidance is clearly for Local Planning Authorities to progress their plans as quickly as possible. This would be likely to undermine public confidence in the process particularly where extensive consultation has informed the development of the Strategy.

Assessed against the Development Plan, whilst there are some matters against which the application sits well and some aspects where it fits less comfortably, the proposal in my view needs to be determined in practice against the NPPF. In isolation, the scheme would comply with the general policy approach of NPPF. Importantly however in applying the presumptions of NPPF we are obliged to take into account relevant material considerations.

Again there are material considerations that weigh in favour of the application not least the fact that in isolation it complies with many aspects of the Core Strategy except the principle strategy and ultimately it will be a matter for the decision-taker to balance the relevant weight of each of these aspects. Similarly in having regard to the submitted Core Strategy, weight has to be judged against the extent of unresolved objections, which given the number and range does temper the weight that can be attached. I do not consider the housing supply position to be so significant given the current position in the borough to outweigh the need to have regard and give weight to the impact that approving the current scheme would have upon the Core Strategy thereby prejudicing its preparation.

The key consideration that tips the balance against the scheme in my view, as a principle is the impact upon the emerging Core Strategy given its current relatively advanced staged. However, it will be vital in arriving at a decision on the scheme to take account of the extent to which other considerations make the application out of accord with NPPF. In principle the applicants proposal would meet the tests of NPPF if considered in isolation, albeit there being some issues of scale, relationship and impact on the village and its character that would need to be carefully considered. There are also some aspects of the Development Plan that the proposal does not precisely accord with but less weight should be attached to those aspects.

In general whilst some weight can be attached to the stage the Core Strategy is at, in terms of prejudicing the outcome, the balance of NPPF requires the material considerations as a whole to lead to sufficient harm to outweigh the presumption in favour of development and the National Planning Policy context of supporting growth and boosting housing supply as a general principle.

As demonstrated by the numbers of applications being approved and the progress the Council is seeking to put its plan in place, coupled with the increasing developer activity in the borough, the Council continues to address this requirement. However I believe that as an important material consideration, greater weight should be attached to the impact that such a decision would have in terms of prejudicing the Council's submitted Core Strategy and pre-determining the outcome of that process. All these judgements are of course very finely balanced however against this background the application is not supported.

### Affordable Housing

In considering the affordable element of the proposal it is important to have regard to Policies H20 and H21 of the DWLP, H3 and DMH1 of the Regulation 22 Submission Draft of the Core Strategy and the Council's housing document entitled Addressing Housing Needs.

The scheme is submitted with 30% of the site offered as affordable (57 units). In addition, 2.5 acres of free land (to be secured through a s106 agreement) will be offered to a housing association/registered provider to encourage early delivery or to kick start the funding and this includes self-build or self-provided housing primarily for local people.

It should be noted that the draft Heads of Terms document submitted in support of the application clarifies that this land would form part of the 30% provision overall.

The fundamental Council requirements are being offered in relation to this scheme, namely 30% of the site for affordable provision and 15% of the residential development be for elderly persons (of these a 50/50 split between market and affordable units; elderly person units to form part of the 30% provision of affordable homes across the site).

Therefore, I would not be advocating that Members seek to raise this as an area of concern but that further dialogue takes place as part of the appeal process in order to ensure that the fine details of the affordable offer comply with any requirements raised by the Strategic Housing Working Group. Given this is an appeal for non-determination their formal views have not yet been received at the time this report was drafted.

### Highway Safety

In considering the potential highways implications of the development; the County Surveyor from Lancashire County Council has provided the following initial response.

Many of the highways issues with this proposed development are similar to the issues identified for the development of 504 dwellings on the site (3/2012/0630). The 504 dwelling development is presently subject to an appeal and LCC Highways and the developer's transport consultants have been in discussion to agree a statement of common ground. There has not been agreement on some of the issues and LCC is now preparing a document for that appeal providing proof of evidence.

This development (3/2013/0099) of 190 dwellings will generate less traffic during the peak hours than the 504 dwelling development, and consequently there will be less impact on the highway network. As an approximate guide the smaller development could be expected to generate 40% of the traffic generated by the 504 dwellings. Nevertheless, the principles concerning the evaluation of the impact on the highway will be the same for both developments. For example the transport consultant's proposed distribution of traffic as set out in the transport assessment is not agreed by LCC. This has been the subject of discussion between LCC Highways and the developer for the 504 dwelling development, and the distribution of traffic now agreed for that scheme will be similar for the 190 dwelling development.

A smaller development, however, will affect the sustainability of the site as there may be less funding available for improvements to sustainable transport options. Consequently a smaller development such as this 190 dwelling scheme may not necessarily be proportionately more desirable than the larger scheme. This issue needs to be considered further.

There are issues concerning the transport assessment prepared by the developer's consultants Vectos for the 190 dwelling scheme. These issues can be summarised crudely as follows. This list is not exhaustive and the issues mentioned are not fully discussed.

### **Trip distribution**

The proposed distribution of trips leaving the site during the am peak and arriving in the pm peak are not accepted. A more realistic distribution will result in a greater impact on Whalley. This needs to be reconsidered by the developer and the analysis of affected junctions will need to be reviewed; in addition the developer should consider the impact of this development on the roads and junctions within Whalley.

### **Committed development**

Additional development schemes should be considered, including schemes presently subject to appeal and schemes presently in the 'pipeline'.

### **Assessment years**

The developer uses 2018 as the assessment year. This should be extended having regard to the time taken to develop the site.

### **Sustainability**

More work needs to be carried out on measures to improve sustainable transport in the area.

The developer has appealed the non-determination of this application by RVBC, and consequently the extent to which these concerns and potential objections could perhaps have been resolved through discussion, through the presentation of additional information and through modification of the investigation of the performance of the highway network, is not known at this stage.

However, as the application stands at present there remains a highways objection to the development proposals. These objections might be withdrawn if the developer provides additional information to satisfy those concerns.

Network Rail as statutory undertaker has objected to the proposals on the grounds that the development would result in the type and volume of users over the level crossing increasing.

### Play and Open Space

On a site of this size under Policy RT8 of the DWLP and DMB4 of the Regulation 22 Submission Draft Core Strategy, the layout of the development is expected to provide adequate and usable public open space. In this development the approach taken is to layout two hectare of the site as open space to serve the proposed dwellings. The plans submitted integrate a network of open spaces, including formal and informal open space, play areas and amenity areas with the wider public footpath network and countryside.

### Infrastructure Provision

Members will note from the consultation responses section of this report that concerns have been expressed by both of the local Parish Councils as well as objectors about the ability of

the existing infrastructure of Barrow and its immediate environs to cope with the additional demands generated by this development.

In respect of education, the consultee response from LCC identifies that a scheme of this size generates 67 primary and 48 secondary school places. This cannot be accommodated within the existing schools and thus a sum of £795,990 is sought towards the full primary pupil yield and £859,277 towards 48 secondary places. They have commented that failure to secure these contributions would mean they are unable to guarantee that children living on this development would be able to access a school place within a reasonable distance from their homes. At this stage they are unable to specify the school(s) that would have the additional places provided due to the statutory processes surrounding school expansion and the need for consultation. The applicant is aware of the need for a contribution and included provision for it within their draft proposed Section 106 Head of Terms document appended to their submitted Planning Statement.

Concerns have been expressed in relation to sewage and drainage and this application was submitted with both a Flood Risk Assessment (FRA) and utility statement which examined these matters in detail.

The FRA identifies that the site is located in flood zone 1 which is the lowest level of flood risk. There is an area of zone 3 identified bordering the site alongside the route over Barrow Brook but this is outside the proposed development area. The submitted reports consider surface water run-off from the site and note it is important that surface water drainage proposals ensure that volumes and peak flow rates of surface water discharging from the site are no greater after development than those that exist prior to development. Given this is an outline application, detailed design is not complete but it is proposed that a series of interlinked storage systems will be provided including tank sewers and off-line swales and ponds, in order to provide control over discharge rates. Provision of such surface water attenuation systems will provide a reduction in the surface water flows to Barrow Brook and thus assist in reducing flood risk downstream of the site.

Reference has been made to the capacity of the existing treatment works to accommodate this scale of development and as Members will be aware from previous submissions within the catchment area for Whalley, this is something that has been, and continues to be, examined closely by United Utilities. In respect of proposed sewer loading from the site once developed, regard has been given to the constraints set by United Utilities to ensure that there is no increase in foul water discharge rates during the period up to mid 2016 after which foul water flows can be increased as the capacity at the WWWTW will have been increased to cater for new developments in the locality. The site requires, as part of the overall development proposals, the installation of a foul water pumping station to serve those parts of the site that are located in the lower ground contour areas to the west of the site. By sequencing installation of the foul water pump station early in the construction programme, enables completion of 110 dwellings in advance of the 2016 WWWTW upgrade. Furthermore, by engineering design, this new pump station will provide additional storage volume capacity in the existing public foul sewer. This additional capacity allows peak flow in the existing sewer to be diverted, stored and then pumped back to the sewer at a controlled rate. This benefits the existing users upstream of the development site and provides additional detention of flood flows.

It is clear from the observations of our statutory consultees on these matters, that there are no objections raised having regard to the technical information submitted and design solutions offered in respect of surface water and sewer provision. The Environment Agency suggest conditions be imposed should consent be granted and subject to the safeguards requested, development should not be resisted on these grounds.

## Nature Conservation – Protected Species, Landscape, Trees

This is a greenfield site consisting of various fields that are under agricultural usage and divided by ditches, hedgerows and fences, with individual trees and groups of trees throughout and a woodland belt to the north and a woodland belt to the south-east. A Preliminary Arboricultural Impact Assessment has been submitted in support of the application that identifies 56 individual trees, one group of trees, one woodland copse and four hedges that were surveyed in respect of this proposal.

Of these 12 trees, 1 woodland were allocated high retention values, 17 trees were allocated moderate retention values, and 18 trees, 1 group and 2 hedges were allocated low retention values. In addition, 9 trees and 2 hedges were classed 'U' and would normally therefore be recommended for removal in the short term regardless of this proposal.

The trees, of which a substantial number are large in size, stand as individuals and as components of groups and woodlands and, as a whole, confer a high visual amenity on the immediate and the wider local landscape. The applicant's have undertaken an evaluation of the Illustrative Masterplan in respect of tree protection and have indicated that proposed development of the site can be satisfactorily achieved whilst retaining the majority of the large trees on site by incorporating them into areas of public open space or suitably sizeable gardens. It is therefore imperative that any subsequent detailed development proposals include adequate

provision for the incorporation of the high and moderate quality trees into the design and that sufficient detail regarding the specifics of how these trees are to be retained and protected successfully is included in support of any such associated reserved matters or further application.

The Ecological Survey and Assessment submitted does not identify any significant wildlife interests or constraints that could affect the principle of developing this site. It recognizes that the site contains or lies adjacent to habitats of biodiversity value (Barrow Brook Field Biological Heritage Site/Lowland Meadow Priority Habitat, Hedgerow Priority Habitat, mature and semi- mature trees) and supports 7 UK BAP Priority Species of bird and a Pipistrelle bat commuting route. However, it is concluded that protection and mitigation for designated sites, protected species, Priority Habitat and Priority Species is entirely feasible. Where possible, opportunities to seek biodiversity gain by appropriate management, habitat creation and landscape planting have been identified and described within the submitted documentation. Whilst comment from the Council's Countryside Officer and County Ecologist had not been received at the time this report was drafted they examined details submitted in relation to the larger scheme and raised no concerns to indicate that, subject to appropriate safeguards, there are any justifiable reasons to withhold consent on nature conservation grounds. I have no reason to believe that they would therefore raise any concerns in relation to this proposal but should comments be received these will be reported verbally to Members.

## Layout/Scale/Visual Amenity

As stated previously, this is an outline application with the only detailed matter being applied for at this time being the means of access. However, there is a requirement for submissions to provide a basic level of information in respect of use, amount of development, indicative layout and scale parameters in order for a local planning authority to make detailed considerations on the use and amount of development proposed.

An illustrative masterplan has been submitted to show how the scheme would fit into the immediate surroundings with residential development to its north and south along Whalley Road and to the opposite side of the road through the village to the east. To the west lie the



county biological heritage site and railway line. In respect of scale parameters, the height limits of 8-10m for two storey dwellings which are the dominant type on site, would not, I consider appear over dominant. The submitted parameters for the three storey dwellings are 12-15m in height and are for illustrative purposes at this time with more details to be submitted at reserved matters stage to provide precise details of each unit in terms of scale and appearance. Therefore, whilst these dimensions may appear out of context at this stage, they are a matter reserved for future submission. In the main, they would be concentrated within the overall site and thus at this stage, I would not wish to raise significant concerns about an element of the scheme that is reserved for future submission.

Any form of development brings with it some effect on the landscape/character of an area and the fundamental consideration is would any harm caused be so significant as to warrant an unfavourable recommendation. Objectors have made reference to the visual impact of this scheme commenting that it is disproportionate to the size of the existing village. As Members will be aware, Barrow has grown over the years with residential developments occurring to the opposite side of Whalley Road to this site and the employment development at the former Barrow Print Works site. Indeed, the Barrow Enterprise site is identified as a main location for employment in the emerging Core Strategy. The site is clearly part of the open countryside which surrounds and forms the setting of the village. Land to the west of Whalley Road is quite distinct from the village and any development in this location would represent an outward expansion to the detriment of the visual amenities of the area.

#### Residential Amenity

In considering residential amenity, it is important to assess the relationship with properties outside of the site as well as that between units proposed as part of this scheme. To the east are properties that front on to Whalley Road and that form part of the housing estate of Chestnut Crescent and Oak Close; to the north by dwellings again fronting Whalley Road and comprising Mill Brook Place and to the south by dwellings that align Whalley Road.

Proposed parameters of plans have been submitted to indicate that new dwellings along the site frontage to Whalley Road would in the main face on to internal roadways set behind the existing hedgerow at distances of approximately 32m from dwellings to the east, 200m to the south and 20m to the north. Details submitted for consideration would indicate that the Whalley Road frontage dwellings would be detached bungalows along the majority of its length with two storey dwellings bordering existing properties to the north and south. Members should be aware that whilst these details are submitted for illustrative purposes, the distances between respective built forms surrounding the site would be acceptable. I acknowledge that distances to dwellings to the north are close to the 21m that is usually sought to prevent direct overlooking into first floor habitable rooms but reiterate the plans are illustrative and the dwellings are set at oblique angles to each other.

In terms of the actual scale of the development, the areas of the site that abut existing residential development are indicated as two storey in nature to the northern and southern areas of the site at maximum heights of 10m with bungalows shown to the Whalley Road frontage at a height of approximately 8m. There are some three storey blocks proposed to a maximum height of approximately 15m and the majority of these are shown within the main body of the site. There is the potential for a small collection of these units on the Whalley Road frontage but as the layout is reserved for future submission, I consider that the time to more closely assess that particular relationship would be at reserved matters stage as the submitted masterplan is for illustrative purposes only. Having assessed the submitted details, I do not consider that scheme would prove significantly detrimental to the residential amenities of properties bordering the site.

In respect of the internal relationship at the development site, the illustrative layout shows properties facing on to internal access roads, landscaped/park areas and the retained allotments. From the submitted illustrative plans it would appear that the separation distances between facing blocks of development maybe less than the 21m cited earlier within this section as a generally accepted distance between two storey facing dwellings. However, there are a number of factors to consider in relation to this point in assessing this aspect of the scheme. Firstly, layout is not a detailed matter being applied for at this stage and secondly the description of the development states '*the provision of up to 190 residential units...*'. It is acknowledged that this is a new residential development and potential purchasers will be fully aware of the relationship between various residential blocks prior to buying certain property but that does not mean that development should be permitted that would impinge on residential amenities. Thus, the reserved matters application will need to demonstrate in terms of overall scale and layout that the internal relationship between buildings is satisfactory and that the amenities of future occupiers would not be significantly compromised. Therefore, given the nature of this application (outline with all matters reserved except for access) I conclude that it would be unreasonable to raise concerns over a matter that is reserved for submission at a later date once the overall principle of development has been established.

### Miscellaneous

The proposed site is bordered by the Ribble Valley line railway to the west and Whalley Road to the east. Both of these transport routes are potential sources of noise which have the potential to adversely affect the future occupants of the proposed dwellings to be developed on this site. As such, the application has been submitted with an acoustic survey and assessment to ascertain what if any effect these two potential sources of noise could have on the proposed dwellings. The noise survey undertaken and the assessment of the results detailed in the aforementioned report demonstrate that noise levels on the site arising from railway and road traffic noise can be satisfactorily mitigated so as to meet government, World Health Organisation and British Standard requirements aimed at achieving a suitable living environment and providing adequate protection for future residents of the proposed development. Recommendations are proposed in terms of suitable mitigation measures, however these only apply to these properties with facades that will be situated adjacent to either the railway line or Whalley Road. The remainder of the development will receive adequate protection from rail and road noise due to the effect of distance attenuation and by the physical intervention of barrier effect of those properties directly affected.

Members will note from the comments of the County Archaeologist earlier within this report, that he has requested some prior to recommendation works being carried out on site in order that he can be satisfied in respect of the potential of the site regarding archaeological remains. The applicant/appellant has not responded on this matter other than to say they consider the approach set out in their submitted documentation that such works can be suitably conditioned as part of any approval should be sufficient to satisfy LCC concerns. In light of this, I have gone back to colleagues at LCC and at the time of drafting this report for Members, was still awaiting that response. However I am mindful that a geophysical survey has been carried out in connection with the larger proposal, subject of a Public Inquiry commencing on 4 June, and that following submission of that report LCAS did not consider any further archaeological work necessary in association with that proposal.

### Section 106 Agreement

The application was submitted with a draft Heads of Terms paper which outlined the following potential contributions/content of a legal agreement. Given this application is now subject of an appeal for non-determination no further work has taken place on this aspect of the proposal but work will need to be done prior to the Public Inquiry in order to produce an

Agreement between the parties which may or may not include all of the following aspects with/without revision.

1. Affordable Housing
  - Provision of 30% affordable houses on the site.
  - 15% of the residential development of the site to be for elderly persons (of these a 50/50 split between market and affordable units; elderly persons units to form part of the 30% provision of affordable homes across the site)
  - Offer of 2.5 acres of free land to a suitable registered provider/housing association for self-build or affordable homes immediately to kick-start delivery or secure funding (as part of the 30% provision overall).
2. Highways
  - Contribution based on Lancashire County Council's Accessibility (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
3. Public Transport
  - New bus stops and shelters (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
4. Cycle and Pedestrian Measures
  - Contribution to assist with the creation of appropriate pedestrian and cycle links (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
5. Pedestrian Crossing
  - Provision of a pedestrian crossing on Whalley Road to be considered (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
6. Traffic Regulation Orders (to extend 30 mph speed limit)
  - Costs of preparing, advertising and bringing the TRO into operation (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
7. Travel Plan
  - Contribution to enable LCC Travel Planning Team to provide a range of services as described in their Planning Obligations Paper (2008) with respect to Travel Plan (to be the subject of further discussions between applicant's transport consultants and Lancashire County Council).
8. Public Open Space
  - Provision of informal and formal open space and on-site play areas Management/maintenance responsibilities for the open space/play areas.
9. Education
  - Contribution towards education places where primary schools within 2 miles and/or secondary schools within 3 miles of the development are already oversubscribed or projected to become oversubscribed within 5 years.

**RECOMMENDATION:** That Committee endorse the following issues as reasons for refusal and authorise the Director of Community Services and the Head of Planning Services to liaise as appropriate to establish the best possible case to defend the appeal.

1. The proposal would be prejudicial to emerging policy in the Core Strategy.
2. Insufficient information has been made available to enable a comprehensive assessment to be made of the likely impacts of the application on the local highway infrastructure.
3. Visual impact.

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 23 MAY 2013  
title: HOUSING LAND AVAILABILITY  
submitted by: DIRECTOR OF COMMUNITY SERVICES  
principal author: SHARON O'NEILL – PLANNING TECHNICIAN

## 1 PURPOSE

- 1.1 To provide Members with information on the most recent results of the Housing Land Availability Survey.
- 1.2 To request the formal adoption of a figure of 200 houses per annum for Development Management purposes.
- 1.3 Relevance to the Council's ambitions and priorities:
  - Community Objectives – The information in this report relates to a number of community objectives but is particularly relevant to the broad objective of conserving our countryside and enhancing the local environment.
  - Corporate Priorities - This information is relevant to the local development framework which is the spatial expression of the Community Strategy.
  - Other Consideration – None.

## 2 INFORMATION

- 2.1 The Council regularly monitors housing land availability and produces a housing land availability report. This document provides the information with which to monitor housing development across the Borough. Monitoring continues to be critical to the process of determining planning applications and the Council's duty to ensure a 5 year supply of developable land. Whilst NPPF anticipates an annual update on the supply of deliverable land, the Council monitors Housing Land on a quarterly basis.
- 2.2 The HLA report itself provides detailed information on sites with planning permission, sites under construction and enables the Council to create a picture of construction trends and activity rates together with base line evidence on the amount of land that is available to be brought forward. Copies of the full report are available for reference at Planning Reception and the Members' Room on Level D and on the Website.
- 2.3 Members will be aware that the relevant STRATEGIC basis against which housing land supply is currently monitored is the Regional Spatial Plan (RSS). The Council continues to monitor against the provision of 2900 homes between 2003 and 2021 to provide for a strategic provision of some 161 units per year. At the time of preparing this report the Regional Strategy was still in place but on 24 April 2013 the Government laid an Order in Parliament to revoke the Regional Strategy for the North West. The Regional Strategy for the North West will be revoked in its entirety and the Order will have come into force on 20 May 2013. A revised requirement has been established to inform the Core Strategy, the Council has not yet adopted this for decision-making purposes as yet. This

report seeks to adopt the figure. The formulation of a revised requirement has been subject to public consultation and remains an issue to be resolved through the Examination in Public to be held as part of the Core Strategy process when those issues/objections that remain, can be considered. The current 5 year housing land position is calculated in relation to the RSS and the proposed strategic requirement of the submitted Core Strategy.

2.4 The supply position for dwelling units as at March 2013 is summarised as follows:

• Units with full planning permission	283
• Units with outline planning permission	644
• Sites commenced, units remaining but not started	147
• Units under construction	138
• Conversions - not started	89
• Conversions –under construction	45
• Affordable Housing Sites (not started)	<u>335</u>
<b>Total</b>	<b>1681</b>

In addition, a total of 293 units were the subject of planning applications awaiting the completion of Section 106 agreements. Given that these sites have been agreed in principle and that the Council has put in place measures to monitor progress on the completion of agreements these are included in the supply. Any issues arising from delays in completing the agreements can be monitored and reflected in the Councils Housing Land Monitoring which is now being done on a quarterly basis, this will provide a more accurate position in terms of sites that can contribute to the 5 year supply.

The tables at Appendix 1 sets out a 5 year statement, as at March 2013 taking account of the necessary adjustments and smoothing to reflect activity over the monitoring period. Given that we currently plan for 161 units per year this shows that the Council can demonstrate an ongoing 5 year supply of housing land.

For reference the table at Appendix 2 shows the comparable 5 year assessment against the proposed strategic requirement of the draft Core Strategy, which also shows against that requirement the Council can demonstrate a 5 year supply position.

Work on assessing deliverability of individual sites in accordance with requirements of NPPF has commenced. As a result the calculations include allowances for 4 sites (or parts thereof) considered undeliverable in the 5 year period.

2.5 Appendix 3 also shows the current housing land position in relation to the spatial distribution of the strategic housing requirement as per the submitted Core Strategy. This effectively updates the table at 15.2 of Appendix 2 of the submitted Core Strategy.

### 3. HOUSING NUMBER FIGURE

3.1 Members will be aware that over recent months the Council has informally used the 200 dwellings per annum figure as a requirement in relation to housing need. This figure has been debated at recent planning appeals and accepted by some Planning Inspectors. Members will also note that the RSS figure of 161 has often been referred to but the Council have not used this figure in relation to housing numbers.

3.2 The council have recently been informed that the Regional Strategy is to be formally revoked on the 20 May 2013 and therefore I suggest that for avoidance of doubt that the

figure of 200 dwellings per annum is adopted by Committee for development Management purposes. I am mindful that the housing numbers will form a considerable part of the forthcoming Examination in Public of the Core Strategy which may lead to a further review of the figure.

#### 4 RISK ASSESSMENT

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

- Resources – No implications identified.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation - It would help clarify the existing methodology
- Equality and diversity - No implications identified.

#### 5 **RECOMMENDED THAT COMMITTEE**

5.1 Note the report and agree to the adoption of the 200 units per annum in the light of the revocation of the RSS

SHARON O'NEILL  
PLANNING TECHNICIAN

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

#### BACKGROUND PAPERS

- 1 Housing Land Availability Survey files
- 2 North West of England Plan Regional Spatial Strategy to 2021 – GONW- Sept 2008

For details of the Housing Land Availability Schedule contact Sharon O'Neill extension 4506.

For further information on housing and strategic policy issues please ask for Colin Hirst, extension 4503.

**Housing Land availability position based on RSS requirement (2003-2021)  
including permissions, completions and commitments up until 31<sup>st</sup> March 2013**

**5 year requirement**

a) RSS Housing provision 2003/2021	2900	161/yr
b) Net dwellings completed 2003/2012 (10.0yrs)	1350	135/yr (1350 ÷ 10.0)
c) Net dwellings required 2013-2021 (8.0 years) (adjusted to a revised annual rate)	1550/8.0	194/yr
d) Adjusted Net 5 yr requirement 2013-2018 (5yrs)	970	194 x 5 (annual equivalent smoothed over plan period)
e) Add Buffer of 20%	1164	20% NPPF guideline (194 + 20% = 232.8) x 5

- a) Strategic housing provision based on RSS requirement.
- b) Actual completions in monitoring period divided by number of years.
- c) Residual requirements based on completions and plan period remaining. This figure gives the annualised requirement to attain planned figure.
- d) Five year requirement based on the revised/adjusted annualised rate.
- e) Buffer to allow for previous years under delivery 20% para. 47– NPPF.

**Supply of deliverable sites (Housing Land Availability Survey 31<sup>st</sup> March 2013)**

Sites subject to Section 106 agreements		293	dwellings
Affordable units		335	
Sites with Planning permission		<u>1163</u>	
	Sub total	1791	
Less sites <sup>1</sup> not deliverable in 5 years		<u>-212</u>	
	Sub total	1579	
Less 10% buffer <sup>2</sup>		<u>-158</u>	
	Sub total	1421	
Plus sites under construction		<u>+183</u>	
	<b>TOTAL</b>	<b>1604</b>	<b>dwellings</b>

1604 ÷ 232.8 = **6.89 year supply** at 31/03/13 (including 20% buffer)

<sup>1</sup> Sites at: Dale View Billington (23 units); part of site at Henthorn Road which will be built beyond the 5 year period (110 units); Victoria Mill Sabden (70 units); and Victoria St Garage (9 units).

<sup>2</sup> 10% buffer deducted until assessment of deliverability of individual sites is completed



**Housing Land availability position based on proposed Core Strategy requirement (2008-2028)  
including permissions, completions and commitments up until 31<sup>st</sup> March 2013**

**5 year requirement**

a) Core Strategy Housing provision 2008/2028	4000	200/yr
b) Net dwellings completed 2008/2013 (5.0 yrs)	552	110/yr (552÷5.0)
c) Net dwellings required 2013-2028 (15.0 years) (adjusted to a revised annual rate)	3448/15.0	230/yr
d) Adjusted Net 5 yr requirement 2013-2018	1150	230 x 5 (annual equivalent smoothed over plan period)
e) Add Buffer of 20%	1380	20% NPPF guideline (230 + 20% = 276) x 5

- a) Strategic housing provision based on previously proposed Core Strategy requirement.
- b) Actual completions in monitoring period divided by number of years.
- c) Residual requirements based on completions and plan period remaining. This figure gives the annualised requirement to attain planned figure.
- d) Five year requirement based on the revised/adjusted annualised rate.
- e) Buffer to allow for previous years under delivery 20% para. 47– NPPF.

**Supply of deliverable sites (Housing Land Availability Survey 31<sup>st</sup> March 2013)**

Sites subject to Section 106 agreements		293 dwellings
Affordable units		335
Sites with Planning permission (not started)		<u>1163</u>
	Sub total	1791
Less sites <sup>3</sup> not deliverable in 5 years		<u>-212</u>
	Sub total	1579
Less 10% buffer <sup>4</sup>		<u>-158</u>
	Sub total	1421
Plus sites under construction		<u>+183</u>
	<b>TOTAL</b>	<b>1604 dwellings</b>

1604 ÷ 276 = **5.81 year supply** at 31/3/13 (including 20% buffer)

<sup>3</sup> Sites at: Dale View Billington (23 units); part of site at Henthorn Road which will be built beyond the 5 year period (110 units); Victoria Mill Sabden (70 units); and Victoria St Garage (9 units).

<sup>4</sup> 10% buffer deducted until assessment of deliverability of individual sites is completed

## RIBBLE VALLEY CORE STRATEGY - HOUSING MONITORING

This table updates table 15.2 at Appendix 2 of the submitted Core Strategy and shows the residual number of houses for settlements based on the Housing Land position at 31<sup>st</sup> March 2013.

Settlement	1 Number of houses to be provided <sup>5</sup>	2 Number of houses already completed/permission given <sup>6</sup> for each 'settlement' / area (based on the Parish)	3 Unadjusted residual (less number already completed/ permission given)	4 Longridge adjustment <sup>7</sup>	5 Proposed Strategic Site - 1040 <sup>8</sup>	6 Residual number of houses required for each settlement <sup>9</sup> (figure of zero shows requirement in column 1 is already met)
Clitheroe	1,670	795	875	0	-165 <sup>10</sup>	0
Longridge	835	282	553	353		353
Whalley	375	248	127	0		127
<i>Other settlements</i>	<i>1120</i>	<i>908</i>	<i>212</i>	<i>412</i>		<i>412</i>
Standen				0	1040	1040
<b>Total</b>	<b>4000</b>	<b>2233</b>	<b>1767</b>			<b>1932</b>

<sup>5</sup> For three main settlements total no. of dwellings is 2880. Number of houses is calculated from settlement population as a % of total main settlement population (see table at 15.2 of Submitted Core Strategy for data) - Clitheroe 58%, Longridge 29%, Whalley 13%

<sup>6</sup> Does not include sites which are awaiting completion of section 106 agreements at 31.03.2013 (these account for an additional 293 dwellings)

<sup>7</sup> This allowance reflects anticipated development in Preston Borough at Longridge - 200 taken from Longridge and reapportioned to the 'Other Settlements'

<sup>8</sup> Proposed Strategic Site - 1040 dwellings proposed at Standen. 1040 taken from Clitheroe requirement.

<sup>9</sup> As at 31<sup>st</sup> March 2013 - applications have been approved since

<sup>10</sup> This figures indicates overprovision in Clitheroe in comparison with the Core Strategy requirement

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 23 MAY 2013  
title: CORE STRATEGY LOCAL DEVELOPMENT SCHEME – PROPOSED REVISION  
submitted by: CHIEF EXECUTIVE  
principal author: COLIN HIRST

## 1 PURPOSE

1.1 To consider and agree an update to the timetable in Council's Local Development Scheme.

1.2 Relevance to the Council's ambitions and priorities

- Council Ambitions – The Local Development Scheme is fundamental to the delivery of planning policy and will help in protecting and enhancing environmental quality. Planning policies will help deliver the Council's ambitions relating to the supply of affordable homes in the area.
- Community Objectives – As the management tool for the planning policy preparation, it provides a basis by which to identify how, in particular, issues relating to the objectives of a sustainable economy, thriving market towns and housing will be addressed through the planning system.
- Corporate Priorities – The scheme will provide a management tool for resource planning and will aid performance and consistency. The scheme will help deliver community involvement.
- Other Considerations – The Council has a statutory duty to prepare and keep up to date a Local Development Scheme for the area.

## 2 BACKGROUND

2.1 The Local Development Scheme (LDS) is a statutory document that the Council has to have in place. It is a public statement of the documents and the policy areas that the Council intend to produce that will comprise the Local Development Framework (LDF) for the area. The published scheme is available on the Councils' web site or can be viewed at Level D reception.

2.2 The LDS was previously updated in October 2012 in response to a request from the Inspector appointed to undertake the examination of the Core Strategy. To take account of key changes this proposed update needs to be done to reflect the current effect on the process as a result of the suspension period agreed with the Inspector for the Core Strategy Examination.

## 3 ISSUES

3.1 As Members are aware the Examination process was suspended to enable the Council's Evidence Base to be refreshed and brought up to date. The current timetable anticipates the re-opening of the Examination on 1 July. The consequent knock on

effect to the timetable therefore needs to be incorporated into the Local Development Scheme.

3.2 The timetable proposed in Appendix 1 sets out the key stages and milestones for the Core Strategy, leading to adoption together with the proposed Housing and Economic Development DPD that will deal with allocations taking account of the suspension. This provides an indication of the time frame expected which will assist in resource planning.

#### 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – Provision is included in current budgets for work on the Core Strategy. However, provision will need to be made in future budget process for the housing and economic DPD.
- Technical, Environmental and Legal – The Local Development Scheme is a statutory requirement. Up to date, timely and relevant planning policies are important in maintaining and improving the environment of the borough.
- Political – There are no direct political implications, however, the LDS does establish a programme of priority for policy work.
- Reputation – The Council's decision on how to proceed could affect its reputation for example, if the LDS is not kept up to date, the Council will not meet the requirements of legislation.
- Equality & Diversity – No implications identified.

#### 5 **RECOMMENDED THAT COMMITTEE**

5.1 Authorise the Chief Executive to update and publish the Local Development Scheme as required in consultation with the Chairman of Planning and Development Committee, keeping Members informed of any significant changes as appropriate.

COLIN HIRST  
HEAD OF REGENERATION & HOUSING

MARSHAL SCOTT  
CHIEF EXECUTIVE

#### BACKGROUND PAPERS

- 1 Adopted Local Development Scheme, October 2012.
- 2 LDS File.

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

## APPENDIX 1

### Proposed Documents and Key Milestones

<b>DOCUMENT</b>	Date for issues & options consultations (Regulation 18)	Public participation on preferred options (Regulation 19)	Date for submission to Secretary of State (Regulation 28)	Pre-Examination meeting	Target Date for Formal Examination	Anticipated receipt of Inspectors Report	Date for proposed adoption
Core Strategy	N/A	N/A	N/A	July 2013	September 2013	December 2014	February 2014
Housing and Economic Development DPD	December 2013	September 2014	December 2014	January 2014	March 2015	July 2015	August 2015

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 23rd MAY, 2013  
title: PROPOSED REVISION TO STATEMENT OF COMMUNITY INVOLVEMENT

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## 1. PURPOSE

1.1 To report on the revisions made to the adopted Statement of Community Involvement (SCI) following legislative changes since the document's last revision in 2010.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions – The revision of this document will have a bearing on our future ability to adopt planning policy documents and therefore could influence future development within the borough. This will have relevance to Council ambitions relating to environmental enhancement, economic development and many other issues.
- Community Objectives – through the planning system to maintain, protect and enhance the natural and built features that contribute to the quality of the environment.
- Corporate Priorities – To provide a high quality environment, to conserve our countryside, the natural beauty of the area and enhance our built environment
- Other Considerations – None

## 2. BACKGROUND

2.1 The Planning and Compulsory Purchase Act 2004 requires all local planning authorities to produce a Statement of Community Involvement or SCI. This is not a planning policy document but a detailed statement of how the planning authority will consult with all individuals and organisations as it develops new policy documents. As the authority goes about developing policy documents it must follow the processes and commitments it makes within the SCI or risk that the Planning Inspectorate may find those developing policy documents unsound and reject them.

Briefly an SCI should:

- Explain clearly the process and methods for community involvement for different types of local development documents and for the different stages of plan preparation, with particular emphasis on engaging diverse sections of the community.
- Explain the process and appropriate methods for effective community involvement in the determination of planning applications, including the authority's approach to pre-application discussions

- Include the authority's approach to community involvement in planning obligations (S106 agreements)
- Include information about how the SCI will be monitored, evaluated and scrutinised at the local level
- Include details of where community groups can get more information on the planning process
- Identify how landowner and developer interests will be engaged

### 3. RECENT GOVERNMENT LEGISLATIVE CHANGES

3.1 The current SCI, which was first adopted in 2007 and revised in 2010 now requires further revision following recent changes to government legislation.

3.2 The additional wording or content changes appear in the attached document marked in **bold 14 point text** whilst text to be removed is marked in 11 point underlined italic.

3.3 The main changes to the document comprise:

- Changes to section 2.2 to reflect the new Regulation numbers attached to the various stages in the production of planning policy documents within the (Town and Country Planning (Local Planning) (England) Regulations 2012 as they affect the Planning and Compulsory Purchase Act 2004. The actual tasks within the various stages broadly remain the same.
- Changes to section 2.6 to reflect the new Duty to Co-operate enshrined within the Localism Act of 2011 encouraging local authorities and other public bodies to actively engage in the production of development plan and other documents.
- Changes to Tables 2 and 3 and the section relating to Sustainability Appraisal, all in Section 2.7, to reflect the new Regulation numbering mentioned above in bullet 1. These briefly outline what kind of consultation and what techniques will be used within each stage in a document's production. Note that the actual amount and type of consultation at each stage remains the broadly the same as in the 2010 version of the SCI.
- In section 3 the text relating to the Ribble Valley Strategic Partnership has been removed and accompanying references to it in the Glossary amended and the Sustainable Community Strategy has also been substantially reworded.
- Section 3.2 relating to the Council's Consultation Strategy 2007 has been brought up to date.
- Section 5 now includes revised statements on the resource implications of the activities mentioned in the SCI.
- Appendix 1 has been amended to include revisions to the various bodies that planning authorities should consult, including the new health bodies following recent changes to

the NHS and the introduction of Local Economic Partnerships and the abolition of regional agencies.

#### 4 OTHER CHANGES

4.1 In addition to these legislative changes the draft was also been revised to reflect the new section numbering, changes to the Glossary and also, in various places, to improve readability.

#### 5 RISK ASSESSMENT

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

- Resources – The main implication relating to resources is difficult to exactly quantify but is generally outlined in terms of staff implications in Chapter 5 of the document. These will have to be considered through the service planning process.
- Technical, Environmental and Legal – None.
- Political – There are no direct political implications.
- Reputation – There are no direct implications.

#### 6 **RECOMMENDED THAT COMMITTEE**

6.1 Accept the proposed changes to the document and agree to authorise the Chief Executive to publish it for a consultation of six weeks in the near future. Also to agree that, subject to no substantive issues arising from the consultation, that, in consultation with the chair of Planning and Development Committee, the revised document be adopted.

Philip Dagnall  
Assistant Planning Officer

Marshal Scott  
Chief Executive

For further information please ask for Phil Dagnall, extension 4570.

Appendix 1- Statement of Community Involvement - Draft Revised report May 2013



**Ribble Valley  
Borough Council**



# Statement of Community Involvement

**Draft revised report  
MAY 2013**



**RibbleValley**  
Local Development Framework

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# 1. Introduction

## 1.1 Purpose of the Statement of Community Involvement (SCI)

This Statement sets out how the Borough Council will involve all elements of the community in the planning process, both in the preparation of planning policy and involvement in planning applications. It shows how we will consult on the development of the various documents that will eventually **make up the Local Plan, or Local Development Framework (LDF) that will** replace the current Ribble Valley Districtwide Local Plan.

It describes how and when the community will be consulted and about which documents and issues we need its views and ideas. Through this process we hope to give local people access to information to help them shape their future environment through informed and active participation.

The Borough Council has involved the community in the planning process for many years, but the new planning system<sup>1</sup> seeks a step-change in the level of this involvement. Tapping into the community's expertise and insight on local issues produces better planning. In turn meaningful community involvement helps create a wider sense of public ownership of planning policy and greater pride in a locality.

It is important that all involved in planning understand how the process will operate and at what time and in what manner contributions and comments can be made. It is also important that people have realistic expectations of the outcomes of contributions and consultations.

The original SCI was adopted in 2007 but, in the light of our consultation experience since then, and revised Government planning legislation, we have produced this amended version **it was revised in 2010 and, following further government legislation, it has been the subject of this further revision.**

The main changes (caused by the publication of the Town and Country Planning (Local Planning) (England) (Amendment) regulations of 2008 and 2009 are:

- Removal of the preferred options stage of for development Plan Documents (DPDs) and the introduction of a more flexible participation process
- Removal of the requirement of the SCI to be subject to independent examination and:
- The removal of the requirement of Supplementary Planning Documents (SPDs) to be subject to Sustainability Appraisals

**These 2013 revisions include reference to new Neighbourhood Planning legislation and the introduction of a**

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<sup>1</sup> Introduced by the Planning & Compulsory Purchase Act 2004

**formalised pre-application process into the wider planning application system operated by the authority.**

## 1.2 Vision

The Borough Council's vision is to work jointly with the people and organisations that have an interest in the borough to plan better places together. This SCI will also relate closely to the objectives and technical guidance within the Ribble Valley Consultation Strategy 2007 and the Ribble Valley Sustainable Community Strategy. (see Section 3)

## 1.3 Who Comprises the Community?

The community includes everyone living in the Borough, both as individuals and members of locally based groups and organisations, and also others who work in the Borough together with businesses and other organisations with interests or future interests in the Borough. These can include residents, the business community, local and national interest groups, the development community including landowners and house builders, the voluntary, community and faith sectors, county, district and parish councils, statutory and other national bodies. The Government specifies certain bodies that have to be consulted on all planning policy documents. These are listed under specific consultation bodies in Appendix 1 together with other bodies who may be relevant consultees in certain circumstances, depending on the particular document concerned.

To help us engage effectively with the many different parts of the Ribble Valley community we maintain an LDF contact database comprising of local individuals and organisations who wish to be consulted and the statutory bodies designated by Government who have to be consulted. The database is divided into broad categories and is described in more detail in Appendix 2. The categories are a useful tool to check that we use the most appropriate and cost effective ways of reaching all in the community, recognising that different groups will respond best to different techniques and that some groups have overlapping interests and memberships.

# 2. Involving the Community in Making Planning Policy

## 2.1 The Local Plan (Local Development Framework)

Planning policy is set out in Development Plan Documents that collectively form "The Development Plan". Those Development Plan Documents that are prepared locally by the Borough Council are shown in Table 1 below.

The statutory Development Plan consists of the Regional Spatial Strategy (RSS) and the Development Plan Documents (DPD's). **However it is the current government's stated intention to abolish the RSS although the exact timescale for its eventual abolition is at present unclear.** Locally produced Development Plan Documents and Supplementary Planning Documents (SPDs) must be prepared in conformity with this SCI. Details

of the timing of producing these documents are contained in the Council's Local Development Scheme (LDS).

The LDS can be viewed at -

[www.ribblevalley.gov.uk/site/scripts/documents\\_info.php?documentID=699](http://www.ribblevalley.gov.uk/site/scripts/documents_info.php?documentID=699)

or at the Council Offices, Level D Reception. Also paper copies are available on request.

Different Local Development Documents (LDDs) require slightly different approaches. For example, Area Action Plans need more localised community involvement than the Borough-wide Core Strategy as they focus on specific small areas, while the Core Strategy will contain broader more strategic policies which will affect the whole of the local community. The SCI will help us set out a common sense approach to engaging those individuals and groups appropriate to each document. The use of the Council's web site **will also help with useful give assist access to** information.

## Table 1 - Local Development Framework Documents

### A. LOCAL DEVELOPMENT DOCUMENTS

#### 1. Development Plan Documents (DPDs)

These documents are tested through inspection by the Planning Inspectorate and, when adopted by the Council, have the full weight of development plan status in the consideration of planning applications.

*Core Strategy* – this sets out the key strategic objectives of the local planning system. It contains a spatial vision of how Ribble Valley will develop in the future together with spatial objectives, policies, an implementation plan and a monitoring structure. All other DPDs must be in conformity with it

*Proposals Map* – this makes clear which policies and programmes operate in which parts of the area, updated with each new DPD.

*Site Specific Allocations* – these are allocations of land within DPDs for particular purposes, for instance housing, employment, shopping etc.

*Area Action Plans* – these are particular frameworks developed for specific parts of a wider area, for instance relating to housing regeneration, or the retail core of a town centre, or a conservation area.

#### 2. Supplementary Planning Documents (SPDs)

These expand on policies in the above Development Plan Documents. They are not independently tested and consequently do not have development plan status but are material considerations in the planning application process. They provide extra detail and amplify existing policies within DPDs. They can be topic based eg renewable energy or area based eg a town centre.

## B PROCESS DOCUMENTS

*Statement of Community Involvement (this document)*- this describes the Council's approach to engaging and consulting the community in developing planning policy and in the planning application process. **It is not subject to independent examination by the planning Inspectorate.**

*Local Development Scheme*- this sets out the timetable of document production and is regularly reviewed. It is submitted to the Secretary of State for Communities and Local Government for approval.

*Sustainability Appraisal* – this document tests the social, environmental and economic effects of Local Development Documents and assesses their effectiveness in promoting sustainable development. It is produced in parallel with the development of a DPD.

## C. EVIDENCE BASE DOCUMENTS

This category includes a potentially wide variety of research material that is needed to underpin and justify policy documents. It includes, **but is not necessarily limited to**, such documents as:

*Strategic Housing Market Assessment*  
*Strategic Housing Land Availability Assessment*  
*Housing Need Studies*  
*Strategic Flood Risk Assessment*  
*Employment Land Studies*  
*Transport Studies*  
*Infrastructure Plans*  
*Open Space studies*  
*AONB information papers*  
*Gypsy and Traveller **accommodation** needs*  
*Greenbelt paper*  
*Land supply statements*  
*Settlement Audit*  
*Pennine Lancs. Integrated Economic Strategy*  
*Biodiversity baseline*  
*Conservation Area Appraisals and management schemes*  
*Town Centre Masterplan studies*  
*RVBC Housing Strategy*

The list of Development Plan Documents is subject to review. Please refer to the Council's web site [www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk) for current information or contact the Forward Planning Team for more information. Telephone 01200 425111.

## 2.2 The Plan Preparation Process

The Council is continually gathering evidence through a variety of methods including both formal and informal consultations about a wide range of planning related matters. This evidence helps us identify the important local issues that we then focus our LDF documents on.

Following recent legislation there are now two main formal stages of community involvement in the preparation of a Development Plan Document (or DPD). In addition there may also be a further opportunity for representations at the Examination stage, at the Inspector's discretion. The stages are:

1. Public participation in the preparation of a DPD (also called Regulation **18** 25 within Government Planning legislation)
2. Publication of a DPD (also called Regulation **19** 27 stage within Government Planning legislation)
3. Submission of a DPD (also called Regulation **22** 30 within Government Planning legislation)
4. Independent examination of a DPD (also called regulation **24** 34 within Government Planning legislation)
5. Publication of Inspectors recommendations (also called Regulation **25** 35 within Government Planning legislation)
6. Adoption of a DPD (also called Regulation **26** 36 within Government Planning legislation)

## 2.3 Sustainability Appraisal

In preparing the LDF the Council must also undertake a Sustainability Appraisal (SA). This is an assessment of the social, environmental and economic effects of policies and proposals of each DPD within the LDF. The aim is to ensure that decisions help contribute to the achievement of sustainable development. The development of the SA takes place alongside the preparation of DPDs and there will be opportunities for consultation at key stages in the preparation of the Appraisal.

The consultation stages in the preparation of a Sustainability Appraisal are outlined in 2.6 below (see page **11** 12).

## 2.4 How the Community will be Involved

Many organisations and individuals are already actively involved in planning. This is welcomed, but there is a risk that the voice of the less well organised is not heard, including the 'silent majority' and other "hard to reach" groups.

It is **recognised that** also important to recognise that some parts of the wider community are more difficult to engage than others and may need to be approached in different ways. These groups are collectively known as "hard to reach" groups and are described in more detail in 2.5 below.

To ensure that every reasonable effort has been made to engage the whole community the Borough Council will use a variety of consultation tools and



techniques to inform, consult and involve. These are explained in more detail in **2.7**

2.6 below, together with an indication of when they will be used in the various stages of DPD production.

It is also important to recognise that some parts of the wider community are more difficult to engage than others and may need to be approached in different ways. These groups are collectively known as “hard to reach” groups and are described in more detail in 2.5 below.

The consultation standards set out in Table 2 apply to locally produced Development Plan Documents (DPDs). The groups consulted will reflect the geographical scope of the **individual** DPD or SPD concerned.

Supplementary Planning Documents (SPDs) are not subject to an independent examination. Consultation on SPDs will be undertaken as set out in Table 3 below. Help is available to qualifying individuals and community groups through the Planning Aid Service (PAS), which is an independent service that can provide help and advice on the planning system and how you can get involved in planning matters. More information about PAS is included in Appendix 4

## 2.5 “Hard to Reach” Groups

Many people do not engage with the planning system due to lack of time, interest or knowledge or for other reasons. For these “hard to reach” groups the Council seeks to make the planning system more accessible and more straightforward to understand. The Consultation summaries and Statements we will produce at each consultation stage should help those who lack knowledge and confidence to identify those groups who have a similar point of view and who may be able to represent their perspective.

Others are “hard to reach” due to some disadvantage, whether physical, mental, social or age-related. The Council will work to reduce barriers to their participation, for example through:

- large print versions of all documents available on request;
- documents available in braille on request;
- documents available in languages other than English, on request
- using media accessible by all households, including those with mobility difficulties (**the Council’s free newspaper** “Ribble Valley News”, which is **delivered to all households**, newspapers and the internet);
- meetings that avoid school pick-up and drop-off times;
- local meetings and local information displays that take account of the needs of those with limited mobility;
- considering any practical suggestions from groups and individuals on how to further reduce barriers.



- making every endeavour to meet the requirements of the Race Relations Act 2000 and the Disability Discrimination Act 1995

People who are least likely to give their views include:

- Young people (those under 18 years old)
- People with physical or mental disabilities, with special needs or people who may have difficulty in reading or writing
- People from ethnic groups or whose first language is not English
- Other disadvantaged groups

Consultation exercises will be monitored to help identify groups within the community that are under represented and highlight any barriers which may prevent responses.

The Forward Plans section maintains a database of persons and organisations who wish to be contacted when LDF documents are under preparation. Details of this database can be found in Appendix 2.

## 2.6 Localism and the Duty to Co-operate

As the spatial plan for the Borough it is important that the Core Strategy and other DPDs take into account all relevant strategies and plans. The Localism Act (2011) has introduced the Duty to Co-operate which requires planning authorities and other public bodies to actively engage together in the production of development plan documents and on other related matters such as infrastructure provision. The Council will explore appropriate ways to address such matters with neighbouring boroughs and other relevant bodies. It should also be noted that planning authorities, through specific planning legislation, have been closely liaising with many such bodies for several years through commitments within existing planning legislation. More details regarding these planning legislation and duty to co-operate contacts a can be found in Appendix 1.

## 2.7 Techniques for Involving the Community

Table 2 - Key Consultation Stages in the Preparation of a Development Plan Document

Document Stage	Consultation Methods	Consultation Groups
	Where appropriate we will widely circulate an explanatory leaflet and/or questionnaire discussing the issue(s) relating to the document. This could include inserting them into local newspapers and Council newsletters. Copies will also be available at the Council's Planning Department reception,	All <b>specific</b> <u>statutory</u>

<p><b>Draft Options (Regulation 18 25 stage)</b></p>	<p>on the Council’s website and in local libraries.</p> <p>We will hold meetings with both District Council and Parish Council members appropriate to discuss the issue.</p> <p>We will consider the responses to the above and produce a document that presents a series of Options relating to the issue and consult widely on this for at least six weeks</p> <p>After this “Options Consultation” we will prepare a summary of the results which we will present to Council members and publicise on the Council website and make hard copies available at local libraries and in Council offices.</p>	<p>and general Consultees listed in Appendix 1</p> <p>All people and organisations listed in the LDF database held by the Council</p> <p>All identified Hard to Reach Groups</p>
<p><b>Publication (Regulation 19 27 stage)</b></p>	<p>Using the results of the Options Consultation we will then prepare a more detailed paper outlining the most appropriate or “Preferred Option” which will be widely circulated for at least six weeks.</p> <p>We will place <b>relevant</b> <i>this</i> documents on the Council website and as hard copies in various public buildings</p> <p>We will send copies of the document to key stakeholders</p> <p>We will publicise this through the local press including press articles, adverts and/or inserted explanatory leaflets in local newspapers.</p> <p>We will also use mobile displays in accessible public places including local libraries, shopping centres, town halls, where appropriate</p> <p>We will inform everyone within the target groups by letter about the consultation and how to respond and will publish details and representation forms on the Council website.</p> <p>We will hold workshops for Council members and Parish Councillors as appropriate. We will also hold at least one open public meeting at an appropriate time for wider discussion.</p> <p>We will also circulate the consultation material to the local Citizens Panel for their consideration</p>	<p>All <b>specific</b> <i>statutory</i> and general Consultees listed in Appendix 1</p> <p>All people and organisations listed in the LDF database held by the Council</p> <p>All identified Hard to Reach Groups</p>

After this consultation we will consider the results and produce a Summary of Consultations document on the Regulation **19** 27 stage consultations which we will circulate to Council members, make reference to on the Council website and make paper copies available through local libraries as appropriate.

After this consultation stage all responses will be considered by the Planning and Development Committee of the Council and a Summary Of Representations produced. Provided that these do not indicate any major changes to the document they can then be incorporated into a document that the Council will then submit to the Secretary of State for examination by the Planning Inspectorate. This document is known as the Submission Version.

<p style="text-align: center;"><b>Submission (Regulation 22 <u>30</u> stage)</b></p>	<p>At the submission stage we will make the document available at the council offices and other appropriate public buildings like libraries during office hours, publish it on the website along with a statement of fact that it is available for inspection. We will also send a copy to specific consultation bodies who were invited to make representations at reg <b>19</b> <u>25</u> stage. As part of the publicity we will put a notice in local paper detailing the title of the DPD, subject matter and statement of fact that it can be inspected</p>	<p>Will make all <i>statutory specific</i> and general consultees listed in Appendix 1 aware of the submission as well as all people and organisations on the Council's LDF database, all those who made a representation at the previous Regulation <b>19</b> <u>25</u> stage and all identified Hard to Reach Groups</p>
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The Planning Inspectorate will apply a series of "soundness" tests to the document through an Examination in Public and produce a *binding* report containing a series of recommendations, which may contain amendments. If the Council accepts and implements these then it can then be adopted as local planning policy.

If the Inspector considers that the document is unsound then it will be necessary to revert to an earlier stage in the preparation of the document.

Table 3 - Consultation Stages in the Preparation of a Supplementary Planning Document

Document Stage	Consultation Method	Consultation Groups
<p>Initial Consultation Stage (<i>optional</i>) <b>Govt Regulation 12)</b></p>	<p>We will advertise the consultation in the local press and the Council's website.</p> <p>We will use a variety of methods which will include leaflets, presentations, displays and questionnaires and meetings where appropriate</p> <p>We will endeavour to inform by letter or email all those parties who have expressed an interest in the issue or who we feel are relevant to it.</p>	<p>Those individuals, groups and organisations that the Council feels are relevant to the subject or area the SPD concerns</p>
<p>We will consider any representations made and then produce a draft document which takes the representations into account. This draft may take several different forms depending on the nature of the SPD.</p>		
<p>Draft Document Consultation stage <b>(Govt. Regulation 13 17)</b></p>	<p>We will place this draft document together with an online representation form on the Council's website and advertise this in the local press</p> <p>We will make hard copies available at the Planning Department reception in the Council Offices and at appropriate locations, such as local libraries together with representation forms, where appropriate</p> <p>We will endeavour to send emails or letters to interested parties informing them of the consultation and where to access the document</p> <p>The consultation will last for a between 4 and 6 weeks.</p>	<p>If this document was subject to the optional consultation stage above then all those who made representations at that stage will be consulted.</p> <p>Also we will consult with those groups, organisations and individuals who we feel are relevant to the subject of the document.</p>
<p>Following this consultation we will incorporate the representations into a final document. We will also produce a statement describing the main issues that emerged from the consultation and how the final SPD document addresses them</p> <p>Following this we will move to adopt the SPD <b>(Government Regulation 14)</b> as Council policy.</p>		

## Consultation on Sustainability Appraisal

- Consult statutory consultees on the scope of the **SA (these are The Environment Agency, Natural England and English Heritage)**
- Consult statutory consultees and the public on the initial sustainability report:
- Undertake public consultation on the **Sustainability Appraisal** report that will accompany the **Regulation 19** 27 stage of the relevant DPD and also on the final Sustainability Appraisal that accompanies the submission DPD at the **Regulation 22** 30 stage (see Table 2).

### 2.8 Further Detail of Engagement Techniques

#### **Publicly Available Documents eg Leaflets, Newsletters**

Printed leaflets and newsletters, if well designed, are tried and tested methods of getting messages across to a wide cross section of the public. They can incorporate questionnaires and can be inserted into other familiar publications such as local newspapers. They can be very cost effective and parts can be retained for further information and can be used in conjunction with other media such as exhibitions and displays to provide back up messages.

#### **Public Information Displays, including Mini Displays**

Results from the Citizens Panel consultations suggest “displays and questionnaires” at public venues are useful techniques. The Panel survey suggested that the presence of a planning officer did not make a significant difference to interest at such displays. A straightforward questionnaire with tick box answers can also assist in obtaining the views of those not comfortable with other techniques.

Supermarkets and libraries will be used as a focus for public information displays on development documents, where this can be agreed with operators.

The involvement of schools is important in reaching the next generation, and therefore mini displays in the form of posters will be sent to all secondary schools where appropriate.

#### **Committee Meetings**

Documents will be presented to the Council’s Planning and Development Committee **and other relevant Council meetings.**

#### **Focus Group / Workshops**

Focus groups are typically an invited group who engage in interactive discussion in a structured session led by a facilitator. Workshops are generally more open for the public to “drop in” to, although specific invites can also contribute to workshop attendance to ensure particularly relevant parties have the opportunity to be represented. This technique can have particular relevance to those hard to reach groups who may not be engaged by other techniques.

### **Notification by Letter or Email**

The forward planning team hold a database of contacts (see Appendix 2) who are notified at key stages in a development document's progress. Any organisation or individual who wishes to be added to this contact database may do so by telephoning the Forward Planning team on 01200 414503 or emailing [planning@ribblevalley.gov.uk](mailto:planning@ribblevalley.gov.uk)

To keep costs within reasonable limits, notification will be by email wherever possible but in an area where many still do not have access to the internet postal methods are likely to remain important.

### **Official Launches**

Popular with developers and consultants, this technique works well with adequate preparatory press coverage. It permits an officer presentation of the document and an opportunity to put questions directly to planning officers. **This will be used in appropriate circumstances.**

### **Citizens Panel Survey (Electronic)**

The Citizens' Panel is a representative cross section of the community with a membership in excess of 500, with new members asking to join all the time. The Council uses it as a valuable sounding board on many issues, including planning matters. The panel provides an indication of the views of the "silent majority".

### **Coverage by "Ribble Valley News" & Local Press**

"Ribble Valley News" is a free newspaper, which is delivered quarterly to all residents in the Borough. Due to its timescales, it may not always be possible to include a prompt of a 6 week formal period for representations, but the Council will nonetheless use it to draw attention to a forthcoming formal stage of consultation **wherever possible.**

Press notices will be issued, but the Council has no control over what the Press choose to publish.

### **Public Notices in the Local Press**

A public notice will be put in the local press **where relevant** when a Development Document is presented at the Regulation 25 (now Regulation 18) stage, the Regulation 27 (now Regulation 19) stage and again when it is formally submitted to the Secretary of State.

### **The Internet**

We will keep the Ribble Valley Council website updated with information about consultations, the documents themselves and online representation forms. Consultations will always form key news events shown prominently on the Council's website. While it is an increasingly user friendly technique we are mindful that some of our residents do not find the internet easy to use and that fast broadband is not as widely accessible in the more rural parts of the area. Therefore we will use the internet alongside other techniques.

The Council will make all development documents available at RVBC offices at Planning Reception, Level D, Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA and;

Also when appropriate at all local libraries: Clitheroe, Longridge, Mellor, Whalley, Read and Chatburn

Also on the web, at <http://www.ribblevalley.gov.uk>.

All comments forms will be clearly worded. Online response forms will also be provided **where relevant**.

## 2.9 Neighbourhood Plans and Development Orders

Unlike other Local Plan documents, Neighbourhood Plans (and Neighbourhood Development Orders) are taken forward by local communities themselves through Parish Councils. Neighbourhood Plans can establish policies for the development of land in a neighbourhood if the majority of voters in the area give their approval; these plans must be in conformity with the policies in the Local Plan produced by the Council and any other national planning policy, such as the National Planning Policy Framework (NPPF).

The detail of consultation procedures for Neighbourhood Plans and Neighbourhood Development Orders are set out in the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012. The Regulations are available at

<http://www.legislation.gov.uk/uksi/2012/637/contents/made>

Bodies proposing to produce a Neighbourhood Plan are required to undertake consultation themselves before submitting their plan to the Council. The Council then checks the plan for legal compliance and publishes the plan or order for formal submission consultation. This is then followed by an independent Examination, which can suggest changes, and a referendum of the local neighbourhood. The Council can help with both the Examination and the following referendum.

## 2.10 The Community's Comments

### **How Consultation Responses can be Submitted**

In general the Council will accept comments submitted by email and letter. It will also endeavour to record comments made through public workshops and meetings. In certain cases the Council will also produce e-mailable representation forms that can be submitted electronically. All representations, whether by hard copy or electronically, will be recorded by the Council in a Planning Consultation database so that they can be made available for public inspection. However the Council will first remove any personal information such as addresses, telephone numbers and email addresses.

### **What Happens to Consultation Comments**

The Ribble Valley Borough Council Consultation Strategy 2007 (see 3.2) recognises that consultation is a two way process and the importance of reporting back the results of the consultation. It is very important that local people have the opportunity to express their views, and have those views considered, in advance of decisions being made. In doing this, the Council will not just record comments received, but will endeavour to incorporate the comments received in the emerging Development Plan Documents. It will do this through producing "Consultation Statements" as soon as possible after each consultation. They will set out:



- how the council has involved the community;
- who has been consulted;
- whether there is any relevant community participation from related programmes or strategies;
- a summary of responses received, and the number of representations;
- how the Borough Council have addressed the main points and issues raised by the consultation in the Development Plan Document.
- Consultation reports will be made available at the locations **in accord with listed on Page 7 of the Council's Consultation Strategy.**

This approach has the benefit that in most cases stakeholders can see all the representations. This lends to an informed debate, with stakeholders recognising the multiplicity of viewpoints. Each Consultation Statement will be available as a public document at the council offices, as a reference document in the borough libraries and on the borough council website.

Following each stage in the preparation of Development Plan Documents and Supplementary Planning Documents planning staff will produce a summary of the points made during the consultations for the Council to consider. These will be made public through hard copies available at the Council Offices planning department and on the Council website.

After the Development Plan Document is submitted to the Secretary of State, stakeholders who feel that the correct procedure has not been followed, or that the emerging Development Plan Document is unsound in other ways, may then make representations, which will be heard by an independent inspector.

## 2.11 Incorporating On-going Feedback

The value of the community's comments does not stop when the development document is adopted. On-going feedback on the operation of the development documents is highly useful and will contribute to the decision of when to start the process of preparing a replacement. On-going feedback includes:

- letters and emails received from the community;
- questionnaire results;
- appeal decisions;
- other statistical and qualitative information gathered by the council

An acknowledgement will be sent to persons who give feedback on the operation of the development documents. Some of the feedback obtained during the year (including feedback on the operation of the SCI).



## 2.12 Reviewing Documents

When the time comes to review development plan documents, including this SCI, the scale of the change will influence the degree of community involvement. Typesetting errors should be corrected as a matter of good practice, while at the other end of the scale significant changes, such as a review of a Development Plan Document or a change in national planning policy, will follow the full process set out in this SCI. We will also include the results of our ongoing experience of the effectiveness of various consultation techniques and emerging best practice. This could mean that certain consultation techniques that have not proved successful or efficient will be replaced by more effective methods.

The approach taken with minor alterations will depend on their scale. Wherever a **significant** change in planning policy will result, a community involvement exercise will be undertaken as set out in the sections above. The method of involvement chosen will be appropriate to the geographical spread of the policy and the range of stakeholders affected. This SCI will also be reviewed if the Annual Monitoring Report or external change indicates a need for a review.

## 3. Inter-relationships with Other Programmes

### 3.1 3.2 Ribble Valley Borough Council Consultation Strategy June 2007

As part of its duties under Government Comprehensive Performance Assessment all local authorities are required to take customers' views on their services into account. The Consultation Strategy provides a framework for all consultation the Council's various services carry out. The Council has also produced a companion on-line interactive Consultation Toolkit containing advice on consultation methods. This will help the planning related consultations through this SCI to be co-ordinated with any other consultations to avoid duplication and make the best use of the Council's resources. The toolkit identifies several opportunities for planning-related consultations through: Citizens' Juries, focus groups, Citizens' Panels, public meetings, surveys, electronic polling and other methods (see Table 2 above). It also outlines how the results of the consultations can be fed back to the community (see 2.8 and 2.9 above).

Work is currently underway to produce a Community Engagement Strategy which will eventually replace the Consultation Strategy.

Council's are under Duties to Involve<sup>2</sup> and Consult<sup>3</sup> - all local authorities and best value authorities have a duty to involve local representatives when carrying out "any of its functions" by providing information, consulting or "involving in another way".

Authorities must consult a balanced selection of the individuals, groups, businesses or organisations the authority considers likely to be affected by, or have an interest in, their actions and functions. The duties are wide ranging and apply to the delivery of services, policy, and decision making. Authorities must not discriminate in the way

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<sup>2</sup> Section 138 of the Local Government and Public Involvement in Health Act 2007

<sup>3</sup> Section 3(2) of the Local Government Act 1999

they inform, consult or involve local people. They must promote equal opportunities for people to engage and get involved.

The Council's Consultation Strategy provides a framework for all consultation the Council's various services carry out. This will help the planning related consultations through this SCI to be co-ordinated with any other consultations to avoid duplication and make the best use of the Council's resources. The Strategy identifies several opportunities for planning-related consultations through: Citizens' Juries, focus groups, Citizens' Panels, public meetings, surveys, electronic polling and other methods (see Table 2 above). It also outlines how the results of the consultations can be fed back to the community (see 2.8 and 2.9 above).

The Council is also a partner in the Feedback online website ([www.feedbackonline.org.uk](http://www.feedbackonline.org.uk)), which coordinates all of the Council's online consultation activity and gives members of the public access to discussion forums, community reports, e-petitions, as well as on-line surveys which have clear audit trails to keep people informed at each stage of the consultation at feedback the results.

## 4. Involving the Community in Planning Applications

The Ribble Valley Borough Council Development *Control* **Management** Protocol 'Working Together' aims to ensure that:

- the planning application process is open and consistent;
- members, officers, applicants, agents and all other stakeholders are clear about their respective roles in the process;
- the process accommodates community involvement in an open and accessible way;
- the optimum balance is reached between the quality of the design reached and the time taken to reach it.
- Further detail of the development Control protocol "Working Together" is available at:

[http://www.ribbonvalley.gov.uk/site/scripts/documents\\_info.php?documentID=696&pageNumber=1](http://www.ribbonvalley.gov.uk/site/scripts/documents_info.php?documentID=696&pageNumber=1)

### 4.1 Pre-Application Process

The Council believes that it is better for developers to talk to those who may be affected and refine their proposals while they are at a formative stage.

The benefits of early community involvement include:

- addressing problems *before* the planning application is submitted may reduce the chance of a refusal of permission;

- refinements to the proposals are made at an early stage, preventing abortive work;
- in the long run, reducing the time to reach a successful outcome.

## 4.2 How Should Those Considering Development Consult?

There are a number of easy techniques that even small and household developments should employ:

- Provide **their** neighbours with **draft** plans and invite comments.
- Request feedback within a specified timescale (e.g. 1-2 weeks), making it clear that this is the best time to take their comments on board, *before* the plans are finalised.
- Have pre-application discussions with development control officers using the designated forms and paying the requisite fee. For more detail please visit [www.ribblevalley.gov.uk/planning](http://www.ribblevalley.gov.uk/planning) and search **under “Downloadable Forms”**.

Developers of major schemes are encouraged to do some or all of the following depending on the nature and scale of the proposed development:

- Make their detailed proposals available for public view at the site (e.g. drawings, photo montages and sketches mounted on the site boundary). 3-D representations should be included where possible.
- Circulate a leaflet outlining their proposals to local residents.
- Arrange a meeting with groups in the community (e.g. Parish council, residents associations, interested parties, neighbours), giving sufficient advance notice.
- Keep a record of all consultation carried out, including correspondence, public notices, a record of persons attending exhibitions and meetings, etc.

Developers are encouraged to submit a consultation statement with their planning application. This should include:

- techniques employed to gain stakeholder comments;
- summary of responses received;
- main points of objection;
- other matters raised;
- developer comments on the responses;
- amendments made to the proposals as a result

Further details are available in Appendix 3.

## 4.3 The Council's Consultation on Planning Applications

The Borough Council will consult on planning applications as follows:

- Neighbour notification by letter to adjoining properties or potentially affected premises allowing 21 days to respond.
- Statutory consultees relevant to the application, such as the Highways Authority, the Environment Agency, etc are consulted as a matter of course, with 21 days to respond. This is normally done electronically. Bodies such as Natural England will be allowed a longer period of time to comment on applications where this is prescribed in legislation.
- The weekly list of planning applications is available free of charge on the Borough Council website and e-mailed to Parish Councils that request it.
- Press notices as required are advertised in all the appropriate local papers.
- All statutory site notices as required will be displayed on or near the site. In some instances site notices will be displayed in other types of applications and these will be based on individual circumstances (e.g. hot food takeaways).
- One objector and one developer may speak publicly at planning committee and have 3 minutes to voice their opinions.
- Planning committee agendas and minutes are available to view on the council's website

The key to community involvement is considered to be disseminating information about the applications received. The community is generally forthcoming with comments on applications of interest, and responses received in writing are reported in the planning officer's report. The results of any such consultation will be reported and taken into account in decisions made by, and on behalf of, the Council.

## 4.4 The Council's Involvement of the Community After a Decision is Made

As part of the Borough Council's commitment to community involvement, the Council makes Decision Notices available on the Council's website allowing interested persons to view the conditions placed on a development.

## 5. Resource Implications

Ultimately it is local residents and businesses, through their council tax, who pay for the planning service. Achieving the community involvement outlined in this document will require resources in terms of staff time, internet maintenance, printing and other costs. This SCI seeks to achieve an acceptable balance between the importance of community involvement and keeping the costs within realistic limits. We are aware of the dangers of “consultation fatigue” and will endeavour, wherever possible, to co-ordinate consultation exercises with other parts of the authority. We will also maximise the use of other resources such as the Planning Portal, Planning Aid and the Council’s website in adding to the effectiveness of our consultations.

The provision of resources that can be applied to carry out consultation includes the staff of the **Regeneration and Housing Service, supplemented by relevant staff from other Council departments and, if appropriate, external consultants.** Forward Planning section of the Development Services Department, in particular the Policy Team (4 full time staff) Colin new text here please?? supplemented by specialist Countryside, Regeneration and Conservation staff that can be drawn into the process as appropriate. It should be borne in mind however that other areas of work are also covered by staff within the section, consequently staff resources are under constant pressure. A specific budget of £2,000 per year is available from the Core Budget for planning policy work. In addition, planned expenditure from the Planning Delivery Grant currently allows for £60,000 to be drawn down to support the programme of policy preparation in the LDS and through the SCI. The Council’s Service Planning Process gives the opportunity to **put in place and** review budget provision to ensure that any changes in planned expenditure or new initiatives can be monitored and planned for.

We will be able to receive representations in written or email form and there will be online consultation facilities where appropriate, however telephone representations cannot be taken into consideration.

## Appendix 1 - Consultees

Advice on the relevant bodies that the Council should consult **which** is set out in the Town and Country Planning (Local Development)(England) Regulations 2004 and the Town and Country Planning **(referred to below as TCPA)** (Local **Planning Development**)(England) **(Amendment)** Regulations **2012** 2008 and 2009.

Also in addition the 2011 Localism Act (Section 110 of the Act) requires local planning authorities to co- operate with a wide variety of bodies in the production of planning related documents under the Duty to Co operate (see Section 2.6 above). This duty was inserted as section 33A in the Planning and Compulsory Purchase Act 2004 alongside other changes springing from the TCPA Regulations of 2012 mentioned above

The list below outlines those groups and organizations that derive from the various legislation mentioned above. It will be is not exhaustive and is regularly reviewed **as legislation may change**. Where organizations are referred to in generic terms the relevant Ribble Valley organization will be contacted.

As mentioned earlier in this document statutory consultees will automatically be contacted. The Council will also consult with those non-statutory bodies that it considers are likely to be affected by the subject of a particular document, in addition to those individuals and organizations that have requested to be consulted.

### Statutory and Other Consultees

Government requires that the Council consults, in addition to local residents, with a wide variety of organisations over planning matters. Some bodies, known as statutory consultees, have to be consulted on every planning related document, others only in relation to some documents. The statutory consultees are those bodies listed below under specific and general consultation bodies.

### Specific consultation bodies

The specific consultation bodies are listed in The Town and Country Planning (Local Development) (England) Regulations 2004 (as later amended) and relate to organisations responsible for a **variety of issues including** services and utilities and infrastructure provision. Below is a list of specific bodies who must be consulted by the local authority when preparing development plan documents in which they have an interest.

The specific consultation bodies are:

- the regional planning body (in this area this is Government Office North West)
- the Mayor of London (if the local authority is a London borough)
- a relevant authority, any part of whose area is in or adjoins the area of the local authority, such as:
  - a local planning authority
  - a county council
  - a parish council

- **a local policing body** police authority (in this area Lancashire Constabulary)

- The Coal Authority
- The Environment Agency
- The Marine Management Organisation (where relevant)
- English Heritage
- Natural England

The secretary of State for Transport in relation to functions concerning railways by virtue of Section 1 of the Railways Act 2005 (in cases where the plan affects rail provision projects, national rail projects, such as High Speed 2 or Crossrail, and/or the local Network Rail office) and the Secretary of State's function as highway authority by virtue of section 1 of the Highways Act 1980 (The Highways Agency).

- The Highways Agency
- The relevant Highway Authority
- Network Rail Infrastructure Company (company 2904587)
- The Office of Rail Regulation
- The relevant Integrated Transport Authority
- a regional development agency whose area is in, or adjoins, the area of the local authority (in this area the North West Regional Development Agency)
- any person to whom the electronic communications code applies by virtue of a direction given under Section 106 (3)(a) of the Communications Act 2003
- any person who owns or controls electronic communications apparatus situated in any part of the area of the local authority
- any of the bodies from the following list who are exercising functions in any part of the area of the local authority:

- primary care trust established under section 18 of the National Health Service Act or continued in existence by virtue of that section or successor body .

The new 2011 Duty to Cooperate legislation defines these bodies now as;

Each clinical commissioning group established under section 14D of the National Health Service Act 2006

and;

The National Health Service Commissioning Board.

- sewage undertaker (in this area United Utilities)
- water undertaker. (in this area United Utilities)

- person to whom a license has been granted under Section 7(2) of the 1986 Gas Act
- a person to whom a licence has been granted under section 6 (1) (b) or (c) of the Electricity Act 1989
- The Homes and Communities Agency transitional provisions, this will be a requirement from 6th April 2010.
- Local Enterprise Partnerships (LEPS)
- Local Nature Partnership

### General consultation bodies

The general consultation bodies are also listed in the regulations. The regulations identify five types of bodies as general consultation bodies that relate to voluntary organisations representing certain groups within the community. The general consultation bodies are:

- voluntary bodies some or all of whose activities benefit any part of the council's area
- bodies which represent the interests of:
  - different **racial**, ethnic or national groups in the local authority's area
  - different religious groups in the local authority's area
  - disabled people in the local authority's area
  - people carrying on business in the local authority's area.

The exact organisations that fall into these types will vary locally. When preparing the development plan document, the council must consult those general consultation bodies it considers appropriate.

### Other consultation bodies

The key principle is that the local authority should carry out public participation that is appropriate for the development plan document being produced. Depending on the plan being produced, it may be appropriate to consult with other agencies and organisations in addition to those identified as specific or general consultation bodies. The following list provides some suggestions, but it is **not** exhaustive.

- Age Concern
- Airport Operators
- British Geological Survey
- British Toilet Association
- British Waterways and other canal owners and navigation authorities



- Centre for Ecology and Hydrology
- Chambers Of Commerce, the local CBI and local branches of the Institute of Directors
- Chemical Business Association
- Church Commissioners
- Civil Aviation Authority
- Commission for Architecture and the Built Environment
- Crown Estate Office
- Diocesan board of finance
- Disabled Persons Transport Advisory Committee
- Electricity, gas and telecommunications companies, and the National Grid Company
- Environmental groups at the national, regional and local level, such as the Campaign to Protect Rural England, Friends of the Earth, the Royal Society for the Protection of Birds and wildlife trusts
- Equality and Human Rights Commission
- Fire and rescue services
- Forestry Commission
- Freight Transport Association
- Gypsy Council
- Health and Safety Executive
- Help the Aged
- Higher and further education institutions
- Home Builders Federation
- Homes and Communities Agency
- Learning and Skills Council
- Local Agenda 21 organisations, including civic societies, community groups, local transport authorities and local equalities groups
- National Playing Fields Association
- Passenger transport authorities
- Passenger transport executives
- Port operators

- Post Office property holdings
- Regional development agencies
- Regional housing boards
- Regional sports boards
- Road Haulage Association
- Sport England
- The Theatres Trust
- Train operating companies (passenger and freight)
- Transport for London
- Traveller Law Reform Project
- Water companies
- Womens' National Commission

Appendix 1 is drawn from Planning Advisory Service material available via the web link below:

<http://www.pas.gov.uk/pas/core/page.do?pagelId=116396>

and from other legislation.

## Appendix 2 - Forward Planning's Local Development Framework Database of Consultees

*The list below reflects the generic types of consultee with whom we will consult.*

Persons or organisations who wish to be contacted when LDF documents are under preparation may request to be placed on a database of consultees by contacting the Forward Planning team on 01200 414570 or emailing [planning@ribblevalley.gov.uk](mailto:planning@ribblevalley.gov.uk)

The database is made up of the following **generic types of consultee with whom we will consult (note that they will include relevant bodies mentioned above in Appendix 1) :**

### **Interested members of the public**

Individuals who have requested inclusion

### **Ribble Valley Borough Council Members**

### **Ribble Valley Parish and Town Councils**

### **Community organisations & interested members of the public**

All schools in the borough

Churches & minority faith groups

Groups representing the interests of disabled persons

Youth groups, clubs, interest groups & societies

### **Statutory & development control consultees**

Including national interest groups, government agencies, infrastructure providers

### **Neighbouring Local Authorities and Neighbouring Parish Councils**

### **Housing Associations**

### **Businesses, Consultants, Developers**

Local & national businesses that have requested inclusion

Landowners, Developers (such as house builders) and their agents (planning consultants, surveyors, land agents, etc)

### **Bodies which represent the interests of different racial, ethnic or national groups**

## Appendix 3 – Guidance for Developers on Consultation for Proposals

<u>Procedure</u>	<u>Small and householder developments</u>	<u>Major developments</u>
Provide neighbours with draft plans and invite comments.	Recommended	Recommended
Request feedback within a specified timescale (e.g. 1-2 weeks), making it clear that this is the best time to take their comments on board, <i>before</i> the plans are finalised.	Recommended	Recommended
Have pre-application discussions with development control officers	Recommended	Strongly Recommended
Make their detailed proposals available for public view at the site (e.g. drawings, photo montages & sketches mounted on the site boundary). 3-D representations should be included where possible.	Depends on nature and potential impact	Recommended. Format depends on nature and potential impact of proposals. Advisable to discuss consultation with Council Officers
Circulate a leaflet outlining their proposals to local residents.	Depends on nature and potential impact	Recommended. Format depends on nature and potential impact of proposals. Advisable to discuss consultation with Council Officers
Arrange a meeting with groups in the community (e.g. Parish council, residents associations, interested parties, neighbours), giving sufficient advance notice.	Depends on nature and potential impact of proposal	Recommended
Keep a record of all consultation carried out, including correspondence, public notices, a record of persons attending exhibitions & meetings, etc	Recommended	Recommended

## Appendix 4 – Information on the Planning Process

Advice on the planning process is available from the Borough Council, Planning Aid and private planning agents.

### Council Advice

Planning officers are available to advise on Council policies and answer queries about individual planning applications. Duty officers are available at the Planning Reception [on Level D](#) at our Clitheroe Offices.

Please contact Planning on: 01200 414499 or email [planning@ribblevalley.gov.uk](mailto:planning@ribblevalley.gov.uk) to arrange an appointment

### Planning Aid

Planning Aid provides free, independent and professional help, advice and support on planning issues to people and communities who cannot afford to hire a planning consultant. Planning Aid complements the work of local authorities but is wholly independent of them. In most UK regions Planning Aid is run by the Royal Town Planning Institute (registered charity no. 262865).

*In this area the relevant contact is Planning Aid Northwest*

*Planning Aid offers two main services:*

- *Free and independent casework advice from a qualified planner;*
- *Community Planning activities (training, information and facilitation for groups about how planning may be affecting your community)*

*In each region there is a Caseworker (who is fully qualified to give independent advice and who will sometimes hand cases over to a volunteer) and a Community Planner who works alongside communities in helping to plan their neighbourhood.*

Information can be viewed on the planning aid website at [www.planningaid.rtpi.org.uk](http://www.planningaid.rtpi.org.uk)

You can use the tools on this site to find out about the services available; whether you qualify for Planning Aid assistance; and how to contact Planning Aid. The site also provides a range of information about the planning system and how you can get involved.

If you are in doubt as to whether Planning Aid *Northwest* can help you, or have any queries about Planning Aid services please:

call the Advice Line on 0870 850 9804 or 0330 1233 9244 or;

email to: [advice@planningaid.rtpi.org.uk](mailto:advice@planningaid.rtpi.org.uk)

## Planning Consultants and Agents

A number of independent planning consultants and agents operate locally who charge a fee for advice. To retain impartiality Council officers are unable to make individual recommendations. The RTPI holds a list of accredited consultants which is available on: [www.rtpi.org.uk](http://www.rtpi.org.uk)

## Appendix 5

### Glossary of terms used

AMR	<u>Annual Monitoring Report</u> This report is prepared every year and helps assess if the plan making programme is on target and whether policies remain appropriate or if new issues have arisen.
AAP	<u>Area Action Plan</u> Covers a specific part of a district focusing on key areas of change or development opportunity or conservation
CS	<u>Core Strategy</u> The Core Strategy sets out the broad strategy for the area, and all other Development Plan Documents must conform to it.
DP	<u>Development Plan</u> The documents used to determine planning applications and having a specific meaning and relevance in planning law.
DPD	<u>Development Plan Document</u> Local Development Documents that establish planning policies and land use allocations. They form part of the DP performing a similar function to Local Plans.
LDD	<u>Local Development Documents</u> the separate planning documents that together make up the Local Development Framework. They can be either DPDs or SPDs.
LDF	<u>Local Development Framework</u> A portfolio of plans that sets out the Council's planning policy framework.
LDS	<u>Local Development Scheme</u> A three-year programme for the preparation of the LDF 'rolled forward' each year.
PM	<u>Proposals Map</u> A separate map which shows all the policies and proposals contained within the various DPDs and also any "saved" policies from previous plans. It must be revised each time a DPD is submitted to the Secretary of State
RVSP	<u>Ribble Valley Strategic Partnership</u> <u>A single non-statutory, multi-agency body, which matches local authority boundaries, and aims to bring together at a local level the different parts of the public, private, community and voluntary sectors.</u>
PPS	<u>Planning Policy Statement</u> Replaces Planning Policy Guidance (PPG) and outlines national planning policy.

RSS	<p><u>Regional Spatial Strategy</u> Replaces Regional Planning Guidance (RPG) <b>and is due to be abolished in May 2013.</b></p>
	<p><u>Statement of Consultation</u> Issued by the Local Authority explaining how they have complied with their SCI during consultation on a DPD.</p>
SA	<p><u>Sustainability Appraisal</u> All emerging policies are screened for their social, environmental and economic implications through this process. Can incorporate Strategic Environmental Assessment (see SEA below)</p>
SEA	<p><u>Strategic Environmental Assessment</u> Assesses the effects of certain plans and programmes on the environment and is required by European legislation. This can be combined with Sustainability Appraisal (see SA above)</p>
SCI	<p><u>Statement of Community Involvement</u> A statement of how the Council will consult the community and other stakeholders when preparing LDDs and dealing with planning applications.</p>
SCS	<p>Sustainable Community Strategy A framework for delivering sustainable communities <b>that was formerly a requirement of Councils to produce.</b> <u>over the next 15 to 20 years.</u></p>
SPD	<p><u>Supplementary Planning Documents</u> LDDs that give additional guidance on matters covered by DPDs, similar to the former SPGs. They do not form part of the DP.</p>
SPG	<p><u>Supplementary Planning Guidance</u> Replaced under the new system by SPDs, SPGs were a less formal means of expanding development plan policy.</p>



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

Agenda Item No 11

meeting date: 23 MAY 2013  
 title: CAPITAL OUTTURN 2012/13  
 submitted by: DIRECTOR OF RESOURCES  
 principal author: AMY JOHNSON

### 1 PURPOSE

- 1.1 The purpose of this report is to seek member approval for the slippage of capital schemes from the 2012/13 financial year to the 2013/14 financial year, and to review the final outturn of the capital programme for 2012/13 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.
  - Other Considerations – none identified.

### 2 BACKGROUND

- 2.1 The Capital Programme for Planning & Development Committee consisted of 2 schemes. Both of these were additional approvals during the financial year.
- 2.2 During the financial year all committees have received reports monitoring the progress of schemes within the programme.
- 2.3 As part of the closure of our accounts process, scheme expenditure has been capitalised and added to our balance sheet or charged to revenue where appropriate.

### 3 CAPITAL SCHEMES PERFORMANCE

- 3.1 Summary of budget approvals, actual and approved slippage.

<b>BUDGET ANALYSIS</b>					<b>EXPENDITURE</b>	<b>REQUESTED SLIPPAGE</b>
<b>Original Estimate £</b>	<b>Slippage from 2011/12 £</b>	<b>Additional Approvals £</b>	<b>Total Approved Budget £</b>	<b>Revised Estimate £</b>	<b>Actual Expenditure £</b>	<b>Slippage to 2013/14 £</b>
0	0	27,900	27,900	27,900	11,896	16,000

- 3.2 Overall only 43% of the revised estimate has been spent. The underspend is due to a delay in the purchase of an upgrade to the MVM software due to the supplier being unable to process the order. This scheme therefore forms the slippage for this committee.
- 3.3 Annex 1 to this report also compares the budget for each scheme with actual expenditure and highlights the requested slippage.

#### 4 SLIPPAGE

4.1 Where capital schemes are unfinished at the end of the financial year and there is a corresponding remaining unspent budget this is known as slippage. The amount of slippage requested to be carried forward into the next financial year is shown below.

4.2 For this Committee there is only one scheme with identified slippage into 2013/14.

This is:

<b>Cost Centre</b>	<b>Schemes</b>	<b>Slippage into 2013/14 £</b>
MVMSF	MVM Software	16,000
	<b>Total Slippage for Planning &amp; Development Committee</b>	<b>16,000</b>

4.3 Attached at Annex 2 is the individual form requesting slippage for the above scheme. Committee is asked to consider this.

#### 5 RISK ASSESSMENT

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

- Resources – A sum of £16,000 has been set aside in the Council's capital resources to fund the schemes which are requested to be carried forward as slippage.
- Technical, Environmental and Legal – Keeping up with technological advances will help to improve the level of service offered.
- Political – None.
- Reputation – Improving the quality of service provided will enhance the reputation of the Council.
- Equality & Diversity – None.

#### 6 CONCLUSION

6.1 Total slippage for this committee amounts to £16,000. This relates to the purchase of an upgrade to the MVM software due to the supplier being unable to fulfil the order.

#### 7 RECOMMENDED THAT COMMITTEE

7.1 Consider the request for slippage shown at Annex 1 and approve the slippage of £16,000 into the 2013/14 financial year.

SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES

PD5-13/AJ/AC  
8 May 2013

For further information please ask for Amy Johnson extension 4498.  
BACKGROUND PAPERS – None

Planning & Development Committee – Capital Outturn Report 2012/13

ANNEX 1

Cost Centre	Schemes	Original Estimate 2012/13 £	Slippage £	Additional Approvals £	Total Approved Budget £	Revised Estimate £	Actual Expenditure £	Slippage into 2013/14 £
MVMSF	MVM Software			16,000	16,000	16,000	0	16,000
SCANR	Replacement of Scanner/Plotter in Planning			11,900	11,900	11,900	11,896	0
	<b>Total Planning &amp; Development Committee</b>	<b>0</b>	<b>0</b>	<b>27,900</b>	<b>27,900</b>	<b>27,900</b>	<b>11,896</b>	<b>16,000</b>

## Request for slippage into 2013/14

Annex 2

<b>Cost Centre and Scheme Title</b>	<i>MVMSF: MVM Software</i>
<b>Scheme Description</b>	<i>Upgrade of MVM Software.</i>
<b>Head of Service</b>	<i>John Macholc</i>
<b>Year Originally Approved</b>	<i>2012/13</i>

<b>Revised Estimate 2012/13 for the Scheme</b>	<i>£16,000</i>
<b>Actual Expenditure in the Year 2012/13</b>	<i>£0</i>
<b>Variance - (Underspend) or Overspend</b>	<i>(£16,000)</i>
<b>Please provide full reasons for the (under) or over spend variance shown above?</b>	<i>Test work has been undertaken however full implementation of the upgrade by the software provider has not yet been achieved.</i>

### **Slippage Request**

<b>Please grant the amount of Budget Slippage from 2012/13 to 2013/14 requested.</b>	<i>£16,000</i>
<b>Please give detailed information on the reasons for any request for slippage. Please provide as much information as possible in order to allow the request to be fully considered. Attach any information that you feel may be relevant.</b>	<i>Test work has been undertaken. Once acceptance testing has been undertaken the software upgrade will be fully implemented in live.</i>
<b>By what date would the work or services related to any requested slippage be completed, if it were to be approved.</b>	<i>Anticipated completion within 3 months</i>

# RIBBLE VALLEY BOROUGH COUNCIL

## REPORT TO PLANNING & DEVELOPMENT COMMITTEE

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Agenda Item No.

meeting date: THURSDAY 23<sup>rd</sup> MAY 2013

title: CORE STRATEGY - SERVICE CENTRE HEALTH CHECKS

submitted by: CHIEF EXECUTIVE

principal author: CRAIG MATTHEWS

### 1. PURPOSE

1.1 To report on the update to this Core Strategy evidence base document following a request from the Planning Inspectorate in relation to the Submitted Core Strategy.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions – The revision of this document will have a bearing on our future ability to adopt planning policy documents and therefore could influence future development within the borough.
- Community Objectives – Through the planning system to maintain, protect and enhance the natural and built features that contribute to the quality of the environment.
- Corporate Priorities - Delivery of services to all.
- Other Considerations – None

### 2 INFORMATION

2.1 Members are aware of the programme of work being undertaken to put in place the Core Strategy for the borough in accord with current planning legislation. The Core Strategy is the central strategy of the Local Development Framework (LDF) that will assist the Council in the delivery of housing, employment and the protection and enhancement of the environment.

2.2 The policies within the Council's LDF must be informed by a robust evidence base and therefore as part of this, work is currently being undertaken to update the evidence base to support the LDF and the Core Strategy.

2.3 Following the submission of the Core Strategy to the Planning Inspectorate in September 2012, the Inspector suspended the examination in public of the document and requested that certain parts of the Strategy's evidence base, including this element, be reviewed and updated.

2.4 The Service Centre Health Check document attached at Appendix 1 to this report summarises the findings of the Service Centre Health Checks undertaken for Clitheroe, Longridge & Whalley and assesses the health of the local centres in line with recognised methodology as well as national policy, the National Planning Policy Framework (NPPF) published in 2012.

- 2.5 Recent experience and research highlights that the future context for retailing in town centres will be very different and that centres must therefore adapt to the changing policy and economic landscape. Along with the growth of out-of-centre retail development, the economic climate has had an impact on consumer spending which in turn has had a negative impact on the vitality of the high street nationally which has led to an increase in vacancy rates within many town centres, as retailers attempt to compete in this challenging market and property owners struggle to let their shops to retailers.
- 2.6 Clitheroe, Longridge and Whalley, like other centres nationally, need to play an important role in serving the requirements of the local community on a day-to-day basis. They form a focal point for the surrounding area and provide a wide range of services that are accessible to the population, including retail, employment, leisure along with such things as financial and health services.
- 2.7 In summary, the Service Centre Health Check assessments draw some positive conclusions in such that the vitality and viability of all three centres - Clitheroe, Longridge and Whalley appear to be continuing in their own individual roles and function in the wider Borough in terms of healthy functioning centres. Therefore, the broad direction highlighted by the survey is that the current approach in the Core Strategy is appropriate, however it has been discussed in the Core Strategy Working Group that given the emphasis of NPPF there is merit in developing an additional focussed service centre policy to be presented to the inspector in the examination. This will be dealt with by a further separate report in due course.
- 2.8 This Health Check assessment will form part of the evidence base for policies and proposals in the Ribble Valley Local Plan. As part of the plan preparation process, the Council is required to review and assess the vitality and viability of its service centres to help ensure an adequate supply of services and facilities to meet the requirements of the local population both currently and in the future.

CRAIG MATTHEWS  
REGENERATION OFFICER

MARSHAL SCOTT  
CHIEF EXECUTIVE

For further information please ask for Craig Matthews, extension 4531.

# Ribble Valley

Service Centre Health Checks 2013

CLITHEROE / LONGRIDGE / WHALLEY



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Appendix A: Clitheroe Change Comparison 2008 / 2013

Appendix B: Longridge Change Comparison 2008 / 2013

Appendix C: Whalley Change Comparison 2008 / 2013



## **1.0 INTRODUCTION**

- 1.1 This report provides a review of the three main retail service centres (town centres) within the Borough of Ribble Valley, and has been conducted to provide evidence to underpin and inform the Council's Local Plan.
- 1.2 The study will assess the vitality and viability of each of the three centres in the form of a 'health check' exercise in line with national policy, the National Planning Policy Framework (NPPF) published in 2012.
- 1.3 NPPF does not require Town Centre Health Checks to be undertaken, however, it does emphasise the need for local authorities to monitor the health of their town centres and determine how they are changing over time and includes a section called "Business and Economic Development", which has replaced the former Policy Statement 4 (PPS4) for town centres titled: PPS4 "Planning for Sustainable Economic Growth".
- 1.4 However, PPS4 remains the only and most recent policy guidance specifically targeted towards town centres and as such therefore, this health check process has been assessed based on those same core principles in line with other assessments throughout the country.
- 1.5 Recent experience and research highlights that the future context for retailing in town centres will be very different and that centres must therefore adapt to the changing policy and economic landscape. Along with the growth of out-of-centre retail development, the economic climate has had an impact on consumer spending which in turn has had a negative impact on the vitality of the high street nationally which has led to an increase in vacancy rates within many town centres, as retailers attempt to compete in this challenging market and property owners struggle to let their shops to retailers.
- 1.6 The Borough of Ribble Valley contains 3 key retail and service centres serving the local community itself and the surrounding settlements within Ribble Valley with a total population of approximately 57,000, the catchment areas to these destinations in the wider region are limited by the catchments of the regional centres in neighbouring districts such as Blackburn and Preston predominantly.

- 1.7 Clitheroe, Longridge and Whalley, like other centres nationally, need to play an important role in serving the requirements of the local community on a day-to-day basis. They form a focal point for the surrounding area and provide a wide range of services that are accessible to the population, including retail, employment, leisure along with such things as financial and health services. Vital and viable town centres help to foster local pride, promote identity and contribute towards the aims of sustainable development.
- 1.8 All three centres themselves are constrained to some extent by their historic street layouts and development density, however recent developments have occurred on some edge-of-centre sites, which either added to or complimented the development mix, but such edge-of-centre can also act as a standalone retail destination to a certain extent.
- 1.9 In 2008, the Ribble Valley Employment Land and Retail Study was produced which contained a market town health check assessment of Clitheroe, Longridge and Whalley respectively and this report reviews and refreshes those elements undertaken within that study also, and in particular, it takes account of recent planning policy changes such as the introduction of the National Planning Policy Framework (NPPF) and the changing economic situation since the Employment Land and Retail Study was completed. .
- 1.10 This Health Check assessment will form part of the evidence base for policies and proposals in the Ribble Valley Local Plan. As part of the plan preparation process, the Council is required to review and assess the vitality and viability of its service centres (town centres) to help ensure an adequate supply of services and facilities to meet the requirements of the local population both currently and in the future.

## 2.0 OVERVIEW & METHODOLOGY

- 2.1 Ribble Valley (population 57,132, as of the 2011 Census) is a largely rural area covering 226 square miles in the east of Lancashire (see Figure 1). To the south it is bounded by the M65 and conurbation of Blackburn, Burnley and Central Lancashire towns. It comprises numerous picturesque villages, but the key settlements are Clitheroe, Longridge and Whalley. The north of Ribble Valley reaches as far north as Lancaster to the west and Yorkshire to the east.
- 2.2 The Health Check process defines 'vitality' as a measure of how lively and busy a retail centre is. 'Viability' is defined as a measure of capacity to attract ongoing investment for maintenance, improvement and adaptation to changing needs. Together these measures give an indication of the health of a retail centre and, when used consistently over a period of time as part of a retail centre health check, can demonstrate changes in performance that can inform future decision making. A health check measures the strengths and weaknesses of a town centre and analyses the factors, which contribute to its vitality and viability. A brief description of key Vitality and Viability Indicators assessed in this report are provided below.
- 2.3 Vitality indicators qualitatively assess retail performance, and as such are largely based on shopper and retailer perceptions. Viability indicators are more quantitative and are based on an analysis of retail composition, floorspace use and retail rents. Information has been drawn from town centre audits, a review of marketed and vacant properties, national retail statistics and trends and the retailer survey.
- 2.4 As explained earlier, the specific and detailed advice previously contained within PPS4 regarding the types of evidence and indicators Local Authorities should collect still provide a relevant and useful basis to measure both the health of the centres and the potential future impact of proposed retail and other centre floorspace uses in the borough. The study has been produced using Indicators taken from PPS4 will to help gain a proper understanding of the vitality and viability of each centre:
- Diversity of uses;
  - Amount of retail, leisure and offices in edge and out-of-centre locations;
  - The potential capacity for growth;
  - Retailer representation;

- Shop rents;
  - Proportion of vacant street level property;
  - Pedestrian flows;
  - Accessibility;
  - Perception of safety / occurrence of crime;
  - Environmental quality.
- 2.5 Modern consumer behaviour in the UK has become far more complex in recent decades. People are increasingly shopping in different ways, buying from a variety of different channels and locations dependent on where we are in the day and what we are doing. Buying patterns are also driven by convenience (does it fulfil the need at the time, and does it save some time?).
- 2.6 There are now a diversity of shopping opportunities – local, out-of-town, town centre, service station, online, travel locations, TV shopping, mobile shopping, airport retailing – the choices are increasing all the time. However having such a choice with retail growth slowing, or in the case of non-food declining, means that not all these locations and channels are necessarily profitable. The challenge for the retailer is to provide the choice of multi channel shopping, but to make sure that overall it is a profitable model. So there is fragmentation of shopping – people go out-of-town infrequently for major shopping, top-up locally and in fill on the move as well as order online.
- 2.7 Technology has been a key driver of this change. The internet has become far more accessible, even more so with the advent of smartphones, tablets and iPads, and more user friendly. New technology is also providing a diversity of payment methods, which will expand so we will have cash, credit, cards, online, mobile touch, and more.
- 2.8 A recent report published by Experian in 2012 entitled Town Centre Futures 2020, sets out how the UK's town centres will have changed by the end of the decade and what town centres, high streets and retailers need to do to survive and thrive.
- 2.9 Though facing tough challenges Experian's report stresses that the UK's town centres can survive and thrive beyond 2020, provided they understand and cater to the distinct needs of their local communities, while embracing technology to boost the high street experience.

- 2.10 Retailers will have to compete harder in order to counter the increase in online shopping. Town centres in particular will need to market themselves as convenient hubs for picking up products ordered online if they are to thrive into the next decade, whilst at the same time, they must cater for an ageing population, it adds, calling for them to focus on face-to-face service and opportunities for socialising and leisure activities.
- 2.11 Experian predicts that in 10 years' time there will be three million more people in the UK over the age of 70, and in order to thrive, town centres will need to offer the kind of facilities valued by older people, such as health services, and safe and accessible shopping areas.
- 2.12 Town centres have a careful balancing act to play, and must fulfil the modern need for convenience and value of those with increasingly limited resources and incomes, but not to the detriment of quality and service sought by older and more affluent consumers. At the same time they will need to embrace technology to enrich the shopping experience by combining online shopping with the often more convenient option of collecting goods in the town centre.
- 2.13 More shops will need to adopt "click and collect" and retailers should embrace mobile commerce and social media to develop their online presence as the increase in technology and social media will have an impact everywhere. The report also highlighted that in many cases, these shoppers are from hard-pressed and rural consumer groups that are looking for both the choice and value that online offers and heavily influencing the health of town centres.
- 2.14 The vitality and viability of any town or service centre is dependent not only on its shopping offer but also on the mix of uses which add to the experience and make the centre more attractive to those who live, work and visit there. Offices can generate lunchtime and top-up shopping trips whilst leisure and entertainment facilities, cafes, bars and restaurants add variety and can assist in promoting the evening economy. Educational establishments can also add to the number of young people in the centre during the week contributing to vibrancy.
- 2.15 Five categories of retail type are used, based on the categories defined in GOAD Summary Reports, which are recognised as the standard method employed for most

Health Check monitoring. These types are described below alongside corresponding Use Class categories as follows: -

- Convenience Retail – A1 shops which are visited for daily needs including grocery food shopping, general stores, supermarkets, green grocers, bakers, butchers etc... and other daily needs such as newspapers and cigarettes as provided by newsagents;
- Comparison Retail – A1 shops which are visited only occasionally for higher order goods which people often compare prices for from different retailers. These include shops selling electrical goods, books, clothing, and furniture etc.
- Services – a more diverse category which comprises: Retail Services, including A1 hairdressers, beauty salons etc.; Leisure Services consisting of A3 restaurants, A4 drinking establishments, A5 take-aways, and D2 leisure facilities (gyms, fitness clubs etc.); Financial and Business Services includes A2 Professional Services (estate agents, accountants etc.), B1a offices (solicitors etc.) and D1 public services (such as galleries, museums etc); and Transport Services (which include sui generis taxi offices, rail/bus ticket offices etc);
- Vacant ground floor units;
- Miscellaneous or 'other retail outlets' (GOAD) (i.e. Post Offices) which are discounted from GOAD retail services and financial and business services categories.

2.16 As well as outlet data, this health check will monitor the 'diversity mix' of each centre by number of units under the 'health balance' categories: Convenience, Comparison, Service, Vacant and Miscellaneous. In future, these can be benchmarked wherever possible to measure the performance of each town centre against other town centres of similar size and characteristics as well as data from previous studies.

### 3.0 SERVICE CENTRE PROFILES

3.1 The Map below shows the location of Ribble Valleys' 3 Service Centres. As the map shows each of the centres are located nearby the more urban locations of Preston, Blackburn and Burnley, which each have significantly larger town centres with a greater share of national multiple retailers.



Source: ONS 2013

3.2 As the main market town within Ribble Valley, Clitheroe is identified as a key service centre. It is the largest town in the Ribble Valley with a population of approximately 14,000 people and located approximately 10 miles north of Blackburn and 20 miles north east of Preston. The town centre also serves a wide catchment population from its rural hinterlands. The nearest motorway, the M65, is eight miles away. The train station has regular services to and from Manchester.

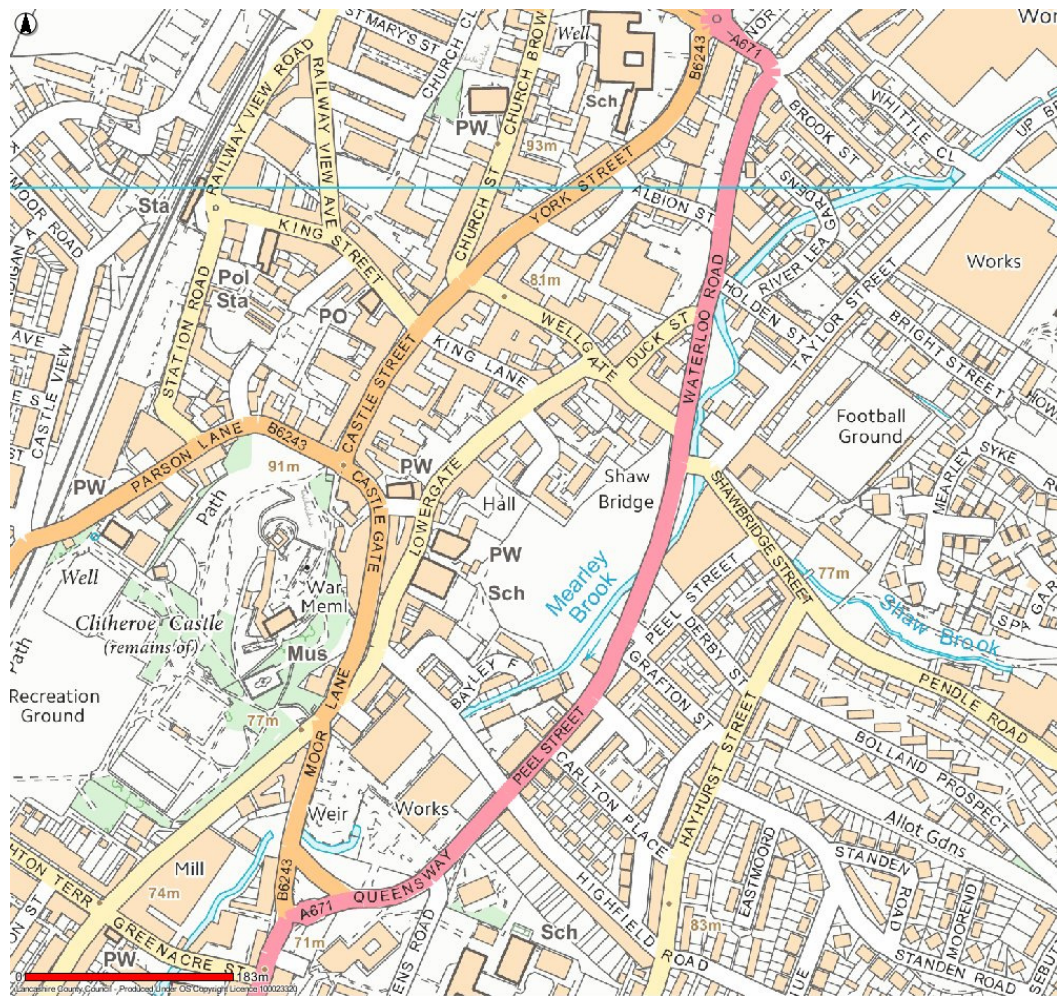
- 3.3 The town is a traditional market town, built around a 12th century Norman Castle, and expanded upon the cotton industry in the 18th and 19th centuries, which has since disappeared and local industry is now largely based on cement, clothing and chemical manufacturing. Retailing in Clitheroe town centre is focused on Castle Street, King Street, Moor Lane and Wellgate. There are no covered shopping parades in the town. The market is located off New Market Street and is held three times a week - Tuesdays, Thursdays and Saturdays - but also smaller general goods market is sometimes held on Fridays. The key features and attractions include a higher than average selection of independent and specialist retailers, along with the Castle and surrounding grounds, the Market, cafes, bars and restaurants and also Grand theatre venue.
- 3.4 Many local residents commute out of the town for work, and as such are more likely to shop and use services at more modern and more convenient destinations in and around Preston, Blackburn and Accrington. Due to its location and catchment population however, Clitheroe town centre should be able to sustain a good diversity of uses to complement the retail function. In the service sector, uses already present in the town include banks and building societies, hairdressers, dry cleaners, travel agents and estate agents. There are also a number of smaller professional offices and the administrative office of the Borough Council, but Clitheroe Town Centre is not traditionally a major office location.
- 3.5 Clitheroe has a range of leisure and tourist facilities, although some of are located out-of-centre. Within the town centre are The Grand Theatre and Arts Venue (that hosts events including theatre, music, film as well as other community and cultural activities) and Clitheroe Castle and Museum (which houses both permanent collections and special exhibitions), also the smaller Platform Art Gallery and Tourist Information Centre adjacent to the train station and public transport interchange provide additional services.
- 3.6 The Clitheroe Market site is used for events and other activities. The evening economy within Clitheroe is limited although has improved slightly since the development of The Grand Venue. There are a number of restaurants, pubs, bars and a nightclub in the centre also. In summary, excluding retail and business services there is a range of other uses in Clitheroe Town Centre that contribute to the vitality and viability of the town, however, further expansion and diversity may be



limited to edge of centre sites due to the historic built character within the identified retail core.

3.7 Clitheroe has recently appeared in the 'Sunday Times Best Places to Live' top 10 (compiled by Experian), which takes into account transport links, quality of schools and natural beauty. The towns were also graded on their low crime rates, property prices, cultural life and unemployment figures.

3.8 Map of Clitheroe: -



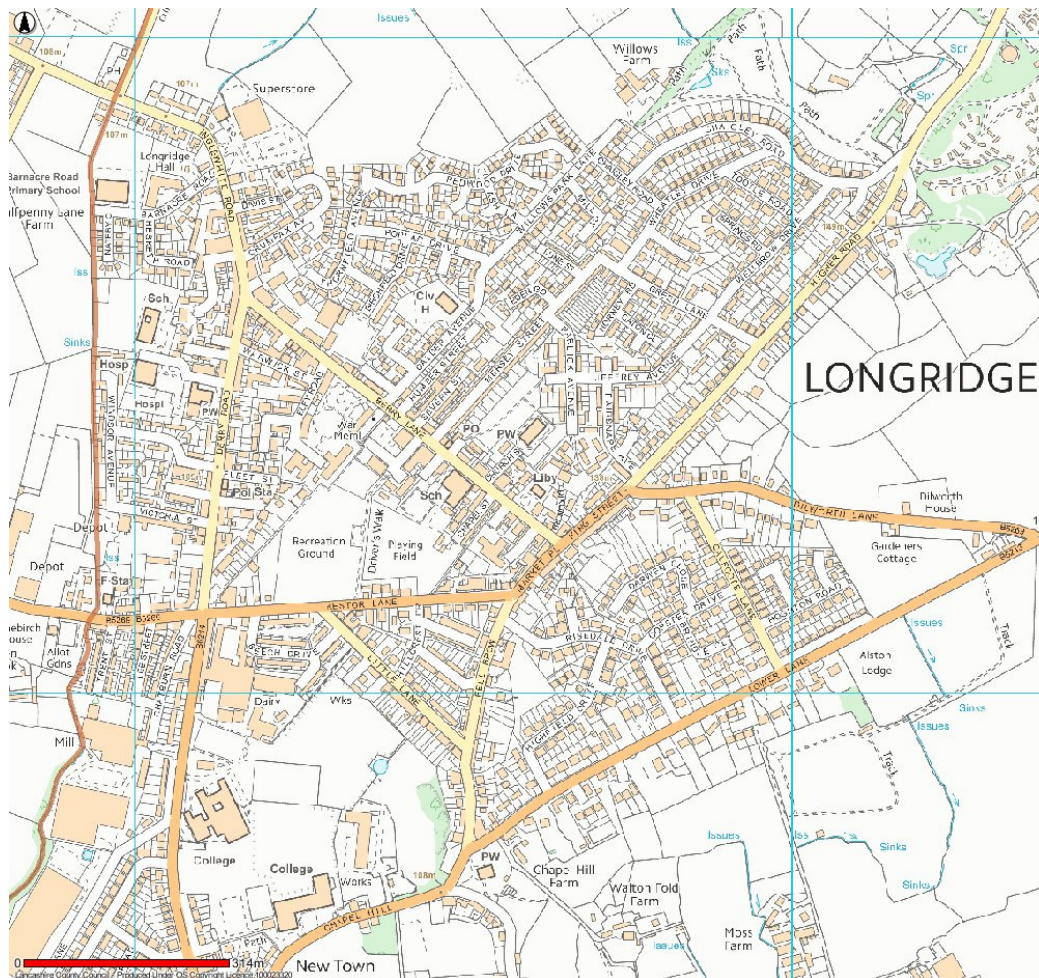
3.9 Longridge is the second largest town in the Ribble Valley, after Clitheroe with a population of approximately 8000. The town's population expanded rapidly in the 18th and 19th centuries around agriculture, cotton weaving and quarrying. It has since declined but continues to be an important service centre for surrounding villages.



3.10 The town centre is less than five miles from the M6, and approximately eight miles north of Preston. Many residents commute to Preston and the main towns of Lancashire to work and as with Clitheroe, they are more likely to shop at modern and more convenient destinations. It does not have a train station.

3.11 Retailing in Longridge is focused on Berry Lane and to a lesser extent, Derby Road and Inglewhite Road. The town has weekly market is held at the Civic Hall on Thursdays which has declined in recent years. Rents are in the region of £10-15 per stall for the afternoon and there is also little evidence that the market is used at all for regular shopping or considered to be part of Longridge's core retail offer. Key attractions include pubs, café's, independent shops and services. Longridge is also well used as a stop-off point for visitors to the Forest of Bowland and Beacon Fell Country Park.

3.12 Map of Longridge: -



3.13 Historic Whalley has a population of approximately 4000. Being just less than five miles from Clitheroe, it depends very much on its larger neighbour for a number of key services, however for its current size does contain some services and retail provision.

3.14 Whalley grew significantly around the Abbey and expanded to nearly 12,000 people in the 19<sup>th</sup> century. It has since declined following the demise of the weaving and quarrying industries in the surrounding area, and more recently agriculture. As with Clitheroe and Longridge, many of Whalley's residents commute to other towns in Lancashire to work, and again as such most residents are likely to shop at more modern, convenient destinations. Retailing in Whalley is focused on King Street, and key attractions include the 14<sup>th</sup> century Abbey, pubs and cafes. The town has in the past held occasional farmers markets but has no permanent market. The train station has regular trains to Manchester and Clitheroe.

3.15 Map of Whalley: -



## 4.0 HEALTH CHECK ANALYSIS

### Diversity of Uses

- 4.1 The following section provides a breakdown of retail uses by goods type for each of the town centres. Information has been sourced from retail audits undertaken in February 2013. The primary purpose of this indicator is to monitor amount and type of town centre uses by Use Class in town centre areas to inform on emerging planning policies relating to specifically protecting the amount of A1 retail in Primary Shopping Areas and Primary Shopping Frontages in accordance with Paragraph 23 of the NPPF. The table below highlights the diversity across different uses within each of the centres.

Table 1: Retail Units by type: -

Outlet Type	Clitheroe	Longridge	Whalley
<b>Convenience</b>			
Bakers	4	2	0
Butchers	2	2	1
Greengrocers & Fishmongers	1	1	0
Groceries & Frozen Foods	8	6	0
Off Licences & Home Brew	2	1	1
CTN & Convenience	2	3	2
Total Convenience	19	15	4
<b>Comparison</b>			
Footwear & Repairs	3	1	2
Mens & Boys Wear	4	1	0
Womens, Girls & Childrens	16	4	1
Mixed & General Clothing	4	1	6
Furniture, Carpets & Textiles	14	5	2
Books, Arts, Crafts, Stationers & Copying	11	3	1
Electrical, Home Ent, Telephones & Video	11	2	0
DIY, Hardware & Household Goods	2	8	2
Gifts, China, Glass & Leather Goods	1	3	1
Cars, Motor Cycles & Accessories	2	2	0
Chemists, Toiletries & Opticians	8	3	2
Variety, Department & Catalogue Showrooms	2	0	0
Florists & Gardens	3	2	1
Sports, Toys, Cycles & Hobbies	3	0	0
Jewellers, Clocks & Repairs	5	1	0
Charity, Pets & Other Comparison	12	3	0
Total Comparison	101	39	18
<b>Service</b>			
Restaurants, Cafes, Fast Food & Take Away	15	12	8
Hairdressing, Beauty & Health	18	8	6
Launderettes & Dry Cleaners	2	1	1
Travel Agents	2	1	0
Banks & Financial Services	9	6	1
Building Societies	2	0	0
Estate Agents & Auctioneers	8	6	4
Total Service	56	34	20
<b>Miscellaneous</b>			
Employment, Careers, Pos & Info	2	2	1
Vacant	11	5	2
Total Miscellaneous	13	7	3
<b>Service Centre Total Outlets</b>	<b>189</b>	<b>95</b>	<b>45</b>



- 4.2 A full breakdown of units by sector for each of the centres of Clitheroe, Longridge and Whalley is provided at Appendix A, B and C respectively, this also provides comparisons between the 2008 studies undertaken against the present day to give an indication of any significant changes, however these revealed that very little had changed over the 5 year period.
- 4.3 Tables 1 showS that overall, Clitheroe accommodates just over twice the amount of floorspace dedicated to retail goods than in Longridge, and seven times the amount in Whalley. Retail floorspace increased from significantly following development of the Homebase store in 2009, providing an addition 4587 sqm of floorspace. Table 2 also shows that Clitheroe has the highest percentage of premises and floor space dedicated to A1 class use (shops).
- 4.4 Longridge appears to have a slightly higher percentage of premises /floorspace dedicated to professional and financial services (A2). Previous office study conducted by Lancashire County Council has indicated that A2 premises make up the majority of town centre office supply. An implication for the future may be pressure upon other retail uses to change to A2 if financial and professional services realise an opportunity to cluster. In Longridge, retail floorspace is dominated by convenience goods (56 percent), which comprises three supermarkets – Booths, Sainsbury's (edge-of-centre) and Coop as well as other small retailers. Floorspace dedicated to comparison goods is equally split by bulky and non-bulky (each 22 percent).
- 4.5 Whalley has the highest proportion of premises / floorspace dedicated to more 'lifestyle' or leisure uses such as restaurants, cafes and pubs, which is creating a thriving emerging evening economy. However, as town centre space is constrained, this may incur pressure upon other retail uses to change to restaurants, pubs and bars. This could negatively impact upon retail composition and incur a less sustainable mix of retail types. Whalley is by far dominated by floorspace dedicated to non-bulky comparison goods. The remainder is evenly split between convenience and bulky comparison goods. The proportion of convenience floorspace is low.
- 4.6 Clitheroe is the only town centre to have a permanent market site which operates on Tuesdays, Thursdays and Saturdays, which consists of 41 outdoor cabins that are all reportedly currently fully occupied. There are also covered further stalls, which are

occupied on a seasonal basis. Plans are ongoing to upgrade the site following the production of the Clitheroe Town Centre Masterplan study but these are developing slowly due to the impacts of the current recession.

4.7 There is scope to expand the market site once the current economic climate improves although it has been stressed that the long-term provision of the Market facilities should be retained as central to the future vitality of the town centre.

4.8 The following table details the size of store by individual floorspace. Again, as similar to the total number of units (table 1) across the three centres, the distribution of floorspace is comparable (i.e. Longridge is about half the size of Clitheroe and Whalley about half the size of Longridge).

Distribution of Outlets by Floorspace	Clitheroe	Longridge	Whalley
Under 1,000 square feet	105	54	30
Between 1,000 and 2,499 square feet	63	28	9
Between 2,500 and 4,999 square feet	16	7	3
Between 5,000 and 9,999 square feet	1	2	1
Between 10,000 and 14,999 square feet	1	1	0
Between 15,000 and 19,999 square feet	0	0	0
Between 20,000 and 29,999 square feet	3	1	0
30,000 square feet and above	0	0	0

#### **Retail, leisure and office uses in edge and out-of-centre locations**

4.9 This section provides an update of uses in 2013 in town centre and the edge of centre & out of centre locations. It is important to monitor this indicator in order to gauge how the changes occurring within a centre and in its periphery can affect the health of the centre itself.

4.10 To some extent, the amount of retail, leisure and office floorspace either on the edge or on out of centre locations can have an impact on town centres in general. This has been more prevalent in urban town centre locations in particular in recent years due to accessibility factors, which will be explained later in this study.

4.11 Most recent development in Clitheroe has appeared on edge of centre sites in recent years. For example, the Sainsbury's and Homebase outlets are located adjacent to the town centre retail core on the southern end of Moor Lane. As such these are not perceived as being detached from the town centre. Most recently has seen the development of the Lidl supermarket located on the old Stonebridge Mill site. As well as Clitheroe having a good spread in terms of diversity and mixture of uses,

supermarket development in particular has added to the convenience and choice factors in the local area.

- 4.12 Most recent development in Longridge has appeared on the northern edge of the centre in recent years. The Sainsburys supermarket store (previously Somerfield) and plans are also in progress to expand the existing Booths Supermarket in the town centre. There are other sites potentially available for further expansion.
- 4.13 No significant developments have occurred in recent years in relation to Whalley. However, given the limited amount of outlets within the convenience categories in particular suggests that many people will shop for these in out of centre locations (i.e. Clitheroe and Accrington).

#### **The potential capacity for growth or change**

- 4.14 This section provides an update of uses in 2013 in town centre and the edge of centre & out of centre locations. It is important to monitor this indicator in order to gauge how the changes occurring within a centre and in its periphery can affect the health of the centre itself.
- 4.15 The ability of a town centre to grow in terms of regeneration, consolidation or expansion is imperative in maintaining the health and diversity of uses in a centre. The National Planning Policy Framework emphasises the need for local authorities to maintain a supply of suitable sites to cater for the needs of town centre expansion to 'allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres'.
- 4.16 It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable site.
- 4.17 The Market site in Clitheroe has been identified as a potential site for retail growth. No other sites have been identified. Most recent development in Longridge has appeared on the northern edge of the centre in recent years. The Sainsbury's supermarket store and whilst there is limited scope for expansion the Booths Supermarket site on Berry Lane plan to expand on site and have acquired land

previously owned by Spar. No new retail developments have occurred in Whalley in recent years, however, land is available surrounding the centre of the village should expansion be required and subject to planning permission.

### **Retailer Representation**

- 4.18 This section assesses the presence of national retail multiples in the town centre area. This gives a good indication of how the centre is performing in relation to attracting national retail outlets and it's current performance in the retail hierarchy. For the purposes of the health check process, national multiple retailers are defined as being part of a network of nine or more outlets, whose presence in a town centre is recognised as enhancing the retail attractiveness to local consumers.
- 4.19 The table on the following page lists the top retailers in the UK based on national town centre presence and shows that they are very poorly represented in the three town centres. Whalley has one (Lloyds Pharmacy), Longridge has two (Coop & Lloyds) and Clitheroe has three (Boots, WHSmith and Lloyds Pharmacy plus the Tesco and Sainsbury stores). For its size, Clitheroe could potentially accommodate more.
- 4.20 There are a number of national multiple retailers in Clitheroe, and a high proportion of these are in the financial sector, banks and building societies. What is evident is lack of high street retail traders. Boots and WHSmith are present, but the only other comparison store is Mackays (M&Co), which specialises in adult and children's clothing. The Factory Shop, for example, which is located on an edge of centre site across the road from Lidl, sells a range of clothing, shoes and household goods.
- 4.21 The number of major multiple retailers within any of the centres has remained relatively unchanged in recent years. By this measure also, Clitheroe ranks highest in Ribble Valley's retail hierarchy based on major national retail representation,



4.22 The fact that Clitheroe also has a reasonable range of independent traders adds to the shopping offer and countering the so-called 'clone town' effect. The independents are also quite evenly distributed throughout the town's main shopping streets mainly as well as the additional Market days of local independent traders, of which all units are currently let. Longridge and Whalley are mostly independents however the Booths Supermarket chain in Longridge is considered a significant regional company.

4.23 It is likely that neither Longridge nor Whalley are large enough to support any other national retailer brands. Large retailers have enough market influence to be able to have a store in a small town should they wish to. Usually, the reason they are not present is either because there are no suitable retail premises (modern, with a large floorplate) available or it is not economically viable to do so because the retail catchment population would not support a store. A report by the New Economics

Type	Retailer	Clitheroe	Longridge	Whalley
Department Stores: -	BHS			
	Debenhams			
	House of Fraser			
	John Lewis			
	Marks & Spencer			
Mixed Goods Retailers: -	Argos			
	Boots the Chemist	Yes		
	T K Maxx			
	W H Smith	Yes		
Clothing: -	Wilkinson			
	Burton			
	Dorothy Perkins			
	H & M			
	New Look			
	Next			
	Primark			
	River Island			
	Topman			
Topshop				
Other Retailers: -	Carphone Warehouse			
	Clarks			
	H M V			
	O2			
	Lloyds Pharmacy	Yes	Yes	Yes
	Superdrug			
	Phones 4 U			
	Vodafone			
	Waterstones			
Supermarkets	Sainsbury	Yes		
	Tesco	Yes		
	Coop		Yes	
Regeneration & Economic Development	Waitrose			

Foundation in 2005, "Clone Town Britain", found that 42 percent of towns in Britain are considered to be clone towns – a place where the individuality of the high street is replaced by a homogenous, non-place specific array of national brands. Conversely, 33 percent are home towns – a town with a high street, which is recognisable and distinctive. The remaining 26 percent were home towns under threat.

- 4.24 Recognised retail brands can be a significant attraction and can influence market shares captured by towns to make them more viable. This is of course, influenced by a wide variety of factors – accessibility, perception of crime and environmental quality that together create a retail experience. However some centres are recognising that independent shops offer more individual character and attractiveness helping them to remain as successful centres on their own.

#### **Shop rents**

- 4.25 Rental levels are affected by numerous factors including economic factors, turnover performance and floorspace supply. Across all three centres recent monitoring of vacant marketed property shows that rents are comparable with those in other town centre locations outside Ribble Valley, and whilst some larger locations (i.e. Blackburn and Burnley) may boast a larger number of multiple or national retailers and footfall only a small number of properties have remained vacant for some time. Also Whalley currently has consistently low vacant retail property rates as reported earlier. Retail rents are therefore considered comparable with, and in some cases favourable to, other centres of similar size and characteristics. On average rental levels compare very favourably with rentals in competing centres in the region.

#### **Proportion of vacant street level property**

- 4.26 The proportion of vacant street level property and length of time vacant in a town centre is the most demonstrative indicator of reflecting the current health and performance of a town centre along with measuring the length of time premises have remained vacant. In recent years there has been an increase in the number of vacant units. However, long-term vacancies remain low.
- 4.27 The proportion of vacant street level properties across all three centres is comfortably below the national average. There are 2 vacant premises in Whalley. The vacancy rate in Clitheroe and Longridge is 5-6 percent by premises (national average is approximately 14 percent), and 3-5 percent by floorspace (national average is

approximately 10 percent). Compared to other rural centres this appears to be a healthy figure and whilst in relation to the 3 centres in Ribble Valley, whilst vacant units do exist, most of these relate to what is described as 'churn' – whereas no evidence suggest that the same retail units staying vacant. Neither are there signs of change to lower value retail.

- 4.28 A significant proportion of retailers in Clitheroe own their premises (around a third), this increases to around a half in Longridge and Whalley. Overall, this suggests that due to the local nature of the retail property market in Clitheroe, Longridge and Whalley (i.e. largely local, independent retailers with some freehold premises) the town centre is more immune to national changes in rents and yields i.e. the low representation of national brands protects local retail rents to changes in the national economy. However, the benefits of this need to be weighed against the lack of trade associated with poor national retailer representation.
- 4.29 Historically, we are still experiencing low interest rates. Should this change, local retailers are likely to suffer more acutely than large chains and national brands and the viability of the town centre threatened. A balance between national and independent retailer representation needs to be struck.
- 4.30 Based on property enquiries made to the Council, in Longridge demand for shop premises is slightly lower than the other two centres, which can also be reflected in its slightly lower rents. Convenience stores, professional and financial services are most important to the town centre in terms of attracting shoppers. The town centre is also spread out along Berry Lane, which reduces mobility, particularly up the steep hill, and results in the town centre lacking a retail core. A previous household survey showed that shoppers on the whole, are attracted to the town centre out of necessity, rather than for leisure.
- 4.31 Clitheroe, by far accommodates the largest goods-based retail economy in the Ribble Valley. However, retailers report a fall in shopper numbers in recent years, which could be compounded as nationally in recent years, consumer spending has been curbed by the recession.
- 4.32 For their size, all 3 centres whilst benefiting from some proportion of retail spend from the catchment will by nature and location continue to be overshadowed by the larger retail economies of Preston, Blackburn, Burnley, Accrington and Nelson.

- 4.33 Whilst the retail economy appears to be dominated by spend on convenience goods in nearby supermarkets. More people appear to be visiting the town centre out of necessity rather than for leisure. In previous surveys, main concerns have been the poor variety of shops and lack of national retailer representation, which fail to draw more shoppers to the town.
- 4.34 Regarding retail, previously there has been some concern that an increasing number of Clitheroe town centre retailers are moving to edge-of-town and out-of-town business park and industrial estate locations to continue their trade. Such locations are felt to offer better accessibility and cheaper rents. This could potentially be a sign of weakening retail trade and 'hollowing out' of Clitheroe town centre.

#### **Pedestrian flows**

- 4.35 Pedestrian flows are a useful indicator of movement density within town centres, affording relevant information for determining or reviewing primary and secondary frontages and identifying changes in pedestrian accessibility.
- 4.36 Although specific pedestrian flow counts have not been recorded for any of the three centres, however, the monitoring of all 3 locations reveals that naturally footfall is heaviest to and from public transport and car parking locations. Higher pedestrian flows in each of the centres are visible as follows: Clitheroe: Castle Street between Moor Lane and King Street, Longridge: Berry Lane generally and Whalley: King Street generally. Naturally, these represent the primary shopping frontages in all three centres and it is generally secondary locations within the centres where vacancy rates appear to be more frequent reflecting lower footfall counts.

#### **Accessibility**

- 4.37 When considering the ease and convenience of travel, by different means, to and within the town centres, it is notable that the nature of Clitheroe and Whalley results in some through traffic being directed through the centre and can lead to a sense that the car is dominant, footpaths are narrow in all 3 locations, however, they are all essentially walkable with the centre the natural focus for residents. Information is also drawn from previous surveys and discussions.
- 4.38 Firstly in Clitheroe, access to the Town Centre for cars is reasonably good, with the main road network facilitating access from all directions. However, traffic congestion

can sometimes be a problem, in particular at peak hours and on Saturdays. Car parks are relatively convenient and well distributed around the Town Centre. Town centre bus stops are located at the train station.

- 4.39 Some of the other town centre car parks are owned and operated by retailers such as Booths, Sainsbury's and Tesco, and whilst these are intended for store customers' use, offer 2 hours free parking where there is evidence of people using these facilities to make additional/combined trips to other shops. Some people can also make trips on foot from more peripheral car parks on the edge of centre. There is a 'shopmobility' scheme in place to assist disabled people in the Town Centre, based on Lowergate.
- 4.40 Car parking is identified by businesses as a priority issue which should be addressed in the town centre by making it more accessible and better priced for both staff and customers (e.g cheaper or free parking). Residential areas are within easy walking distance of the town centre. However, some busy roads around the town centre and roundabout junctions on the approach from many directions may discourage some pedestrians and cyclists making trips to the centre.
- 4.41 The Clitheroe Interchange was developed in year 2000 to significantly improve usability of public transport within the town. The facility is located next to the railway station and there is a nearby taxi rank creating a public transport hub. In terms of rail access, Clitheroe Interchange provides a number of services to the wider area. There is also a direct local service to Manchester from here. The town centre therefore has fairly good rail links to the strategic network but local services are insufficiently frequent, limiting the opportunity to generate increases to business and shopping trips by rail.
- 4.42 Bus provision is well served Monday to Saturday with routes radiating from the Town Centre and many routes operating at 10-15 minute frequencies. Some services operate during the evenings, although less frequently, whilst Sunday services are more limited with no services on Sunday evenings, but is better than in many rural towns of similar size. In addition there are bus services to neighbouring towns including routes to Accrington, Blackburn and Burnley. Bus stops are also located around the periphery of the Town Centre facilitating good access to the Town Centre.

- 4.43 Longridge town centre is easy to access, however the centre is on a slope, which could be potentially challenging for some disabled or elderly users or those with young children. Street traffic does not appear to impede pedestrians from crossing the road with a pedestrian crossing located in the middle of Berry Lane. There are no defined pedestrian covered areas in the centre and pavements seem adequately maintained, unobstructed and pedestrians are able to move about freely. There was a steady flow and presence of pedestrians at the time of survey. There is restricted on street parking.
- 4.44 E H Booth & Co operates a large supermaket premises on Berry Lane. In 2011 they acquired a lease from David Bridge & Co., the Spar retailer of the property which adjoins their Longridge store. Booths are going to join the existing store to one of the two buildings on the new site enabling them to increase the size of their store in Longridge to 12,750 sq ft. The other building will be let to a complimentary retailer.
- 4.45 The existing filling station will remain and the acquisition of the new site, which includes a car park, will enabling car parking to be increased to 150 spaces. Booths hope to start work in the near future and the existing store will continue to trade throughout. Robert Pinkus & Co. acted on behalf of Booths on the acquisition of the new site. There is also a good bus route to Preston and is within 20 mins drive to the M6 motorway.
- 4.46 In Whalley, access to the Town Centre for cars is reasonably good, with the main road network facilitating access from all directions. However, traffic congestion can sometimes be a problem, in particular at peak hours and on Saturdays. Car parking is identified by businesses as a major issue in Whalley that needs to be addressed in the centre by making it more accessible and better priced for both staff and customers (e.g cheaper or free parking). There is unrestricted on street car parking but this can easily become fully occupied early in the day making shoppers use the privately operated pay and display car park. The provision of more and cheaper parking and a wider variety of shops could help towards improving the town centre. A suitable site for additional parking or shops could be located at the bus station site.

### **Safety and Crime**

- 4.47 In relation to safety and crime in the borough, Ribble Valley has relatively low levels of recorded crime. Town centres are usually high on the list of reported incidents in

any Local Authority area. In the past, surveys found generally good perceptions of personal safety amongst residents and visitors.

### **Environmental Quality**

- 4.48 All three centres contain a variety of traditional buildings, with some quality frontages and attractive historic buildings. Generally, the street conditions across all three centres seem to be reasonably well maintained and no significant problems appear with regards to the general environment quality within the centres. In general, the standard of cleanliness is high also, with very little evidence of litter, fly-posting or graffiti helping to provide a pleasant environment for shoppers and visitors and enhancing the townscape quality of the centre, however, some traffic movements can diminish the visitor experience. Whilst specific areas can be detected where some improvements could be made to walkways, on the whole the environmental quality of all three centres is generally good.
-

## 5.0 SUMMARY & CONCLUSIONS

### **Clitheroe**

- 5.1 Clitheroe by far accommodates the largest retail economy in the Ribble Valley. Although some empty properties exist the 'churn' means many are not vacant for considerable amounts of time and rents and demand for shop units remain relatively high. Any retailers witnessing a fall in shopper numbers and a decline in trade is being compounded as nationally consumer spending is curbed by the economic downturn as well as the competing retail economies of nearby Blackburn, Burnley, Accrington and Nelson. Despite a relative lack of national retailer representation. Demand is high for retail units from local, independent retailers and a significant proportion of retailers own their shop premises. Most recently has seen the development of the Lidl supermarket located on the old Stonebridge Mill site. As well as Clitheroe having a good spread in terms of diversity and mixture of uses, new store development in particular (Homebase & Lidl) has added to the convenience and choice factors in the local area.

### **Longridge**

- 5.2 Longridge also appears to be doing well, although perhaps not as well as it could be. It has the lowest rents of the three towns, despite being the second largest (as such, reflecting lower demand for shop premises). At almost 13 times the size of Whalley's economy, it is an important service centre particularly for professional and financial services (in terms of the proportion of floorspace dedicated to this use) and business confidence is high. The convenience goods market is also important to the town centre in terms of turnover generated and attracting shoppers. Factors impacting upon the town's vitality include the perception that there is a lack of affordable parking (although there does seem to be adequate parking available) and environmental quality, which could be affecting retail trade. The town centre is also spread out by the linear nature of Berry Lane, which reduces mobility, particularly up the steep hill, and results in the town centre lacking a retail core (although it is clear that trade is focused towards the bottom end of Berry Lane).

### **Whalley**

- 5.3 Whalley performs the best of the three town centres in terms of vitality and viability but is comparably smaller in size to Clitheroe and Longridge. It has a consistently low vacant shop rate, retailer confidence is high, footfall and trade seem to have



been constant in recent years, if not increasing. However, Whalley has a low market share of retail in convenience goods categories. Retailers report that shoppers from across all parts of the Borough visit the town centre (albeit mostly by car) and rate it the best town centre in terms of being able to walk around. However, availability of affordable parking and traffic congestion are key concerns. The town centre has an emerging pub and restaurant scene, which is developing a thriving evening economy. One emerging concern is the lack of convenience retailers (many have changed to other retail uses) which means local residents need to travel further for necessity items. This may undermine the town's long term sustainability (for example, due to rising interest rates), should comparison spending drop unexpectedly.

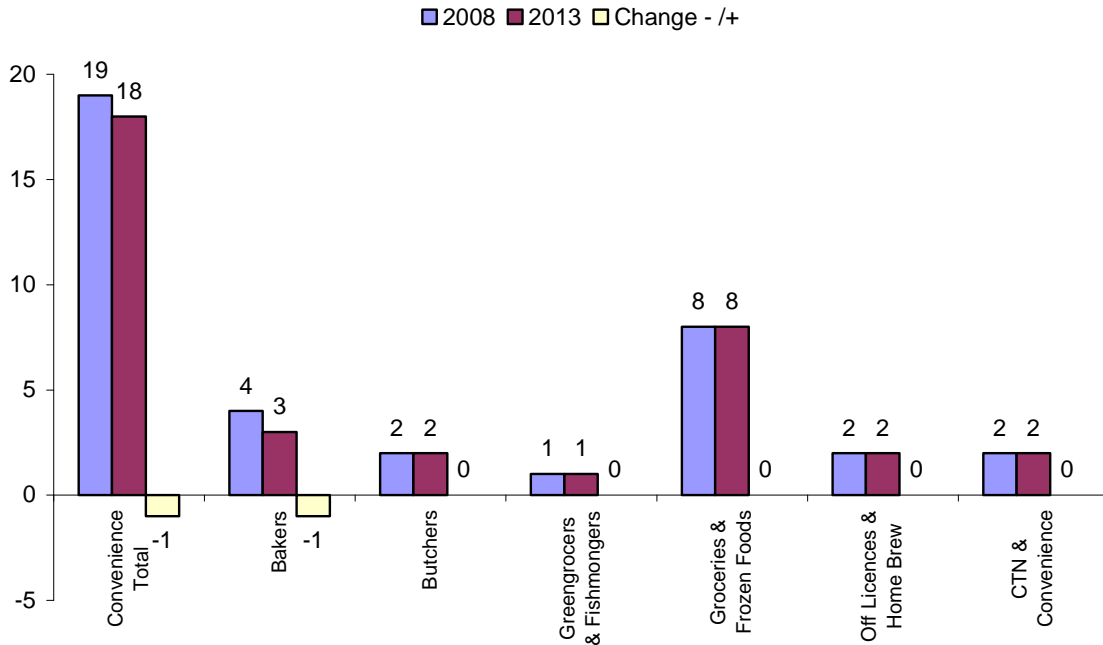
### **Conclusion**

- 5.4 These Service Centre Health Check assessments draw some positive conclusions in such that the vitality and viability of all three centres - Clitheroe, Longridge and Whalley appear to be continuing in their own individual roles and function in the wider Borough in terms of healthy functioning centres. It is recognised that they all play an important role in serving the requirements of the local community on a day-to-day basis.
- 5.5 Whilst continuing and more detailed analysis may be required in some areas, this is encouraging that they continue to form a focal point for the surrounding area and provide a wide range of services that are accessible to the population, and contribute towards the aims of sustainable development.
-

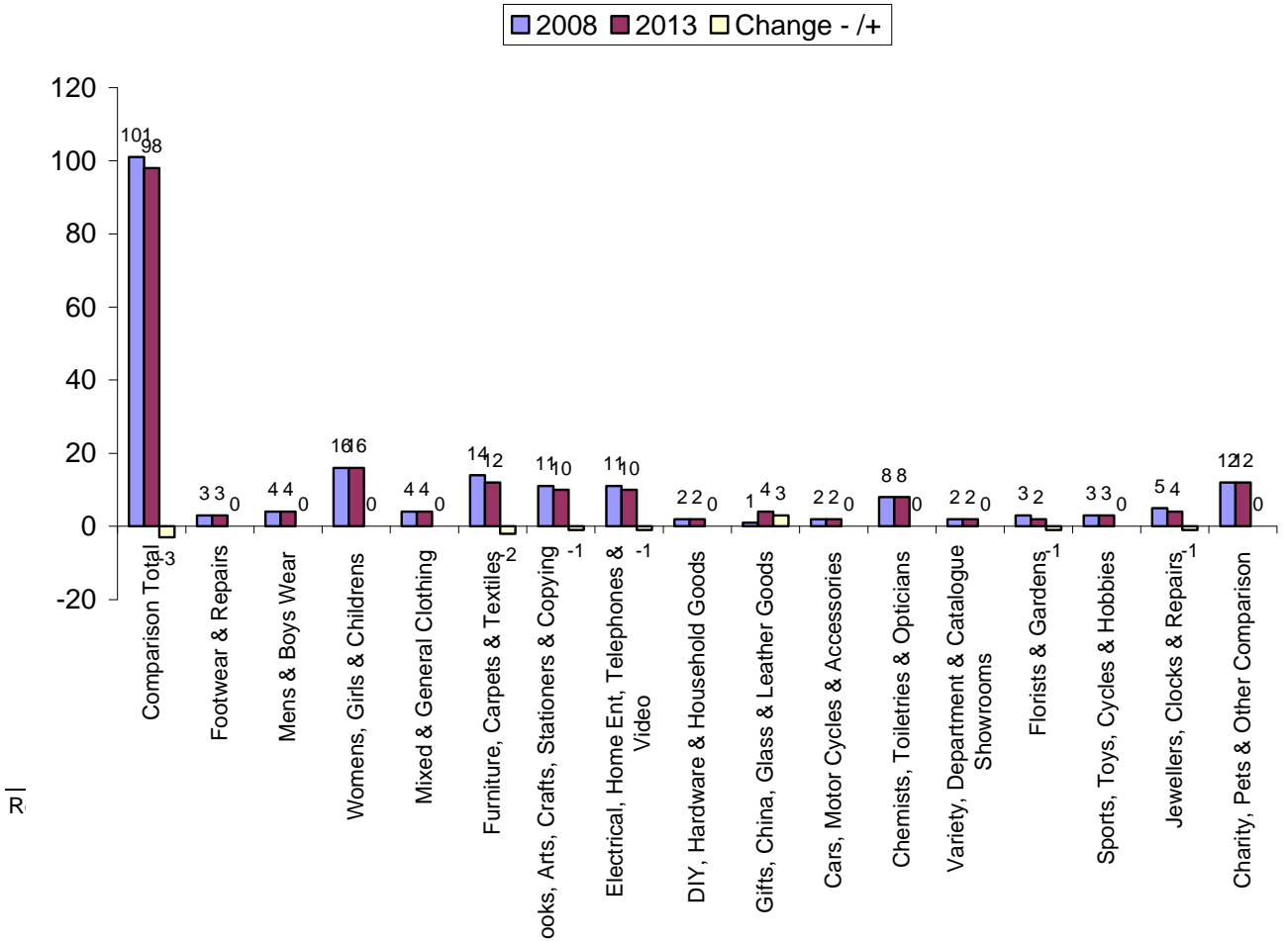
**Clitheroe: Retail Outlet 5-Year Change Comparison (2008 / 2013): -**

**APPENDIX A**

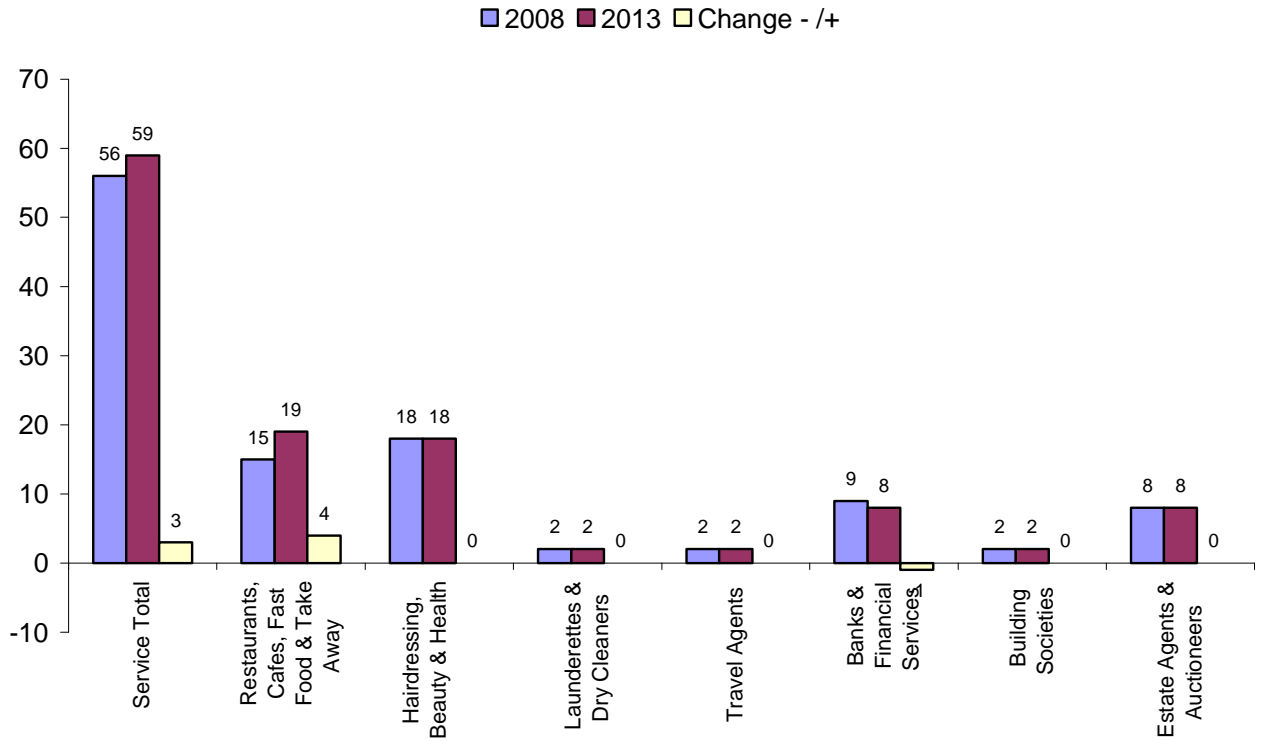
**Clitheroe Convenience Outlets Unit Change**



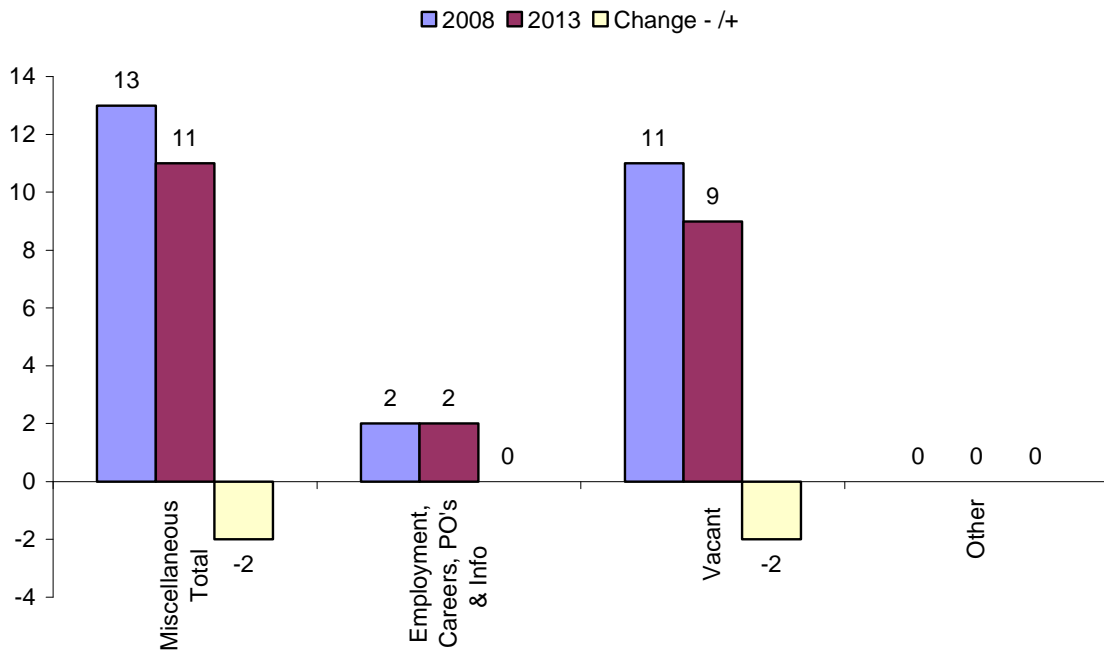
**Clitheroe Comparison Outlets Unit Change**



### Clitheroe Service Outlets Unit Change



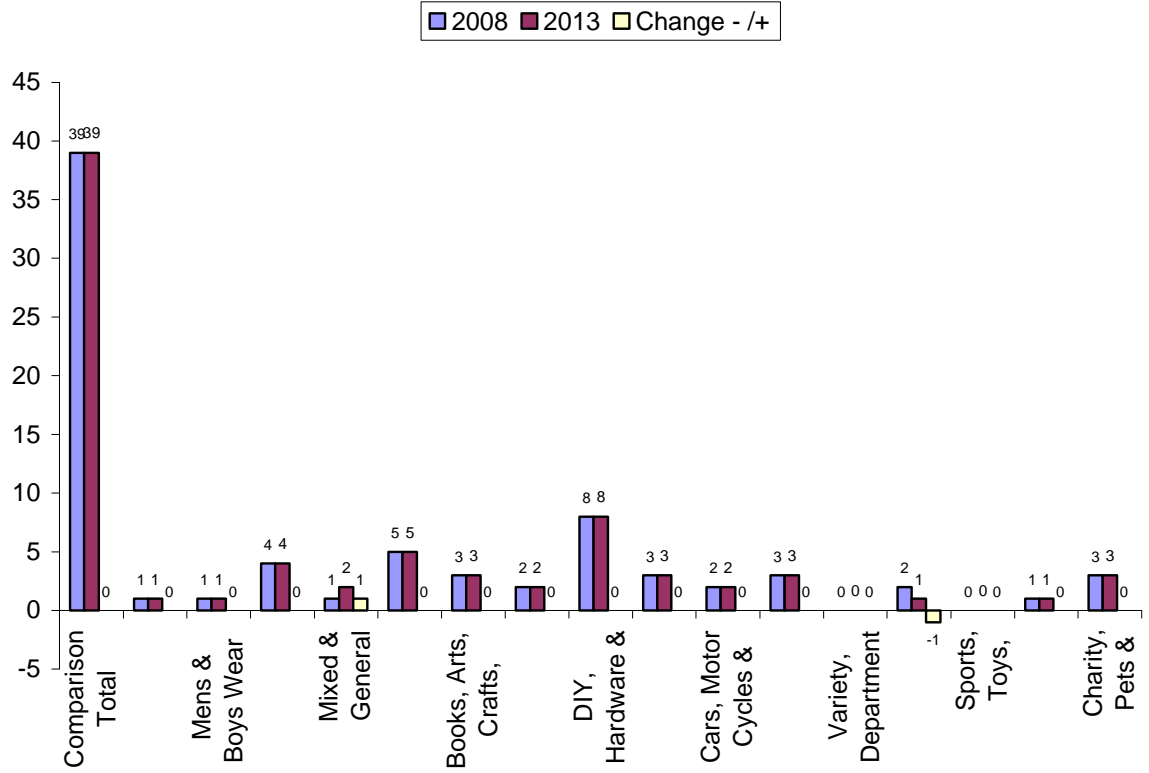
### Clitheroe Vacant, Misc & Other Units Change



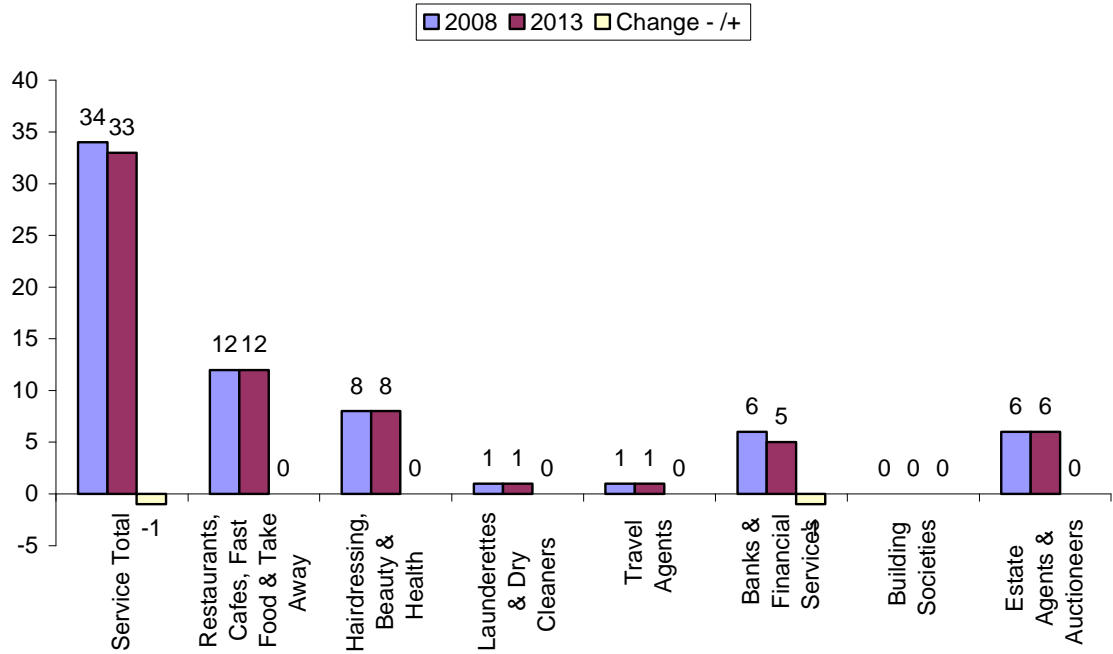
Longridge: Retail Outlet 5-Year Change Comparison (2008 / 2013): -

APPENDIX B

Longridge Comparison Outlets Unit Change

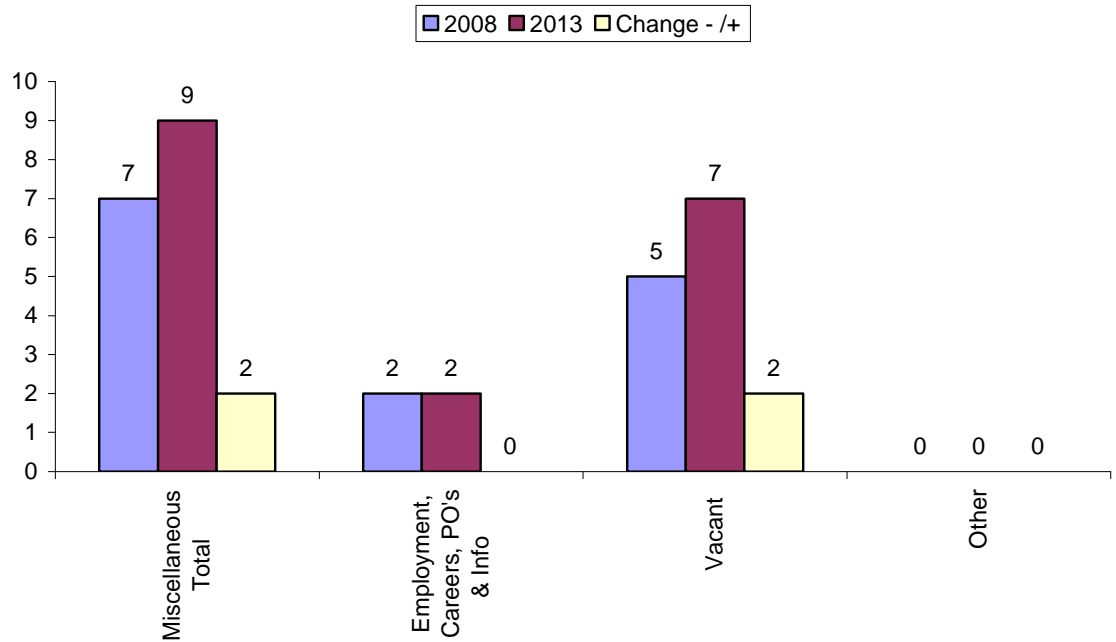


### Longridge Service Outlets Unit Change



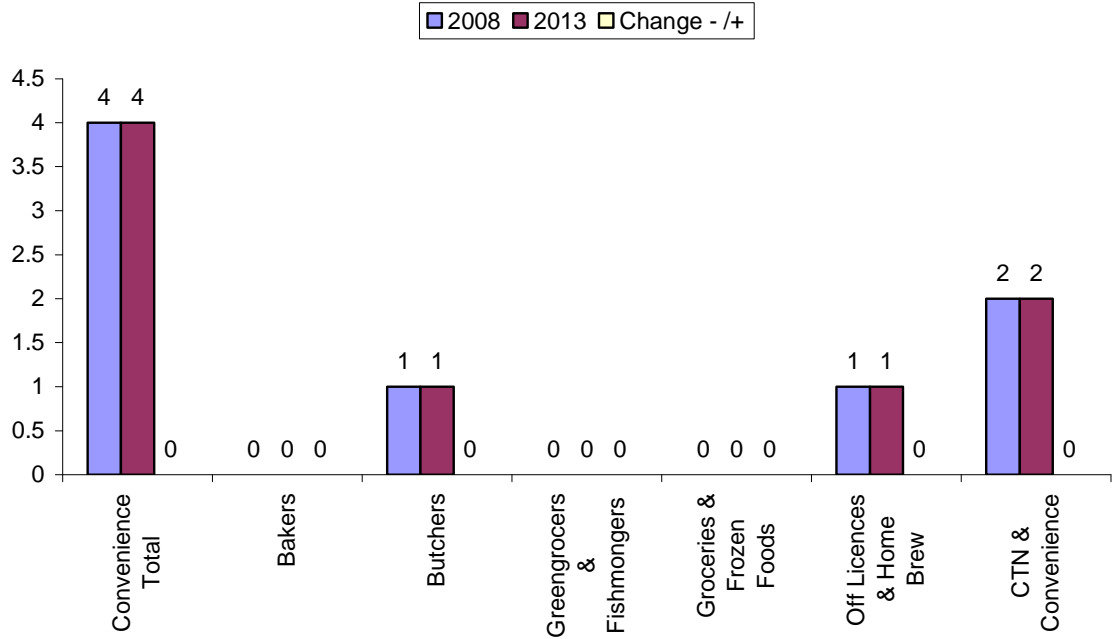
### APPENDIX C

### Longridge Vacant, Misc & Other Units Change

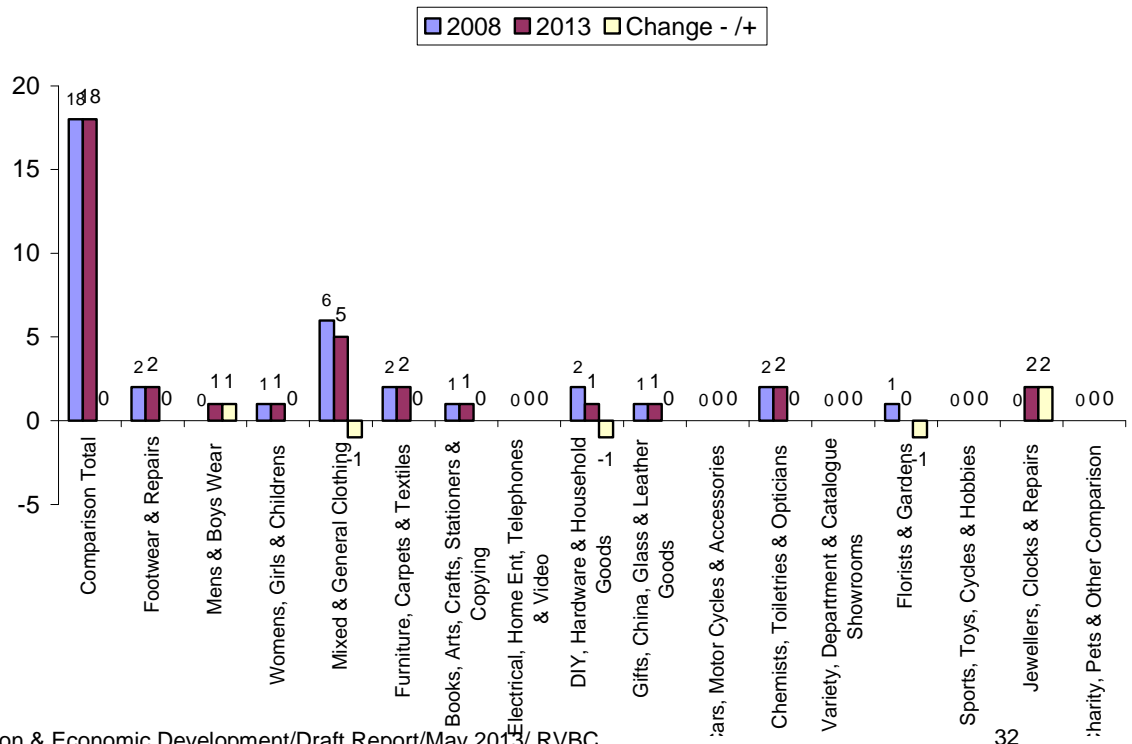


**Whalley: Retail Outlet 5-Year Change Comparison (2008 / 2013): -**

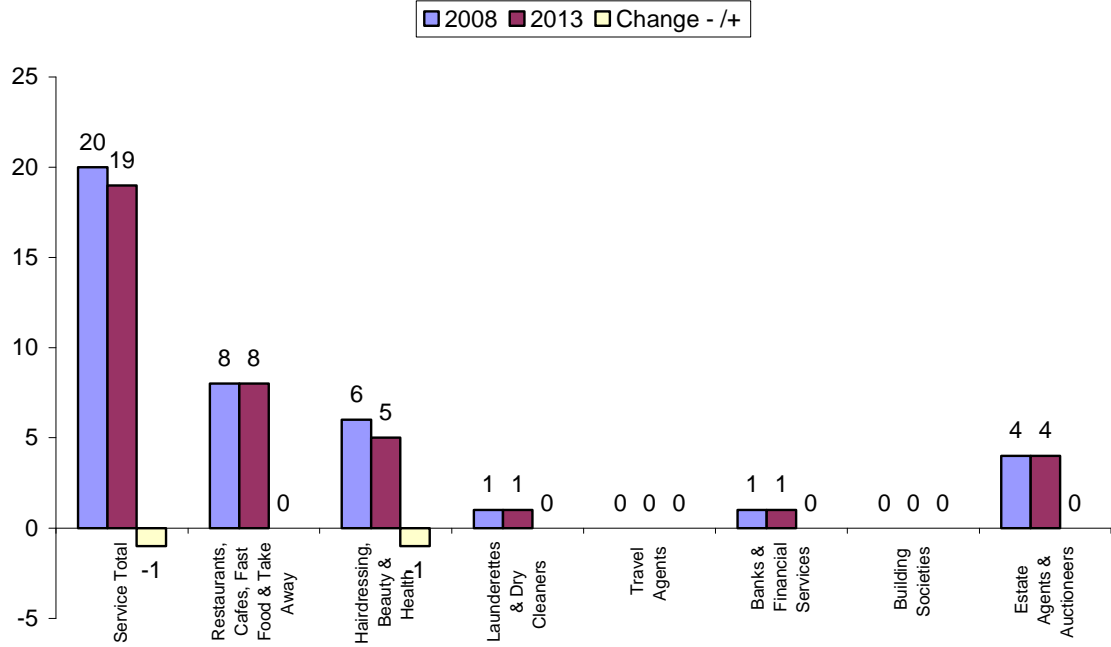
**Whalley Convenience Outlets Unit Change**



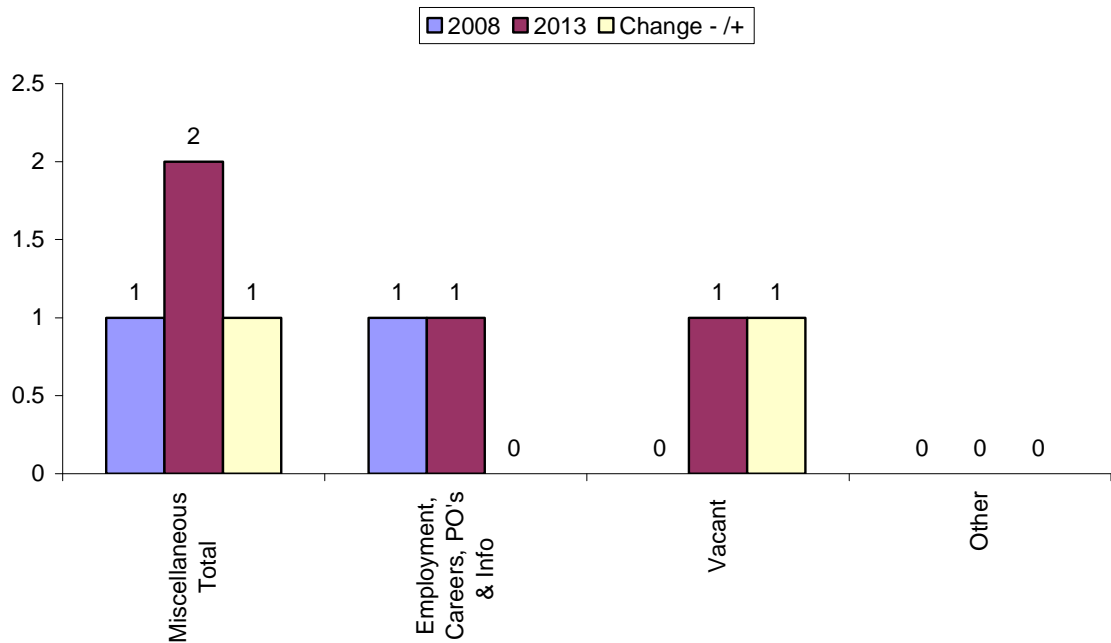
**Whalley Comparison Outlets Unit Change**



### Whalley Service Outlets Unit Change



### Whalley Vacant, Misc & Other Units Change



# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 23<sup>rd</sup> MAY, 2013  
title: CORE STRATEGY - GYPSY AND TRAVELLER ACCOMMODATION  
ASSESSMENT UPDATE

submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE  
principal author: PHIL DAGNALL – ASSISTANT PLANNING OFFICER

## 1. PURPOSE

1.1 To report on the update to this Core Strategy evidence base document following a request from the Planning Inspectorate in relation to the Submitted Core Strategy.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions – The revision of this document will have a bearing on our future ability to adopt planning policy documents and therefore could influence future development within the borough.
- Community Objectives – through the planning system to maintain, protect and enhance the natural and built features that contribute to the quality of the environment.
- Corporate Priorities – To match the supply of homes to identified housing needs.
- Other Considerations – None

## 2 BACKGROUND

2.1 All planning policies within the Core Strategy have to be based on reliable evidence, including those relating to housing and accommodation for Gypsy and Traveller communities. This evidence lies within a Gypsy and Traveller Accommodation Assessment or GTAA. The evidence-based approach mentioned above is also set out in the Core Strategy, specifically in Key Statement H4 (Core Strategy page 59) and Development Management policy DMH2 Gypsy and Traveller Accommodation (page 103).

2.2 Following the submission of the Core Strategy to the Planning Inspectorate in September 2012, the Inspector suspended the Examination in Public of the document Examination and requested that certain parts of the Strategy's evidence base, including this element, be reviewed and updated.

2.3 It is important to note that the GTAA only identifies future accommodation need and does not identify particular land allocations or sites to accommodate this need. Such site allocations will be a part of a separate planning document to be progressed in the near future.





# **RIBBLE VALLEY COUNCIL**

## **GYPSY, TRAVELLER AND SHOWPERSON ACCOMMODATION ASSESSMENT UPDATE**



April 2013



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# 1. Introduction

## The Survey

- 1.1 Opinion Research Services (ORS) were commissioned by Ribble Valley Council to undertake a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment.
- 1.2 The study seeks to provide an evidence base to enable the authority to comply with their requirements towards Gypsies and Travellers and Travelling Showpeople under the Housing Act 2004, the National Planning Policy Framework 2012 and Planning Policy for Traveller Sites 2012. The main objective of this study is to provide the Council with robust, defensible and up-to-date evidence about the accommodation needs of Gypsies and Travellers and Travelling Showpeople in Ribble Valley in the 15 years period until 2028.
- 1.3 We would note at the outset that the study covers the needs of Gypsies, Irish Travellers, New Travellers and Travelling Showpeople, but for ease of reference we have referred to the study as a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment.

## Definitions

- 1.4 For the purposes of the planning system, Gypsies and Travellers means:

*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependents' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of Travelling Showpeople or circus people travelling together as such. (Planning Policy for Traveller Sites, CLG, March 2012)*
- 1.5 Within the main definition of Gypsies and Travellers, there are a number of main cultural groups which include:
  - » Romany Gypsies;
  - » Irish Travellers; and
  - » New Travellers.
- 1.6 Romany Gypsies and Irish Travellers are recognised in law as distinct ethnic groups and are legally protected from discrimination under the Equalities Act 2010.
- 1.7 Alongside Gypsies and Travellers, a further group to be considered are Travelling Showpeople. They are defined as:

*Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their family's or dependent's more localized pattern of trading, educational or health needs or old age have ceased*

*to travel temporarily or permanently, but excludes Gypsies and Travellers as defined above.*  
(Planning Policy for Traveller Sites, CLG, March 2012)

## Legislation and Guidance for Gypsies and Travellers

- 1.8 Decision-making for policy concerning Gypsies and Travellers and Travelling Showpeople sits within a complex legislative and national policy framework and this study must be viewed in the context of this legislation and guidance. For example, the following pieces of legislation and guidance are relevant when constructing policies relating to Gypsies and Travellers and Travelling Showpeople:
- » Planning Policy for Traveller Sites 2012;
  - » National Planning Policy Framework 2012;
  - » Gypsy and Traveller Accommodation Needs Assessments Guidance October 2007;
  - » Environmental Protection Act 1990 for statutory nuisance provisions;
  - » The Human Rights Act 1998, when making decisions and welfare assessments;
  - » The Town and Country Planning Act 1990 (as subsequently amended);
  - » Homelessness Legislation and Allocation Policies;
  - » Criminal Justice and Public Order Act 1994 (sections 61, 62);
  - » Anti-social behaviour Act 2003 (both as victims and perpetrators of anti-social behaviour);
  - » Planning and Compulsory Purchase Act 2004;
  - » Housing Act 2004 which requires local housing authorities to assess the accommodation needs of Gypsies and Travellers and Showpeople as part of their housing needs assessments. This study complies with the this element of government guidance ;
  - » Housing Act 1996 in respect of homelessness.
- 1.9 To focus on Gypsies and Travellers, the Criminal Justice and Public Order Act 1994 (Sections 77, 78) is particularly important with regard to the issue of planning for Gypsy and Traveller site provision. This repealed the duty of local authorities to provide appropriate accommodation for Gypsies and Travellers. However, Circular 1/94 did support maintaining existing sites and stated that appropriate future site provision should be considered.
- 1.10 For site provision, the previous Labour Government guidance focused on increasing site provision for Gypsies and Travellers and Travelling Showpeople and encouraging local authorities to have a more inclusive approach to Gypsies and Travellers and Travelling Showpeople within their Housing Needs Assessment. The Housing Act 2004 required local authorities to identify the need for Gypsy and Traveller sites, alongside the need for other types of housing, when conducting Housing Needs Surveys. Therefore, all local authorities were required to undertake accommodation assessments for Gypsies and Travellers and Travelling Showpeople either as a separate study such as this one, or as part of their main Housing Needs Assessment.
- 1.11 Local authorities were encouraged rather than compelled to provide new Gypsy and Traveller sites by central government. Circular 1/06 'Planning for Gypsy and Traveller Caravan Sites', released by the CLG in

January 2006, replaced Circular 1/94 and suggested that the provision of authorised sites should be encouraged so that the number of unauthorised sites would be reduced.

- 1.12 The Coalition Government announced that the previous government's thinking contained in Planning for Gypsy and Traveller Caravan Sites (Circular 01/06) was to be repealed, along with the Regional Spatial Strategies which were used to allocate pitch provision to local authorities. The CLG published 'Planning Policy for Traveller Sites' in March 2012 which set out the Government's planning policy for traveller sites. It should be read in conjunction with the National Planning Policy Framework.

## Planning Policy for Traveller Sites

- 1.13 The document 'Planning Policy for Traveller Sites' sets out the direction of government policy. Among other objectives the new policies aims in respect of Traveller sites are (Planning Policy for Traveller Sites Page 1-2):

- » that local planning authorities should make their own assessment of need for the purposes of planning;
- » to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites;
- » to encourage local planning authorities to plan for sites over a reasonable timescale;
- » that plan-making and decision-taking should protect Green Belt from inappropriate development;
- » to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites;
- » that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective;
- » for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies;
- » to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply;
- » to reduce tensions between settled and traveller communities in plan-making and planning decisions;
- » to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure;
- » for local planning authorities to have due regard to the protection of local amenity and local environment.

- 1.14 In practice, the document states that (Planning Policy for Traveller Sites Page 3):

*Local planning authorities should set pitch targets for Gypsies and Travellers and plot targets for travelling Showpeople which address the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring local planning authorities.*

1.15 Local planning authorities should, in producing their Local Plan:

- » Identify, and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets;
- » identify a supply of specific, developable sites or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15;
- » consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries);
- » relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density;
- » protect local amenity and environment.

1.16 A key element to the new policies is a continuation of previous government policies. Local authorities now have a duty to ensure a 5 year land supply to meet the identified needs for Traveller sites. However, 'Planning Policy for Traveller Sites' also notes on Page 3-4 that:

*Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.*

1.17 Therefore, criteria based planning policies sit at the heart of the new guidance, irrespective of whether need is identified or not.

## Tackling Inequalities for Gypsy and Traveller Communities

1.18 In April 2012 the government issued a further document relating to Gypsies and Travellers in the form of 'Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers' (CLG April 2012).

1.19 The report contains 28 commitments to help improve the circumstances and outcomes for Gypsies and Travellers across a range of areas including: Identifying ways of raising educational aspirations and attainment of Gypsy, Roma and Traveller children;

- » Identifying ways to improve health outcomes for Gypsies and Travellers within the proposed new structures of the NHS;
- » Encouraging appropriate site provision; building on £60m Traveller Pitch Funding and New Homes Bonus incentives;
- » Tackling hate crime against Gypsies and Travellers and improving their interaction with the criminal justice system;
- » Improving knowledge of how Gypsies and Travellers engage with services that provide a gateway to work opportunities and working with the financial services industry to improve access to financial products and services;



- » Sharing good practice in engagement between Gypsies and Travellers and public service providers.

## Funding for New Sites

- <sup>1.20</sup> The Coalition Government policies also involve financial incentives for new affordable pitch provision in the form of the New Homes Bonus. For all new annual supply of Gypsy and Traveller and Travelling Showperson pitches/plots on local authority or Registered Social Landlord owned and managed sites, local councils receive a New Homes Bonus equivalent to council tax (based on the national average for a Band A property), plus an additional £350 per annum for six years. This equates to around £8,000 pounds per pitch.
- <sup>1.21</sup> Direct grant funding is also available for Gypsy and Traveller sites. The Homes and Communities Agency (HCA) took over delivery of the Gypsy and Traveller Sites Grant programme from CLG in April 2009. Since then they have invested £16.3m in 26 schemes across the country to provide 88 new or additional pitches and 179 improved pitches. The HCA welcomes bids from local authorities, housing associations and traveller community groups working with Registered Providers.
- <sup>1.22</sup> The HCA has now confirmed allocations for all of its £60m of future funding which will support 96 projects around the country for the provision of new Gypsy and Traveller sites and new pitches on existing sites, as well as the improvement of existing pitches.
- <sup>1.23</sup> While all HCA funds for Gypsy and Traveller pitches have now been allocated, further funding may become available as a result of slippage over the course of the programme. Providers are advised to continue to work closely with HCA area teams to develop their proposals should any funding become available.

## Research Methodology

- <sup>1.24</sup> This section sets out the methodology we have followed to deliver the outputs for this study. Over the past 10 years ORS have developed a methodology which provides the required outputs from a Gypsy and Traveller and Travelling Showperson Accommodation Assessment and this has been updated in light of Planning Policy for Traveller Sites.
- <sup>1.25</sup> The stages below provide a summary of the process undertaken by ORS, with more information on each stage provided in the appropriate section of the report.

### Stage 1: Background

- <sup>1.26</sup> At the outset of the project we sought to understand the background to the Gypsy and Traveller and Travelling Showpeople population in Ribble Valley. The study sought to identify the location of all known sites in the study area and the number of pitches or plots on each one. The study also gathered information from recent caravan counts.

### Stage 2: Stakeholder Engagement

- <sup>1.27</sup> This study included extensive stakeholder engagement with council officers from Ribble Valley and neighbouring councils and other stakeholders. The aim of this engagement was to help understand the

current situation in the study area, particularly in relation to households not on known existing sites and also to discuss Duty to Cooperate issues with neighbouring councils.

### **Stage 3: Household Survey**

- 1.28 For most Gypsy and Traveller studies we seek to interview all known households in a study area using a detailed questionnaire. Given the very limited size of the population in Ribble Valley, instead of conducting interviewer facilitated detailed personal interviews, all sites were visited by ORS researchers. They conducted qualitative interviews with the households to determine if they have any current or likely future needs and how these may be addressed.
- 1.29 These interviews had a number of objectives. One objective was to analyse the provision of services on existing sites to assess if more, or improved, service provision was required within the existing sites. Another main objective was to view travelling patterns and likely future household formation to analyse the future need for extra site provision.

### **Stage 4: Future Pitch and Plot Requirements**

- 1.30 The methodology used by ORS to calculate future pitch and plot requirements has been developed over the past 10 years and has drawn on lessons from both traditional housing needs assessments and also best and worst practice for Gypsy and Traveller and Travelling Showpeople Accommodation Assessment conducted across the country.
- 1.31 The overall principles behind assessing future needs are relatively simple. The residential pitch requirements for Gypsies and Travellers are identified separately from those for Travelling Showpeople and for each group the requirements are identified in 5 year periods to 2028 in line with the requirements of Planning Policy for Traveller Sites.

### **Stage 5: Conclusions**

- 1.32 This stage draws together the evidence from Stages 1 to 4 to provide an overall summary of the requirements for Gypsies, Travellers and Travelling Showpeople in Ribble Valley.

## 2. Gypsy and Traveller Sites and Population

### Background

- 2.1 A Strategic Housing Market Assessment focuses upon the number of dwellings required in an area, and how many of these should be affordable. The central aim of this study was to follow a similar format for Gypsy and Traveller and Travelling Showpeople accommodation requirements.
- 2.2 One of the main considerations of this study is the provision of pitches and sites for Gypsies and Travellers. A pitch is an area which is large enough for one household to occupy and typically contains enough space for one or two caravans, but can vary in size. A site is a collection of pitches which form a development exclusively for Gypsies and Travellers. For Travelling Showpeople the terms most common used are a “plot” for the space occupied by one household, and a “yard” for a collection of plots (typically occupied exclusively by Travelling Showpeople). Throughout this study the main focus is upon how many extra pitches for Gypsies and Travellers, and plots for Travelling Showpeople are required in Ribble Valley.
- 2.3 The public and private provision of mainstream housing is also largely mirrored when considering Gypsy and Traveller accommodation. One common form of Gypsy and Traveller site is the publicly-provided residential site, which is provided by the local authority or a registered provider (usually a housing association). Places on public sites can be obtained through a waiting list, and the costs of running the sites are met from the rent paid by the licensees (similar to social housing). We would note that there are currently no public sites in the study area.
- 2.4 The alternative to public residential sites is private residential sites for Gypsies and Travellers and Travelling Showpeople. These result from individuals or families buying areas of land and then obtaining planning permission to live on them. Households can also rent pitches on existing private sites. Therefore, these two forms of accommodation are the equivalent to private ownership and renting for those who live in bricks and mortar housing.
- 2.5 The Gypsy and Traveller and Travelling Showpeople population also has other forms of sites due to its mobile nature. Transit sites tend to contain many of the same facilities as a residential site, except that there is a maximum period of residence which can vary from a few weeks to a period of months. An alternative is an emergency stopping place. This type of site also has restrictions on the length of time for which someone can stay on it, but has much more limited facilities. Both of these two types of site are designed to accommodate Gypsies and Travellers whilst they travel.
- 2.6 Further considerations in the Gypsy and Traveller population are unauthorised developments and encampments. Unauthorised developments occur on land which is owned by the Gypsies and Travellers, but for which they do not have planning permission to use for residential purposes. Unauthorised encampments occur on land which is not owned by the Gypsies and Travellers.

## Sites in Ribble Valley

- 2.7 The chart below documents all sites and pitches known to exist in Ribble Valley. At the time of writing, there are 9 pitches across two Gypsy and Traveller sites, both with permanent permission. There are no known unauthorised sites.
- 2.8 At the time of writing, Ribble Valley has no known Travelling Showperson sites and this has been confirmed by the North West Showmen’s Guild.

**Figure 1**  
Current Gypsy and Traveller Sites and Pitches in Ribble Valley

Site	Number of Pitches
<b>Private Sites with Permanent Permission</b>	
Acorn Lodge, Longsight Road, Clayton-le-Dale	8
Balderstone	1
<b>TOTAL PITCHES ON PRIVATE SITES WITH PERMANENT PERMISSION</b>	<b>9</b>
<b>TOTAL PITCHES</b>	<b>9</b>

## 3. Stakeholder Consultation

### Introduction

- 3.1 In order to set the context of the research and ensure the study is based on a sound understanding of the relevant issues, ORS conducted 15 semi-structured, in-depth telephone interviews during February and March 2013. Interviews were undertaken with officers from Ribble Valley Borough Council's Housing Department. As stated in the Planning Policy for Traveller Sites, Local Authorities have a duty to cooperate on planning issues that cross administrative boundaries, and for this reason Lancashire County Council and neighbouring local authorities also contributed to the study. Consultation was also carried out with The North West Showmen's Guild. The views of the Ribble Valley officers and Showmen's Guild are summarized below. The findings of the consultations with neighbouring authorities are reported separately.

### Main Policy Tools

- 3.2 Officers referred to Ribble Valley's emerging core strategy, which includes a stipulation that the Council will find suitable sites for any future need, with a site allocations document planned for the future. Currently, any applications for potential sites would be assessed under general housing policies (SHLAA) and the national policies relating to Gypsies and Travellers (National Planning Policy Framework and Planning Policy for Traveller Sites). However, at the time of writing, no applications for additional sites had been received.
- 3.3 It was also noted that there had been no applications from the Gypsy and Traveller community for the housing waiting list.

### Accommodation: Sites and Unauthorised Encampments

- 3.4 Officers felt that the current provision of sites in the district was largely sufficient. It was noted that the previous GTAA (Lancashire 2007) had identified a need for 6 pitches in the area, but officers reported no applications for new or expanded sites, and did not feel there was any pressure from the Travellers themselves for any additional provision.
- 3.5 Though officers referred to unauthorised stops and encampments in the area, it was felt that these were primarily due to Travellers passing through the district on their way to other destinations, rather than households looking to establish sites in the area.
- 3.6 Officers identified unused industrial land near the A59 as the primary location for such unauthorised encampments, with most lasting no more than a week. Officers reported short lived unauthorised encampments at Sabden and Barrow Brook.
- 3.7 Officers reported an increase in families moving through the district around the time of the Appleby Fair in Eden.

## Bricks and Mortar

- 3.8 Officers were not aware of any households in bricks and mortar accommodation. Census figures indicate a minimal population of Gypsies and Travellers in bricks and mortar accommodation, if any (see para. 5.16 of this report).

## Travelling Showpeople

- 3.9 Officers reported that there were no Travelling Showpeople in the district, a view that was confirmed through consultation with representatives from the North West Showmen's Guild. The Guild also advised that Ribble Valley was not attractive to their members as a location, and there are no Travelling Showpeople looking to establish a site within the district.

## Community, Health and Education Issues

- 3.10 Officers did not report any community cohesion issues in relation to the existing private sites, though one officer noted that the unauthorised encampments in the district sometimes caused tensions due to Travellers littering. This litter is usually cleared by the council, but the officer suggested that the provision of wheelie bins to any future encampments could lessen the impact on the surrounding settled community.
- 3.11 Officers were not aware of any health or educational issues within the Gypsy and Traveller population.

## Cross Boundary Issues

- 3.12 Officers reported little in the way of cross-boundary issues, though one officer noted that there was a striking disparity between the Traveller population in Ribble Valley and that in Hyndburn. The officer felt this was likely due to the rural nature of Ribble Valley and the lack of work opportunities in comparison to the relatively populous area of Hyndburn.
- 3.13 In terms of cross-border working, officers mentioned the various housing and planning groups where officers from Lancashire districts meet to discuss issues. However, officers reported no on-going discussions relating to Gypsies and Travellers. Officers did not regard this as a particular issue for Ribble Valley, given that the district currently has no significant problems with Travellers, though they were open to cooperative working should they be approached by another local authority.
- 3.14 In terms of cross-boundary movements, the A59 was identified as the primary route through the district.

## Consultation Activities

- 3.15 Officers reported no direct consultation with the inhabitants of the permanent sites, but noted that there was consultation on broad issues with representatives of the Travelling community through the Showman's Guild and Gypsy Council.
- 3.16 One officer foresaw that if there were any issues in the district, they would be identified through the current study.

## Future Site Provision: Criteria, Management and Geographical Location

- 3.17 When asked to consider what criteria were important for locating any future sites, officers considered access to major transport links to be essential, with the A59 identified as the primary route through the area. Proximity to services and facilities and impact on the landscape were also felt to be important considerations. One officer reported that any site search would be treated in a similar manner to a standard residential development. It was noted that any future site development would be constrained by the by Areas of Outstanding Natural Beauty, which cover 70% of the district.
- 3.18 In terms of management, officers expected that any future need would be accommodated through extensions to existing sites, preserving the existing management of the sites by the families themselves. There was not felt to be any impetus for a publicly managed site in the area, and any future household formations would be likely to remain on the existing sites.
- 3.19 Given the infrequency and unproblematic nature of the unauthorised encampments in the district, officers did not feel that any formal transit provision would be necessary, and envisaged that any such site would see little use. Unauthorised encampments that do occur can be dealt with through informal measures such as providing Travellers with bin for disposing of litter.

## Neighbouring Authorities

- 3.20 As stated in the Planning Policy for Traveller Sites, Local Authorities have a duty to cooperate on planning issues that cross administrative boundaries. Therefore, as part of the stakeholder consultation, ORS conducted 12 interviews with Officers representing the following neighbouring authorities:
- » Blackburn with Darwen Borough Council;
  - » Burnley Borough Council;
  - » Chorley Borough Council;
  - » Craven District Council;
  - » Hyndburn Borough Council;
  - » Lancashire County Council;
  - » Lancaster City Council;
  - » Pendle Borough Council;
  - » Preston City Council;
  - » Rossendale Borough Council;
  - » South Ribble Borough Council; and
  - » Wyre District Council.

## Main Policy Tools

- 3.21 Stakeholders from neighbouring authorities referenced a number of local and national policies and guidance in relation to Gypsy and Traveller issues, including the National Planning Policy Framework and the supplementary Planning Policy for Traveller Sites, various Local Plans (which included site allocations

DPDs and criteria based policies which in most cases were still under preparation), and a Central Lancashire Core Strategy, covering Chorley, South Ribble and Preston.

- 3.22 One officer also mentioned an East Lancashire unauthorised encampment enforcement policy that included Blackburn with Darwen, Hyndburn, Pendle, Rossendale and Ribble Valley which was currently under development. The officer argued that the policy would ensure that the districts and boroughs are consistent in their treatment of unauthorised encampments, and that both the settled community and Travellers know what to expect in terms of enforcement.
- 3.23 Interestingly, Burnley reported that their local plan preparation was being aided by input from a Traveller family currently in bricks and mortar accommodation who were looking to move onto a site. Contact with this family had been established through their previous Traveller Accommodation Assessment.
- 3.24 Craven's officer referred to the North Yorkshire Gypsy and Traveller Steering Group as an important influence on policy.
- 3.25 While many of Ribble Valley's neighbouring authorities are currently relying on data from the 2007 Lancashire-wide Gypsy and Traveller Accommodation Assessment to inform their policies, most were either looking to update this information with a new study within the near future and or had already updated this information with more recent studies.

## Accommodation: Sites and Unauthorised Encampments

- 3.26 The accommodation situations of the authorities surrounding Ribble Valley (as reported by their respective stakeholders) is summarized below:
- » Blackburn with Darwen currently has two larger sites; one public site of approximately 20 pitches, and a private site of 17 pitches. A number of smaller private sites provide a further 10-15 pitches. The district is currently using data from the 2007 Lancashire GTAA, but expects to carry out either a full study or review of the previous work in the near future. Though the borough has experienced unauthorised encampments in the past, they have declined in recent years and are not considered to be an issue.
  - » Burnley currently has one unauthorised pitch of approximately 4 pitches. A joint study with Pendle (2012) identified a need for 28 Gypsy and Traveller pitches in the borough. The officer interviewed suggested that regularisation of the current unauthorised site may be undertaken to help meet the identified need. The officer also reported that there were a number of Travellers in bricks and mortar accommodation in the district who would prefer to live on a site. There have been a number of unauthorised encampments in recent years, with 7 recorded in 2011. The officer suggested that many of these were due to Travellers visiting family members in bricks and mortar.
  - » Chorley currently has one unauthorised site. At the time of writing, enforcement proceedings are underway. The 2007 Lancashire GTAA identified no need in the borough.
  - » Craven has 18 pitches spread across three private sites. The District has experienced a number of issues with unauthorised encampments around the time of the Appleby Fair, which have created tension with the settled community, especially around Gargrave, which is a traditional stopping place for Travellers. At the time of writing, Craven District Council has yet to publish the results of its 2013 GTAA.



- » Hyndburn is one of the more populous boroughs in the area in terms of Travellers, with a Travelling Showperson site of 18 plots, and 14 Gypsy and Traveller sites of varying sizes totalling 110 pitches, including one Lancashire County Council owned public site, managed by the local authority. The officer also reported a high number of Travellers in bricks and mortar accommodation in the borough.
- » Gypsy and Traveller provision in Lancaster is more extensive than most districts in the area, with one public site and 8 private sites. Unauthorised encampments are an occasional occurrence, especially around the time of the Appleby Fair, but generally last only a few days. Lancaster is currently undertaking a GTAA.
- » Pendle's 2012 GTAA (carried out jointly with Burnley) did not identify any need in the borough and there is currently no site provision. Pendle's officer reported no serious issues with unauthorised encampments, with most moving on after a single night.
- » There is one local authority site in Preston of 12 pitches, as well as private site of approximately 6 pitches with temporary planning permission. The 2007 Lancashire GTAA identified a need for 18-21 pitches in the area up to 2016, though the officer did not feel that there was any pressure from the Travelling community for more provision in Preston.
- » Despite having no current site provision, Rossendale's 2010 update of the 2007 Lancashire GTAA identified a requirement for 7 permanent and 6 transit pitches until 2026.
- » South Ribble currently has no sites and no identified need from the 2007 Lancashire GTAA. The officer for South Ribble reported occasional unauthorised stops in the area, but did not feel that these were a particular issue.
- » Wyre has one temporary Travelling Showperson site of 10 plots (expiring May 2014), and one unauthorised Gypsy and Traveller of 8 plots. The latter is currently subject to enforcement action. The district sees very few unauthorised encampments. A new GTAA is due to be undertaken in cooperation with Fylde and Blackpool Borough Councils.

<sup>3.27</sup> As noted above, a number of stakeholders reported unauthorised stops and encampments due to Travellers passing through the area. In most cases, these were seasonal movements related to Appleby Fair and were not considered to be problematic. The provision of transit or temporary sites was therefore not considered necessary, with most authorities preferring to deal with any encampments on a more informal basis. Even in those districts which did report problems, such as Craven, transit sites were not necessarily considered to be a solution.

<sup>3.28</sup> As noted above, unauthorised stops in Burnley are thought to be a result of Travellers visiting those in bricks and mortar. In light of this, the officer for Burnley felt that the provision of a permanent site for those currently in bricks and mortar (rather than a transit site) would largely solve any problems, with visitors able to stay on the site with their relatives rather than setting up on unauthorised areas.

<sup>3.29</sup> However, the officer for Hyndburn favoured the provision of transit sites across Lancashire, so as to provide secure places for Travellers moving through the county to stop. Lancaster and Rossendale also suggested that transit provision might be useful in order to prevent tensions arising with the settled community and to give councils more powers in terms of enforcement.

## Trends

- 3.30 For the most part, officers from neighbouring authorities did not identify any specific trends, though some suggested that the number of unauthorised stops by Travellers moving through their areas was declining.
- 3.31 Lancaster's officer reported a trend for non-Traveller households to occupy pitches on Gypsy and Traveller sites.

## Consultation

- 3.32 In terms of consultation with members of the Gypsy, Traveller and Travelling Showpeople communities, officers referred to a number of different mechanisms:
- » As has already been noted, Burnley Borough Council have consulted with a Traveller family in bricks and mortar accommodation for input on their future strategy.
  - » The officer for Hyndburn reported positively on the district's use of researchers from the Gypsy and Traveller community during their previous study on the health and housing needs of Travellers. The officer also referred to a biannual Gypsy and Traveller network group including partners who work with Travellers, as well as with members of the Traveller community itself.
  - » Lancaster's officer noted a Gypsy and Traveller forum for officers in the district.

## Cross-Border Issues

- 3.33 Officers from surrounding districts reported few cross-border issues, and none were aware of any specific issues concerning Ribble Valley. In terms of Travellers moving through into Ribble Valley, officers could not identify any specific routes, though some suspected that there were movements through the district around the time of the Appleby Fair.
- 3.34 A more general cross-border issue was raised by the officer for Hyndburn regarding the geographic spread of Traveller provision across Lancashire. The officer was concerned that the current distribution was inequitable, with those districts with extensive provision already being called on to provide for any future need. The officer believed that while there were Traveller populations in other districts and boroughs, they were not being provided for.
- 3.35 Similarly, one officer argued that there was split amongst authorities; those with already extensive provision were looking for opportunities for joint work, while those with minimal or no provision saw no reason for engagement with other boroughs regarding Gypsies and Travellers.
- 3.36 In terms of cross-border working, a number of officers referred to various groups, such as the Lancashire and Pennine Lancs Planning groups, but reported that so far Gypsy and Traveller issues had not been discussed in any detail. However, these groups were seen as a possible platform for any future cross-border working or dialogue on Gypsies and Traveller issues.
- 3.37 As already noted, an East Lancashire unauthorised encampments policy is currently being developed.
- 3.38 A number of officers pointed to the differences between Ribble Valley and the surrounding authorities (i.e. mostly agricultural or rural rather than urban) as a possible reason for the lack of joint work.

- 3.39 The officer for Wyre District noted that while movement between the district and Ribble Valley was not an issue due to the barrier of the Forest of Boland, the two authorities are united by their Area of Outstanding Natural Beauty.
- 3.40 The officer for Blackburn with Darwen noted that the consultation of neighbouring authorities was an important part of Gypsy and Traveller Assessments, as it allowed for the sharing of any information and issues.

## Recommendations

- 3.41 From the information provided by interviews with neighbouring authorities, ORS recommends the following:
- » Though no pressing issues between neighbouring authorities and Ribble Valley were raised, it is important that dialogue is maintained with other authorities, so that any future issues can be identified and dealt with. The existing Lancashire officer groups could provide the mechanism for this dialogue.
  - » Though there appears to be little desire amongst officers for the provision of transit sites, close monitoring and information sharing regarding any unauthorised encampments across Lancashire could provide a sounder basis for any decision as to the provision and location of any such sites in future. Again, the existing planning group could provide the platform for this work.
  - » In previous studies carried out by ORS, issues have been raised in relation to the consistency of planning policy between boroughs regarding Areas of Outstanding Natural Beauty. It may therefore be pertinent for Ribble Valley to engage in discussion with Wyre, Lancaster, Pendle and Craven to ensure that applications for Traveller sites on AONB land are dealt with consistently across the relevant authorities.

## 4. Gypsy and Traveller Interviews

### Introduction

- 4.1 Face to face interviews were conducted with representatives of the Gypsy and Traveller community who are currently residing in Ribble. The interviews were conducted within the interviewee's place of residence in February 2012. Both known sites in Ribble Valley were visited and the outcome of this process is detailed below.

#### Site 1

- 4.2 The site has permission for 8 pitches where each is allowed to contain a residential and a tourer caravan. The site is occupied by the owner and their immediate family and other unrelated households who are renting the remaining pitches. However, the site owner is currently away from the site and was not available for contact
- 4.3 The site visit did not indicate any specific issues relating to the site. No household reported any problems or concerns about the site and all residents reported that they were satisfied there. Again we would reiterate that we were not able to speak to the site owners due to their personal circumstances so we are not able to confirm if they will seek to expand the site in the future.
- 4.4 The site visit indicated that it contained relatively few children. Therefore, the site is unlikely to yield any new household formation in the near future.

#### Site 2

- 4.5 This site has planning permission dating back to 1937. When it was visited by ORS researchers no-one was present. A letter was left at the address providing contact details if the household wished to take part in the survey, but no subsequent response occurred. We would note that the site has been recently redeveloped with a new residential caravan and landscaping added, so the household clearly intend to occupy the site for the foreseeable future.

# 5. Future Site Provision

## Pitch Provision

- 5.1 This section focuses on the extra site provision which is required in Ribble Valley currently and over the next 15 years by 5 year segments.
- 5.2 The March 2012, CLG document ‘Planning Policy for Traveller Sites’, requires an assessment for future pitch requirements, but does not provide a suggested methodology for undertaking this calculation. However, as with any housing assessment, the underlying calculation can be broken down into a relatively small number of factors. In this case, the key issue for residential pitches is to compare the supply of pitches available for occupation with the current and future needs of the households. The key factors in each of these elements are set out below:

### Supply of pitches

- 5.3 Pitches which are available for use can come from a variety of sources. These include
- » Currently vacant pitches;
  - » Any pitches currently programmed to be developed within the study period;
  - » Pitches vacated by people moving to housing;
  - » Pitches vacated by people moving out of the study area;
  - » Pitches vacated due to the dissolution of households (normally through the death of a single person household).

### Current Need

- 5.4 There are four key components of current need. Total current need (which is not necessarily need for additional pitches) is simply:
- » Households on unauthorised developments for which planning permission is not expected;
  - » Concealed households;
  - » Households in brick and mortar wishing to move to sites; and
  - » Households on waiting lists for public sites.

### Future Need

- 5.5 There are three key components of future need. Total future need is simply the sum of the following:
- » Households living on sites with temporary planning permissions;
  - » New household formation expected during the study period; and

- » Migration to sites from outside the study area.

5.6 We will firstly provide the model as set out above for Gypsies and Travellers before repeating the calculation for Travelling Showpeople.

## Current Gypsy and Traveller Site Provision

5.7 There are currently 9 pitches on private sites in Ribble Valley.

5.8 The next stage of the process is to assess how much space is, or will become available on existing sites. The main ways of finding this is through:

- » Current empty pitches;
- » New sites or site extensions which are likely to gain planning permission;
- » Migration away from the area;
- » Movement to bricks and mortar;
- » Dissolution of households.

5.9 Currently, there are no unoccupied pitches on the two private sites in Ribble Valley, and no current plans for any new sites or extensions to existing sites.

5.10 For out-migration to other areas or movements to bricks and mortar, households will also wish to move in the opposite direction. Therefore, we have treated these as being part of the current and future need sections of the calculation.

5.11 The dissolution of a household occurs when all the members leave the household. Common ways for a household to dissolve are for a person living on their own to die, or to move to an existing household. Given that households will also form in the future we have treated the net growth in household numbers as being part of the future need.

## Additional Site Provision: Current Need

5.12 The next stage of the process is to assess how many households are currently seeking pitches in the area. Groups of people who are likely to be seeking pitches will include those:

- » Households on unauthorised developments for which planning permission is not expected;
- » Concealed households;
- » Households in brick and mortar wishing to move to sites; and
- » Households on waiting lists for public sites.

## Current Unauthorised Developments

- 5.13 There are currently no known households on unauthorised developments in Ribble Valley.

## Overcrowded Households

- 5.14 There is no evidence of any concealed households in Ribble Valley and each household appears to have a distinct pitch.

## Bricks and Mortar

- 5.15 Identifying households in bricks and mortar has been frequently highlighted as an issue with Gypsy and Traveller Accommodation Assessments.
- 5.16 However, the 2011 UK Census of Population identified a population of 6 Gypsy and Traveller persons in Ribble Valley. The figure of 6 persons is clearly an under-estimate of the total population due to some Gypsies and Travellers not declaring their ethnic status or completing the Census at all, but it would seem to indicate an extremely minimal population in bricks and mortar.
- 5.17 We would also note that for a number of recent studies undertaken by ORS we have worked with national Gypsy and Traveller representatives to identify households in brick and mortar. For a number of recent studies the representatives reported over 100 known households in housing and they encouraged them to come forward to take part in the survey. The actual number who eventually took part in the surveys ranged from zero to six household per area, and not all wished to move back to sites. Therefore, while there is anecdotal evidence of many Gypsies and Travellers in housing most appear to be content to remain there and when provided with the opportunity by national representatives to register an interest in returning to sites few choose to do so.
- 5.18 It is also the case that within most face to face surveys undertaken on-site by ORS a small number of households are seeking to move to bricks and mortar. Therefore, it should be remembered that movement between housing and sites runs in both directions and typically comes extremely close to balancing out to zero. However, the on-site survey found no evidence of households seeking to leave the site. On this basis we have modelled the future pitch requirement on the basis that there will be no movement between bricks and mortar and housing.

## Waiting Lists for Public Sites

- 5.19 Ribble Valley currently has no public sites, and there are therefore no individuals on waiting lists that need to be taken into account.

## Additional Site Provision: Future Need

- 5.20 The next stage of the process is to assess how many households are likely to be seeking pitches in the area in the future. Groups of people who are likely to be seeking pitches will include those:
- » Households living on sites with temporary planning permissions;
  - » New household formation expected during the study period; and
  - » Migration to sites from outside the study area.

## Temporary Planning Permissions

- 5.21 Ribble Valley currently has no sites with temporary planning permissions.

## New Household Formation

- 5.22 It is recognised that an important group for future pitch provision will be older children who form their own households. Many studies of Gypsy and Traveller populations assume a net growth in the population of around 3% per annum, and this figure was used in the North West Regional plan and the previous GTAA for Ribble Valley.
- 5.23 However, for a study such as this it is possible to use local data to assess a more accurate level of household formation. The site visits occurred during the school half term and there is no evidence of any children on-site who are likely to be seeking to form their own household in the next 10 years. However, there were a number of younger children on the site who may need their own accommodation more than 10 years from now. Therefore, we have not allowed for any household formation in the next 10 years.

## In-migration from Other Sources

- 5.24 The most complicated area for a survey such as this is to estimate how many households will require accommodation from outside the area. Potentially Gypsies and Travellers could move to the Ribble Valley from anywhere in the country. The number of households seeking to move to Ribble Valley is likely to be heavily dependent upon pitch provision elsewhere. It has been noted that a weakness of many Gypsy and Traveller Accommodation Assessments conducted across the country has been that they either allowed for out-migration without in-migration which led to under-counting of need, or they over-counted need by assuming every household visiting the area required a pitch.
- 5.25 Overall the level of in-migration to the Ribble Valley is a very difficult issue to predict. We have allowed for a balanced level of migration on to existing sites. The advantage of allowing for net migration to sum to zero is that it avoids the problems seen with other Gypsy and Traveller Accommodation Assessments where the modelling of migration clearly identified too low or high a level of total pitch provision. An assumption of net nil migration implies that the net pitch requirement is driven by locally identifiable need.
- 5.26 Beyond this number, rather than assess in-migrant households seeking to develop new sites in the area, we would propose that each case is assessed as a desire to live in the area and that site criteria rules are followed for each new site. It is important for the authorities to have clear criteria based planning policies in place for any new potential sites which do arise.

## Overall Needs for Ribble Valley

- 5.27 There is no evidence of any current unmet need in Ribble Valley and no evidence that any will arise in the next 10 years beyond potential in-migration from other areas. As there are no unauthorised sites, sites with temporary planning permission or public sites with waiting lists, the only potential local source of need is household formation from Ribble Valley's existing Gypsy and Traveller population. However, there is no evidence that there are any children present on the site of an age who are likely to form in the next 10 years. However, there were a number of younger children who may need their own accommodation in the following 5 years between 2023 and 2028.



## Travelling Showpersons

- 5.28 There are currently no known Travelling Showpeople plots in Ribble Valley, nor any evidence of Showpeople in bricks and mortar accommodation and therefore no projected future family formation. Representatives from the Showmen's Guild have confirmed this position and also feel that there would be little interest amongst Travelling Showpeople in living in Ribble Valley. Nonetheless, it is still important for the authorities to have criteria based planning policies in place in the event of someone seeking to develop a new Showpeople's yard in Ribble Valley.

# 6. Conclusions

## Introduction

- 6.1 This chapter brings together the evidence presented earlier in the report to provide some key policy conclusions for Ribble Valley. It focuses upon the key issues of future site provision for Gypsies and Travellers and also Travelling Showpersons.

## Gypsy and Traveller Future Pitch Provision

- 6.2 Based upon the evidence presented in Chapter 5, the estimated extra pitch provision that is required for Gypsies and Travellers in the next 10 years in Ribble Valley is zero pitches. However, there is likely to be a need for at least 2 pitches in the period 2023-2028.

## Travelling Showperson Requirements

- 6.3 There are currently no sources of need for the provision of Travelling Showperson yards in Ribble Valley. Nonetheless, Ribble Valley should ensure that criteria based policies are in place in order that any applications for sites received from Travelling Showpeople in the future can be evaluated effectively.

### 3. MAIN POINTS and FUTURE PROVISION

- 3.1 The updated GTAA document is attached. Members should note that Core Strategy Key Statement H4 (Core Strategy page 59 - 60) supporting text identifies a need based on the previous GTAA of 6 further residential pitches to 2016 with transit need for accommodation of 6 caravans over the same period. This need related to the period to 2016.
- 3.2 The updated GTAA (see GTAA Chapter 5) does not identify any current unmet gypsy and traveller need and considers that none that will arise in the next 10 years ie to 2023 “beyond potential in migration” (para 5.27), which the report considers is very difficult to predict. In relation to migration (para 5.25) it states that net migration should be set at nil and that accommodation be driven by locally identifiable need. It goes on to state (para 5.27) that there are a number of younger children in the current gypsy and traveller community who may need their own accommodation between 2023 and the Core Strategy’s horizon of 2028 without quantifying this number.
- 3.3 The updated GTAA also stated that there was no predicted future need for Travelling Showpeople’s accommodation (para 5.28). It also emphasised the need for cross boundary dialogue on GTAA matters with adjacent local authorities (see paras 3.33 to 3.41).

### 4. CONCLUSION

- 4.1 Given the above the updated GTAA does not imply any significant change to the text of Key Statement H4 or to the accompanying Development Management policy but may require change to the provision figures within the H4 supporting text by updating the text with the suggested new figures and timescales indicated. It should be emphasised that the text of the actual policy remains the same.

Philip Dagnall  
Assistant Planning Officer

Marshal Scott  
Chief Executive

For further information please ask for Phil Dagnall, extension 4570.

# MINUTES OF THE CORE STRATEGY WORKING GROUP HELD ON WEDNESDAY 27 MARCH 2013

PRESENT Cllr R Sherras (Chairman) Marshal Scott  
:  
Cllr Thompson Colin Hirst  
Cllr Bibby Craig Matthews  
Cllr Rogerson Olwen Heap  
Nicole Harrison (PAS)

## APOLOGIES

Apologies for absence were submitted on behalf of Cllrs Mirfin and Knox and John Macholc.

## MINUTES OF LAST MEETING

The minutes of the meeting held on 20 March were circulated and approved as a correct record.

## CURRENT PROGRAMME

Colin gave an update on the current programme.

He had now started to receive draft reports back from consultants including HYDER on the issues raised by Natural England and BE Group on the ELR.

On the SHLAA, the call for sites had now closed with approx 120 suggested sites, some of which were frivolous but would still need investigating. The same methodology would be used as last time but would now include the mineral safeguarding areas. It was apparent that we do NOT have a land supply issue. However emphasis on the SHLAA has changed with Planning Inspectors applying greater weight to an adopted SHLAA. The 'new' SHLAA would need to be formally adopted by Planning and Development committee.

A response from the Inspector had not yet been received regarding updating the SCI and LDS.

With regard to the 5year supply statement; there would be a report on P & D on 11 April 2013 on Housing Land Availability. This would also be partially covered through the proof that Colin was doing for the appeals.

It was highlighted again that the critical time would be when the reports are coming back in and needed assessing. By the end of April we should have a headline of what each piece of evidence is showing us and an understanding of the implications of the new evidence in relation to the approved Core Strategy.

At the meeting of the working group on 1 May a key review would be done and a decision made as to whether there was a new/different trend to the evidence.

Nicole (PAS) had visited for the 3<sup>rd</sup> time to review the process and was impressed with the progress being made. She commented that with the addition of 2 major

appeals to be dealt with by the team that the Inspector may consider this to be mitigating circumstances.

Marshal insisted that everything possible would be done to make sure the timetable was adhered to and that the Inspector received what was required by the end of June.

## SERVICE CENTRE HEALTH CHECKS – UPDATE

Craig reported that he had received no further comments from the working group members following last week's meeting.

He would however update some figures and in order to add extra weight include maps/zones, comparison from 2008, the national picture and benchmarking information.

His opinion is that nothing has changed fundamentally enough to warrant commissioning a full retail study unless that is what the Inspector is expecting. **Colin is checking the need for a full retail study with the Inspector.**

**Richard asked all members to review the Inspector's critique to check that we are on track.**

## DISSEMINATING / COMMUNICATING INFORMATION TO THE PUBLIC

The issue is that people are aware that work is happening and want to know the impact of the new evidence and when it will be available. Colin considered it was important to have an agreed working protocol.

The evidence base will probably be presented to Planning committee at the 6 June meeting for ratification but before then Colin wants to do a councillor workshop where the consultants will do presentations on their findings. In the regulations it specifies that monitoring reports should be published as soon as practicable.

It was felt that a proper protocol needed to be in place and that **a legal opinion should be sought** on our position with regard to consultant reports.

## NEXT MEETING

The next meeting was scheduled for **Wednesday 10 April 2013 @ 2.30pm.**

# MINUTES OF THE CORE STRATEGY WORKING GROUP HELD ON WEDNESDAY 10 APRIL 2013

PRESENT Cllr R Sherras (Chairman) John Heap  
:  
Cllr Thompson Colin Hirst  
Cllr Bibby Craig Matthews  
Cllr Rogerson Olwen Heap  
Cllr Mirfin

## APOLOGIES

Apologies for absence were submitted on behalf of Cllr Knox and John Macholc.

## MINUTES OF LAST MEETING

The minutes of the meeting held on 27 March were circulated and approved as a correct record.

A response from the Inspector had not yet been received regarding updating the SCI and LDS or about whether a full retail study was required.

## Service Centre Health Checks

Craig provided comparison charts showing the retail outlet 5 year change comparison from 2008 – 2013. The results showed that there was no great variance between the two.

Ged felt that he would prefer for a full retail study still to be done for the following reasons

- To show how we are addressing the need to increase retail capacity across the main service areas because of population changes
- Because of the static nature of the existing position – if the volume of houses suddenly changes there will be a deficit over a short period
- The general public will have expectations of delivery beyond the Core Strategy

The document can be expanded upon in it's current form without a full retail study.

The opinion of the working group (excepting Ged) was that a full retail study was not required unless it was what the Inspector required.

**Craig would circulate** the completed report once the additional information had been incorporated and an implications statement included.

## CURRENT PROGRAMME

Colin gave an update on the current programme.

SHMA – Rachael had had an initial look at the draft report. It showed a definite change of emphasis with regard to the shift in need for rental properties. The level of housing benefit that can be claimed is also affecting affordability – a big change

since 2008. However, the conclusion was that the level of 30% affordable housing that we ask for still seems to be right.

GTAA – Colin was happy with the findings in the draft report from Opinion Research and would issue the conclusions. The policy statement in the Core Strategy was still applicable. Only the survey information would need updating. Colin asked the group to read the document and let him have any comments.

The general work programme was moving along as expected. Factoring Diane into the workload had made it more manageable overall, although there was still no contingency.

Another appeal had been received that Joanne would be dealing with.

#### Problem areas –

ELR – BE group were overdue with their draft report although parts of it had been received.

5 year supply statement – this was overdue although Colin had partially covered some parts as proof of evidence on appeal statements.

Colin needed to update the programme. Diane will manage it and keep an eye on dates/deadlines.

It was highlighted again that the critical time would be when the reports are coming back in and needed assessing. By the end of April we should have a headline of what each piece of evidence is showing us and an understanding of the implications of the new evidence in relation to the approved Core Strategy.

At the meeting of the working group on 1 May a key review would be done and a decision made as to whether there was a new/different trend to the evidence.

#### DISSEMINATING / COMMUNICATING INFORMATION TO THE PUBLIC

Colin had verified with Legal that as soon as reports are received, if there is a request to see them, then they must be made available. As and when reports are signed off they will be made available anyway. Colin would endeavour to get both the GTAA and Service Centre Health Checks to Planning & Development committee in May.

#### NEXT MEETING

The next meeting was scheduled for **Wednesday 24 April 2013 @ 2.30pm.**

The following would be included on the agenda

- ELR - draft
- SHMA - draft
- Service Centre Health Checks – final
- Housing figures

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

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Agenda Item No.

meeting date: 23 May 2013  
title: REPRESENTATIVES ON OUTSIDE BODIES 2013/14  
submitted by: Chief Executive  
principal author: Olwen Heap

## 1 PURPOSE

- 1.1 To inform members of the outside bodies that come under the remit of the Planning & Development committee and their membership.
- 1.2 Relevance to the Council's ambitions and priorities
  - Corporate Priorities - to protect and enhance the existing environmental quality of our area. Both outside bodies contribute to the protection or enhancement of the Ribble Valley environment and it is important for the Council to work in cooperation with partner organisations that share our aims, ambitions and priorities.

## 2 BACKGROUND

- 2.1 At the annual meeting each year the Council makes nominations to various outside bodies.
- 2.2 Members attend meetings of the outside body and report back to the relevant parent committee.

## 3 ISSUES

- 3.1 The following outside bodies come under the remit of the Planning & Development committee
  - Groundwork Pennine Lancashire Trust
  - Forest of Bowland (Area of Outstanding Natural Beauty) Advisory Committee
- 3.2 The membership of these outside bodies will be decided at the annual meeting of the council on 14 May 2013.
- 3.3 There is a standard item on all agendas for members on outside bodies to report back to the parent committee.
- 3.4 Representatives are encouraged to provide reports back giving committee an update on the work of the body and drawing attention to any current issues.



## 4 RISK ASSESSMENT

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

- Resources – the costs associated with members attending meetings of outside bodies is included in the budget for 2013/14.
- Technical, Environmental and Legal – no risks identified
- Political – The Forest of Bowland Advisory Committee is independent of this Council and has been influential in attracting investment in the past. The opportunity for RVBC to help shape the work of the committee may be one that committee would wish to take advantage of.
- Reputation – no risks identified
- Equality & Diversity – no risks identified

## 5 CONCLUSION

### 5.1 Members note the outside bodies under the remit of this committee and their membership.

Marshal Scott  
CHIEF EXECUTIVE

Olwen Heap  
ADMINISTRATION OFFICER

## BACKGROUND PAPERS

Report on Representatives on Outside Bodies – Annual Council 14.5.13

REF: CE/OMH/P&D/23.5.13

For further information please ask for Olwen Heap, extension 4408