

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, 21 AUGUST 2014** 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 24 July 2014 – copy enclosed.
3. Declarations of Interest (if any).
4. Public Participation (if any).

DECISION ITEMS

- ✓ 5. Planning Applications – report of Director of Community Services – copy enclosed.

- ✓ 6. Petition from Save Longridge – report of Chief Executive – copy enclosed.
- ✓ 7. Consultation on Historic Environment Good Practice Advice in Planning – report of Director of Community Services – copy enclosed.
- ✓ 8. Enforcement Plan – report of Chief Executive – copy enclosed.

INFORMATION ITEMS

- ✓ 9. Determination of Listed Building Consents – report of Director of Community Services – copy enclosed.
- ✓ 10. Appeals:
 - (a) 3/2014/0124/P – Proposed extension to side of dwelling, conservatory to rear and 2 no roof lights at 5 The Crescent, Dunsop Bridge – appeal dismissed.
 - (b) 3/2014/0195/P – Installation of fences at 1800mm high around the side/back garden perimeter next to the public footpath at 98 Durham Road, Wilpshire – appeal dismissed.
 - (c) 3/2013/0578/P – New porch to front elevation at Wolfen Hall, Chipping – appeal allowed with conditions.
- 11. Reports from Representatives on Outside Bodies (if any).

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

None.

INDEX OF APPLICATIONS BEING CONSIDERED MEETING DATE 21 AUGUST 2014						
	<u>Application No:</u>	<u>Page:</u>		<u>Officer:</u>	<u>Recommendation:</u>	<u>Site:</u>
A	APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS:					
					NONE	
B	APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR APPROVAL:					
	3/2014/0581/P	1		AB	AC	111 Kemple View Clitheroe
Q	APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL:					
	3/2013/0539/P	5		CB	R	QEII Playing Fields Whalley
	3/2014/0351/P	9		SK	R	3 The Green Osbaldeston Lane, Osbaldeston
	3/2014/0438/P	17		DR	R	Land to the east of Chipping Lane Longridge
	3/2014/0475/P	42		DR	R	8 Calder Vale Whalley
D	APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED					
					DEFER	
					DEFER	
E	APPLICATIONS IN 'OTHER' CATEGORIES:					
					NONE	

LEGEND

AC Approved Conditionally
R Refused
M/A Minded to Approve

AB Adam Birkett
AD Adrian Dowd
CB Claire Booth
CS Colin Sharpe

DR Daniela Ripa
JM John Macholc
SK Stephen Kilmartin
SW Sarah Westwood

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 21 AUGUST 2014
title: PLANNING APPLICATIONS
submitted by: DIRECTOR OF COMMUNITY SERVICES

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION NO: 3/2014/0581/P (GRID REF: SD 373394 440674)
TWO STOREY SIDE EXTENSION WITH SINGLE STOREY EXTENSION TO REAR
INCLUDING DEMOLITION OF EXISTING GARAGE AT 111 KEMPLE VIEW, CLITHEROE,
BB7 2QJ

PARISH/TOWN COUNCIL: None received by 6 August 2014

HIGHWAYS (LCC): No objections

ADDITIONAL REPRESENTATIONS: None received by 6 August 2014

Proposal

This application relates to the erection of a two storey side extension and single storey rear extension at 111 Kemple View, Clitheroe including the demolition of an existing flat roof rear extension and detached garage. The proposed two storey side extension would extend from the north east facing elevation of the application property by 1.85m, leaving a gap of around 0.5m to the common boundary. At ground floor it would have a total depth of 10m. The first floor element would be set back from the front and rear elevations of the main dwelling by around 0.9m and would have a depth of 6.2m. At ground floor the extension would wrap around the existing dwelling in an 'L' shape. The single storey rear element would replace an existing flat roof extension and would extend up to 2.6m from the rear elevation. It would extend across the full width of the main dwelling with a maximum height of 3.8m.

The external materials would comprise red brick, brown roof tiles and white uPVC window frames, all to match the existing dwelling.

Site Location

The application property lies within the settlement boundary of Clitheroe. It is adjoined to the south west by a semi-detached house and has gardens to the front and rear. This location on Kemple View is, in the most part, typified by its uniform and linear street pattern of semi-detached properties. The neighbouring property to the north east, no.109 Kemple View, has been extended in a similar manner as proposed here.

Relevant History

None

Relevant Policies

Ribble Valley Districtwide Local Plan:

Policy G1 - Development Control

Policy ENV7 – Protected Species

Policy H10 – Residential Extensions

Policy SPG – Extensions and Alterations to Dwellings

Draft Ribble Valley Core Strategy (Post Submission Version Including Proposed Main Changes):

Policy DMG1 – General Considerations

Policy DME3 – Site and Species Protection and Conservation

Policy DMH5 – Residential and Curtilage Extensions

National Planning Policy Framework

Section 7 – Requiring Good Design

Environmental, AONB, Human Rights and Other Issues

The proposed two storey side extension would be visible from the highway and would be a prominent feature in the street scene. In addition, the rear single storey extension would be a prominent feature in the context of the rear gardens of neighbour dwellings. It is worth noting that both neighbouring properties have single storey rear extensions and that the neighbouring property, no. 109 Kemple View, was granted consent for a similar two storey side extension as proposed here.

The Council's Extensions and Alterations to Dwellings SPG states that 'any extension should reflect the character of the original house and the wider locality' and that 'as a general rule, any extension should not dominate the original house'. The proposal seeks a two-storey side extension that is set down from the existing ridge height and set back from the front and rear elevations of the property, in order to be clearly subservient to the main dwelling.

In assessing the impact of the development it is important to ensure that adequate distances are maintained between properties. This is to avoid extensions that greatly change the character of the street by visually linking semi-detached properties to create a terraced effect. The loss of a visual gap between houses is to be avoided. The front elevation of the extension would stand around 2m behind the front elevation of no. 109 Kemple View and a visual gap of 0.5m would be retained between the two properties.

The proposed single storey rear element does not present any concerns. As such, the proposal is considered to be in compliance with the relevant Policies and the SPG note 'Extensions and Alterations to Dwellings', and as such I do not consider this element to have a detrimental impact on the street scene.

With regards to the potential impact on the adjacent neighbours, there are no habitable room windows on the side elevation of no. 109 Kemple View facing the proposed development. There are windows in the rear elevation of the proposed development, however these would only provide views of the rear and would present no greater impact than the current arrangement.

In respect of amenity and loss of light, the Council's SPG: Extensions and Alterations to Dwellings notes 'extensions can have an effect on neighbouring properties due to the shadow,

which they cast. The larger the extension and the closer to the neighbours property, the greater the effect. Any proposal which reduces the level of daylight available to habitable rooms in neighbouring properties is likely to be refused.' Therefore, having assessed the scheme against the BRE 45 degree test, the proposal is considered to be acceptable. It is also noted that the demolition of the existing detached garage would increase openness to the rear.

Bearing in mind the above points, it is considered that the proposal will not cause a significant amount of light to be lost to any habitable rooms within the two adjacent properties, and will therefore have no significant, detrimental impact on the amenity of the occupiers of the adjacent dwellings.

With regards to the highway safety, the proposed development would not result in additional bedrooms at the application property. However, it would reduce the amount of space available for parking at the application property and an area of hardstanding of sufficient size to provide at least two off-street parking spaces will be retained. As a result, the proposed development will not be to the detriment of highway safety.

A protected species survey has been submitted which found no evidence of bats using the property and concludes that the proposed works are unlikely to cause disturbance to bats, result in the loss of a bat roost or cause injury or death to bats.

Overall, subject to appropriate conditions, there are no objections to this application.

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

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

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

2. The permission shall relate to the development as shown on Plan Reference:

001-PL-02 - Proposed external layout - received 30th June 2014
001-PL-04 - Proposed front elevation - received 30th June 2014
001-PL-06 - Proposed side elevation - received 30th June 2014
001-PL-08 - Proposed rear elevation - received 30th June 2014
001-PL-10 - Proposed floor plans - received 30th June 2014

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

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

REASON: To ensure that the materials to be used are appropriate to the locality in accordance with Policies G1 and H10 of the Ribble Valley Districtwide Local Plan, the adopted Supplementary Planning Guidance - "Extensions and Alterations to Dwellings" and Policies DMG1 and DMH5 of the Ribble Valley Core Strategy 2008-2028 Regulation 22 Post Submission Version including Proposed Main Modifications (May 2014).

4. Unless otherwise agreed in writing with the Local Planning Authority the development shall be carried out in strict accordance with the recommendations of the bat survey and report submitted with the application dated 22nd June 2014.

REASON: To ensure that no species/habitat protected by the Wildlife and Countryside Act 1981 are destroyed and to ensure that there are no adverse effects on the favourable conservation status of a bat population.

C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL

APPLICATION NO: 3/2013/0539/P (GRID REF: SD 372986, 436769)
Proposed construction of new outdoor multi-use games area with flood lighting, green gym and youth shelter at Queen Elizabeth II Playing Fields, Mitton Road, Whalley.

PARISH COUNCIL: Fully support the application.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR): No objection to the proposal as it is unlikely to generate any additional traffic.

ADDITIONAL
REPRESENTATIONS: Two letters of objection have so far been received, from residents on Mitton Road that back on to the site, which raise the following concerns:

- The noise levels from the MUGA will cause disturbance due to the close proximity of the proposals in relation to their garden area.
- Noise problems if the games area is open late in the evening.
- The height of the flood lights will cause light pollution to adjacent properties.
- The proposals are too near a residential area and should be moved to the area to the rear of the bowling green away from residential property and where there is adequate parking.
- The proposals do not include opening hours.
- There is no mention of car parking.
- Concerned that the safety and security of their property will be at an increased risk due to the close proximity.

Proposal

The proposal seeks to erect a Multi-Use Games Area (MUGA), a youth shelter and a green gym close to the southern boundary of the playing fields.

The MUGA would have approximate dimensions of 43m x 22m x 3m. The basketball nets would be on posts measuring approximately 3.7m. Six flood lights are proposed, with three positioned on each of the long sides. These would be 6.0m in height.

It is not clear on the plans where the entrance into the MUGA will be, however, it is assumed that the entrance will be at its north-eastern and south western ends, as on the site plan access tracks appears to go from the access road to the site (also a Public Right of Way) through the proposed youth shelter to an area adjacent to the MUGA at the northern end with a reinforced grass track proposed from the access track at the southern end. These access points will also provide access to the youth shelter and outdoor fitness area respectively.

In respect of the youth shelter and outdoor fitness area these are proposed adjacent to the MUGA with the youth shelter positioned at its north eastern end and the outdoor fitness area/ green gym located towards the south east end of the MUGA.

The youth shelter would be octagonal in shape; including its roof overhang the youth shelter would have an overall width of approximately 4.7m and an approximate height of 3.5m. The youth shelter would be partially open with the bottom half of six of the eight sides enclosed by a 900mm high timber wall and balustrade, with bench seating provided internally. Cedar or oak timber shingles will cover the pitched roof which will be finished with a timber finial at its central point.

The outdoor fitness area proposes eight pieces of equipment positioned on two sets of rubber surfacing that are curved in design, set approximately 4m apart at their closest. The various pieces of equipment will have a maximum height of 1.59m.

Site Location

Queen Elizabeth II Playing Fields are located off Mitton Road. The site as a whole is triangular in shape and is bordered on all three sides with the railway line and Sidings Business Park to the East, residential properties to the South and the A59 to the West which is elevated above the site.

The proposed Multi-Use Games Area (MUGA), youth shelter and green gym would be located close to the southernmost boundary of the playing fields. The south east corner of the MUGA would be positioned 12m and 15m from the garden boundary of no. 20-24 Mitton Road with the green gym being within 20m and 23m of nos.16 to 20 Mitton Road.

Public Footpaths nos. 22 and 23 run through the site from north to south connecting the A59 with Mitton Road. Footpath 22 follows the route of the access track to the Bowling Green and at its nearest point the MUGA, youth shelter and green gym, would be within 2m of this Public Right of Way.

Relevant History

Not applicable in this area of the site.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 – Development Control.

Policy ENV3 – Development within Open Countryside.

Policy G6 – Essential Open Space.

Ribble Valley Core Strategy Proposed Main Modifications

Policy DMG1 – General Considerations.

Policy DMB4 –Open Space Provision.

Policy DMB5 – Footpaths and Bridleways.

Key Statement EN2 – Landscape.

National Planning Policy Framework

Achieving Sustainable Development.

Section 8 – Promoting healthy communities.

Environmental, AONB, Human Rights and Other Issues

Principle of development

The NPPF supports the continued use of existing playing fields for sports and recreational facilities but only allows for new built form where the loss from proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a suitable location.

The installation of a MUGA would enable all year round use of the southern end of the playing fields which tends not to be used as frequently in periods of wet weather and the winter months. In this sense the proposal would result in a better quality of provision, however, whether the siting of the proposals is acceptable is something that will be addressed later under the residential amenity section of this report.

Residential Amenity

The effect on residential amenity is a key matter given the close proximity of the proposals to the rear garden areas of properties on Mitton Road. At its nearest point the MUGA would be sited at distances varying between 12 and 15 metres from the garden boundaries of nos. 20-24 Mitton Road, with the green gym being within 25 and 30 metres of nos.16 to 20 Mitton Road and the youth shelter being set approximately 60m away.

Environmental Health considers that the proposed MUGA, outdoor fitness area and youth shelter would potentially generate significant uncontrollable noise from ball impacts and shouting from users and potential spectators. Given the close proximity of the proposals to the rear garden areas of dwellings bordering the playing fields, this would affect nearby dwellings, in particular within their rear gardens to an extent which is considered wholly unacceptable.

It is argued that the playing fields are already in use and thus there will be no change to residential amenity, however, the development of the MUGA, outdoor fitness and youth shelter will result in an intensification of use. The current playing fields are unusable in periods of wet weather and during the dark winter months. In comparison, the proposed flood lit MUGA would enable all year round use of the facility and with no time restrictions proposed this could be at any time of the day or night and every day of the year. Use during evenings and weekends, when residents would wish to enjoy the amenity of their dwellings, would be highly likely to generate justifiable noise complaints as the residential amenities of the occupiers of properties on Mitton Road would be adversely affected.

The NPPF requires planning decisions to promote “safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion”. It is also considered that the siting of the proposed youth shelter would result in unacceptable disturbance to local residents as there would be no restriction on who could use the youth shelter, or on the times the shelter could be used, and with it located in close proximity of the public footpath there appears to be no way of controlling this. As such I have concern that this could lead to undesirable behaviour from users of the shelter, contrary to local and national planning policies, and it is therefore considered that this part of the proposals is also unacceptable.

Whilst a general level of disturbance is expected and experienced by the current use of the site as playing fields, the level of disturbance generated by a MUGA, the youth shelter and the outdoor fitness area is appreciably greater, particularly as it will enable all year round use, at any time, at this end of the playing fields, close to residential properties. There is an opportunity

for noise mitigation to be provided by means of a noise barrier, i.e. a 2m close boarded fence, however, this is unlikely to mitigate for noise sufficiently.

Turning to the proposed lighting of the MUGA, six flood lights are proposed. Environmental Health has viewed the playing fields area as falling within Environmental Zone E2. This zone is defined as being a low brightness area in a rural, small village or dark suburban locations. For Members information, zone E1 is defined as intrinsically dark landscapes located in sensitive areas such as National Parks and Areas of Outstanding Natural Beauty, whilst zones E3 and E4 are areas of medium to high brightness typically small town centres and urban areas and town and city centres.

The playing fields site currently has no lighting on this part, with the lighting for the tennis club, club house and bowling green being in the north east and south east corners of the site and not in direct sight of the properties on Mitton Road. The illumination of the MUGA will completely change the darkness currently experienced from the rear habitable rooms and garden areas of these properties. It is the Environmental Health departments' experience that the majority of complaints from local residents on floodlighting installations are not always in regard to the amount of light on the property and/or windows but rather their perceived brightness including reflection from the playing surface. Taking this into consideration, the lighting report submitted does not take all reasonable steps to comply with the provisions of CIE 150:2003 – Guide on the Limitations of Obtrusive light from Outdoor Lighting to ensure the flood lighting would not harm residential amenity. To limit potential light nuisance, the proposed floodlights should comply with current advice from the Institution of Lighting Engineers "Guidance Notes for the Reduction of Light Pollution". Whilst there is an opportunity for light mitigation to be provided by with a range of baffles and attachments to further alleviate any complaints of glare or perceived 'brightness'. It must be noted that the report provided for this development, does not allow substantiated evidence of the prevention of the lighting within the documentation provided. On this basis, insufficient information has been provided to illustrate and ensure that the floodlighting would not be detrimental to the amenities of nearby residents.

Overall, it is considered that the proposals should be relocated to the north of the overall site where it will not affect nearby residents to anywhere near the same degree.

Visual Amenity

Due to the siting of the proposals, the proposals would appear slightly divorced from the main developed area of the overall site, however, as it is part of the overall Queen Elizabeth II Playing fields site, it is not considered that the harm to visual amenity would be significant.

Highway Safety

The Highway Authority does not envisage that the proposals would lead to an increase in traffic in entering and leaving the site, and consequently has raised no objections to the proposal. This aspect of the proposals is therefore acceptable.

Other Matters

The proposal would be in very close proximity to the access track leading from Mitton Road to the bowling green car park. This access track is also a Public Footpath. The proposals would not impinge on this footpath, although they would affect the experience of users using this footpath that would change from an open field area to a sense of enclosure between the proposed MUGA and youth shelter and the existing tennis courts.

The Contaminated Land Officer considers that if approval was given for the proposals a contaminated land investigation should be carried out prior to commencement. This would ensure the safety of any users of the proposals.

Conclusion

Whilst the principle of such a development on the Queen Elizabeth II Playing Fields site is acceptable, in that the proposal would provide an improved sports facility, it is the siting of the MUGA, youth shelter and outdoor fitness area, that causes serious concern in respect of the unrestricted noise of users and spectators along with the unrestricted use of the MUGA, and the insufficient mitigation measures to prove the floodlighting would not harm the amenity of local residents, that outweigh any benefits of the proposal. The harm to residential amenity is considered to be significant, and, on this basis, it is strongly recommended that the application be refused.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:

1. The proposal, by virtue of the intensification of use with associated noise and disturbance, due to its siting in close proximity to residential properties would seriously detract from the amenities of these neighbouring residents. The proposal is therefore contrary to Policy G1 of the Ribble Valley Districtwide Local Plan, Policy DMG1 of the Ribble Valley Core Strategy Proposed Main Modifications Version and policies within the National Planning Policy Framework.
2. The proposed development involves the erection of six 6 metre high floodlighting columns. However, the application is not supported by a statement detailing the predicted performance, sky glow and glare associated with the columns. As such, the Local Planning Authority is unable to fully assess the impact of the floodlighting columns on the amenities of the residential properties adjacent to the application site. As such, the proposal conflicts with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy Proposed Main Modifications Version.
3. The proposed development sited in this particular location gives rise to concerns in relation to crime and disorder and will undermine the quality of life for nearby residents thus contrary to the aims of the National Planning Policy Framework.

APPLICATION NO: 3/2014/0351/P (GRID REF: SD 364763 432731)
THE CONSTRUCTION OF A SINGLE AFFORDABLE ECO DWELLING AND GARAGE NOT FOR MARKET SALE. NO.3 THE GREEN, OSBALDESTON LANE, OSBALDESTON, BB2 7LY

PARISH COUNCIL: No comments received.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR): No objection subject to technical requirements.

ENVIRONMENT AGENCY: No Objection

LCC ECOLOGY

Have raised concerns that a full assessment has not been undertaken to assess the potential impact upon Great Crested Newts (GCN). The applicant has subsequently submitted an additional survey that concludes the application will have no adverse effect upon Great Crested Newt.

UNITED UTILITIES

Have stated that their records show that there are no known public sewers in the vicinity of the proposed development. Therefore a separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

ADDITIONAL REPRESENTATIONS:

4 letters of representation have been received objecting on the following grounds:

- The site is in an unsustainable location
- The dwelling is not 'affordable' and construction costs are likely to be in excess of the cost of buying a property in Osbaldeston contrary to the claims of the applicant.
- The proposed floorspace is in excess of dwellings within the area.
- Loss of trees and the proposed dwelling will impede into an existing tree canopy.
- The proposal is Ribbon Development.
- Parts of the site are outwith the applicant ownership.
- There may be contaminants on the land.
- Approval would create a precedent for such development.
- Design of the building will be of detriment to the character of the area.
- The access is inadequate.
- The development will force pedestrians to walk on the highway.
- The design does not reflect the local vernacular.

Proposal

The application seeks full consent for the erection of a 4 bedroom 2 storey dwelling at land to the north of no.4 The Green fronting Osbaldeston Lane. The proposed dwelling employs a mono-pitch roof arrangement split into two main winds of accommodation with a central larch-clad core linking both 'wings'. The dwelling also incorporates a single storey flat roofed extension on the southern elevation accommodating a dining/family room area.

A high proportion of glazing is provided on the southern elevation to allow the dwelling to benefit from passive solar gain and it is proposed that a number of photovoltaic panels are mounted on the south facing roof plane.

The submitted details also propose a detached garage within the curtilage of the property (no elevational details submitted), a timber outbuilding for the storage of garden equipment, a small vegetable patch to the southern extents of the site and associated driveway/turning area.

Site Location

The site is relatively isolated in location, being located approximately 0.6 miles to the north of the defined settlement boundary of Osbaldeston. The site lies within the defined open countryside in a predominantly open and rural location.

Relevant History

The site has been the subject of two applications for planning consent which are directly relevant to the current application, the details of which are as follows:

3/2012/1087

Outline consent (All Matters Reserved) for the erection of a proposed new dwelling (with work space) within the existing domestic curtilage of no.4 The Green. Refused

3/2013/0336

Outline consent (All Matters Reserved) for the erection of a proposed new dwelling on land within the curtilage of 4 The Green (Re-submission). Refused.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G4 – Remainder of the Settlements

Policy G5 - Settlement Strategy.

Policy H2 – Dwellings in the Open Countryside

Policy ENV3 – Development in open Countryside

Policy ENV13 - Landscape Protection.

The Core Strategy submission version as proposed to be modified

Key Statement DS1 – Development Strategy

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMH1 – Affordable Housing Criteria

Policy DMH3 – Dwellings in the Open Countryside

Policy EN2 – landscape & Townscape Protection

National Planning Policy Framework (NPPF).

Principle of Development

In assessing the proposal it is imperative to establish whether, in principle, the development would be considered acceptable in light of current and emerging policy considerations whilst fully considering the proposal against the aims and objective of the National Planning Policy Framework (NPPF).

In accordance with the economic role of sustainable development, housing is seen as a key component to economic growth and is recognised as such not only within the Framework but in the Government Policy 'The Plan for Growth'. Para 47 of the NPPF requires LPA's to boost significantly the supply of housing and the theme throughout is that LPA's should make every

effort to objectively identify and then meet housing needs. However the Council is in a position to identify a five year supply of housing sites in accordance with the Development Strategy of the emerging Plan.

The Core Strategy was submitted to the Secretary of State for Examination in September 2012 with the formal Hearing Sessions of the Examination in Public (EiP) taking place between 14 and 22 January 2014. Following those sessions it was considered that a series of Main Modifications be made for the purposes of soundness with those proposed Modifications out for a six week consultation period from 25th July to 5th September 2014. The Development Strategy put forward in Key Statement DS1 as proposed to be modified (Main Modification 21 & 25) seeks to direct the main focus of new house building to the Strategic Site and the Principal Settlements of Clitheroe, Longridge and Whalley and Tier 1 villages which are considered the more sustainable of the 32 defined settlements.

It further proposes that in the remaining 23 Tier 2 villages (Which includes Osbaldeston) development will need to meet proven local needs or deliver regeneration benefits. It is considered the plan is at an advanced stage in the plan making process and the policies within the Core Strategy must therefore be afforded weight in the decision making process.

In respect of dwellings in the open countryside these are covered by Policy DMH3 which similarly seeks to resist such developments unless they are to meet an identified local need it should also be noted that the site is located outside the defined village boundary as set out in the Districtwide Local Plan.

In respect of the housing requirement for the borough, an annual figure of 280dpa is put forward in the Proposed Main Modifications to the Core Strategy and this has also been adopted for Development Management purposes. In terms of five year land supply, the latest position (31 March 2014) is that the Council is able to demonstrate a 5.16 year supply using the Sedgfield method of calculation. The figure of 250dpa was considered at the Hearing Sessions of the EiP and has now increased up to 280dpa as a result of comments made by the Inspector following on from those sessions in January of this year.

Housing provision is a benefit when it is of the right type and in the right location but the ability to demonstrate a five year supply alters the weight to be attributed to this 'benefit' in the planning balance under Para. 14 of the NPPF when determining applications. This said, the modification in relation to the 280 figure is subject of public consultation and may still attract objections and thus the weight to be attached to this and the emerging Development Strategy must be reflected in the overall planning balance.

As a consequence I consider that whilst the principles of development still remain the in the first instance to be assessed against the provisions of the NPPF (due to the fact the Core Strategy has not yet been adopted) the weight to be attributed to the Core Strategy has increased post the EiP sessions and this, coupled with the ability to demonstrate a 5yr supply of housing, must be reflected in any decision taken.

Whilst the applicant has stated that the dwelling will be 'affordable' in nature no information has been submitted as part of the application to support this claim, only that the dwelling will not be available for 'sale on the open market'. 'Affordable Housing' as defined within the National Planning Policy Framework (NPPF) and Annex 2 of National Planning Practice Guidance is as follows:

Affordable housing: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable). Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes. It is therefore considered that the proposal as submitted does not fall within the definition of ‘Affordable Housing’ for the purposes of the determination of the application and should not be considered as such in assessing the planning balance and no supporting information has been put forward to indicate that the development would meet an identified local need.

The social role of the NPPF seeks to support communities by providing the supply of housing required to meet the needs of the present and future generations and by creating a high quality built environment. It has been determined that the outstanding housing requirement for the 32 ‘other’ settlements in the borough (outside the Principal Settlements of Clitheroe, Longridge and Whalley) will be directed to the most sustainable of these (Tier 1) and that in Tier 2 villages and the open countryside residential development will be restricted to specific categories – none of which apply to this particular proposal for a single dwelling located within the defined open countryside.

Members will recall that outline consent was previously sought on the site for the erection of a proposed new dwelling on land within the curtilage of 4 The Green. It should be noted that the current application proposes a smaller site area than that of the previous application, omitting a small area of land to the south.

The previous application was brought before Planning & Development Committee on the 13th of June 2013 and was refused planning consent based on the site being relatively isolated, located in a rural and open location. Concerns were also raised that the erection of a dwelling in this location would be of detriment to the visual amenities of the area, the full reason for refusal has been detailed earlier in this report.

The previous reason for refusal primarily related to the principle of an isolated dwelling in this location and it is not considered that the proposal has overcome these principle concerns. Additionally there have been no significant changes in national or local current/emerging policy

since the previous determination that would warrant an alternative recommendation in terms of location or principle of development. One of the central issues for consideration is whether the proposal would cause harm to the Development Strategy (Key Statement DS1).

It is considered that here are no identified economic or social benefits associated with the development that would outweigh the harm to the development strategy for the borough and the proposal, as submitted, is therefore considered to represent an unsustainable form of development.

Highways

LCC Highways have raised no objection to the application subject to the conditions:

The sight lines required for the access to this development (2 x 40 metres) will be achievable with proper management of the boundary hedge and therefore raise no objection to the proposal on highway grounds but would request that the following conditions and note be attached to any permission that may be granted.

1. Prior to work commencing on site the developer shall provide details and plans for the approval showing the proposed access onto the public highway. These should show the layout and construction details within the site. Reason; to ensure that a satisfactory access can be provided to the site.
2. Before the access is used for vehicular purposes , that part of the access extending from the highway boundary for a minimum distance of 5 metres into the site shall be appropriately paved in tarmacadam, concrete block paviments or other approved materials. Reason to prevent loose material being drawn onto the public highway and causing a potential source of danger to other road users.

Landscape & Ecology

The application is accompanied by a Tree Survey which details the removal of 7 trees along the eastern boundary to enable the development. The survey suggests that the trees to be removed are of limited life expectancy and cannot be retained in the context of the current proposed development.

The submitted site plan indicates that the existing hedgerow will be supplemented although no detailed proposals have been put forward. It is likely that the removal of the existing tree/hedgerow will afford the proposal site a higher level of visibility upon approach and it is considered that insufficient landscaping has been proposed to mitigate or lessen the visual impact of the proposed dwelling upon the Open Countryside.

Environmental, AONB, Human Rights and Other Issues

In terms of current and emerging local policies the proposal site is located outside the defined settlement boundary and is located within the defined open countryside where development should be restricted. Local policies G5, H2, ENV3 of the Ribble Valley Districtwide Local Plan and policies DMG1, DMG2, DMH1 & DMH3 of the Core Strategy (submission version as proposed to be modified) are important considerations in the assessment of the application.

Policy G5 of the Ribble Valley Districtwide Local Plan states that:

Outside the settlement boundaries and village boundaries planning consent will only be granted for small scale developments which are:

- i) Essential to the local economy or the social well-being of the area; or*
- ii) Needed for the purposes of agricultural forestry; or*
- iii) Sites developed for local needs housing*

Policy H2 of the Ribble Valley Districtwide Local Plan similarly seeks to restrict development within the open countryside, with the policy directly relating to the erection of dwellings and states that:

Outside the settlement boundaries residential development will be limited to:

- i) Development essential for the purposes of agriculture or forestry*
- ii) The appropriate conversion of buildings to dwellings, or*
- iii) Residential development specifically intended to meet a proven need.*

Policy H2 further notes that:

The impact of proposals on the countryside will be an important consideration in determining applications. Development should be appropriately sited and landscaped. In addition, scale, design and materials used must reflect the character of the area.

Both policies recognise the need to protect the countryside from poorly designed or inappropriate development and that the protection of the open countryside is an important element of local and national planning policy. Policies DMG1, DMG2, DMH1 and DMH3 of the emerging Core Strategy continue the aims and objectives of the current Districtwide Policies.

Given the relatively isolated location of the dwelling and given it is located within the defined open countryside the application should also be considered against the aims and objectives of Paragraph 55 of the National Planning Policy Framework.

Para. 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example 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 such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *Be truly outstanding or innovative, helping to raise the standards of design more generally in rural areas.*
 - *Reflect the highest standards in architecture*
 - *Significantly enhance its immediate setting; and*

- *Be sensitive to the defining characteristics of the local area.*

The proposal is largely inarticulate and of a utilitarian language that fails to respond adequately or positively to its rural setting. Furthermore it is considered that the overall language of the proposed dwelling lacks any significant architectural merit resulting in a proposal that would appear overtly stark and 'commercial' in relation to the rural nature of the immediate context.

It is also considered dwelling fails to reflect or embody the 'highest standards in architecture' and therefore could not be considered to be 'truly outstanding or innovative' by virtue of its external appearance or design. No detailed information has been submitted to accompany the proposal that eludes to the design approach taken or how the language adopted has been informed by or takes account of the immediate or wider context or setting.

I am therefore of the opinion that the architectural language, overall design, scale and form of the dwelling would result in the creation of an alien and incongruous form of development that fails to respond positively to the immediate context and fails to enhance or contribute to its immediate setting and wider landscape context, being of detriment of the visual amenity of the area and defined open countryside.

The applicant has provided limited information in relation to the intended construction techniques in the form of brochures for SIPs Panels (Structural Insulation Panel Systems), which has become a very common method of off-site pre-fabrication and I therefore do not consider this method of construction to be 'innovative' when considered in isolation.

Supporting information has also been provided in the form of brochures relating to integrated rainwater harvesting systems and a domestic package sewage treatment plant.

Whilst the applicant claims the proposed dwelling is to be an 'Eco-Dwelling' no supporting information has been provided in relation to the sustainability credentials of the dwelling during its construction or lifetime during habitation, the applicant has simply stated that it will be constructed to Code for Sustainable Homes level 4 and that the inclusion of sustainable technologies will achieve Code level 6.

Whilst the intention to build to Code 6 is commendable, it is neither truly outstanding nor innovative and there is nothing to demonstrate that the proposal would help to raise the standard of design more generally in the rural area. Furthermore, it is considered the proposal would simply appear as poorly designed, incongruous dwelling of a semi-contemporary language of very little merit and there is nothing to demonstrate that it would reflect the highest standards in architecture.

Although the applicant has claimed it is likely the dwelling will inevitably achieve Code 6 the application fails to provide any robust evidence to suggest that the dwelling would achieve higher sustainability credentials than that of a dwelling that would be constructed to the minimum requirements of Building Regulations Part 'L' or that the dwelling would exceed Code 3 of the Code for Sustainable Homes to which Part 'L' currently corresponds and no calculations have been undertaken to assess if Code 4 or 6 are achievable and no pre-assessment reports have been submitted with the application. It is also noted that the sustainability credentials alone would not be a reason for the granting of consent in such a location.

It is therefore considered that the proposal fails to meet any of the criteria contained within Para.55 for it to be considered as an 'exception' in terms of isolated dwellings.

In assessing the acceptability of the proposal it is important to be mindful of the over-arching objectives of the National Planning Policy Framework and the presumption in favour of sustainable development.

Given the sites distances from defined settlement boundaries it is not considered that the creation of a singular dwelling in this location would contribute or aid in sustaining the rural economy as there are limited services within a reasonable distance to support the dwelling in any event.

Access to the village of Osbaldeston is also not readily accessible by foot and would require occupants to walk along a single track road to gain access to services and public transport. The site is therefore not considered to be in a sustainable location, and would likely result in further reliance upon the private motor-vehicle and an increase in vehicular trips, therefore the proposal would not be in accordance with the NPPF presumption in favour of sustainable development.

It is for these reasons and having regard to all matters raised that I recommend accordingly.

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

1. The proposal is considered contrary to Policies G5 and H2 of the Ribble Valley Districtwide Local Plan and key Statement DS1 and policies DMG2 and DMH3 of the Ribble Valley Core Strategy (submission version as proposed to be modified) in that the approval would lead to the creation of a new dwelling in the open countryside without sufficient justification which would cause harm to the development strategy for the borough as set out in the emerging core strategy, it is further considered that the approval of this application would lead to an unsustainable form of development in an isolated location contrary to the NPPF presumption in favour of sustainable development.
2. The proposal, by virtue of its design, external appearance, scale and elevational language would result in a poorly designed and incongruous form of development that fails to respond positively to or enhance the immediate context, being of detriment to the visual amenity and character of the area contrary to Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan and policies DMG1, DMG2 and DMH3 of the Ribble Valley Core Strategy (submission version as proposed to be modified).

APPLICATION NO: 3/2014/0438/P (GRID REF: SD 374170 441987)
PROPOSED DEVELOPMENT OF 106 RESIDENTIAL UNITS, INCLUDING AFFORDABLE HOUSING, NEW VEHICULAR AND PEDESTRIAN ACCESSES, LANDSCAPING, PUBLIC OPEN SPACE AND ECOLOGICAL ENHANCEMENT MEASURES ON LAND TO THE EAST OF CHIPPING LANE, LONGRIDGE

LONGRIDGE TOWN COUNCIL: Objection. The impact on traffic will be disastrous - it is the wrong side of Longridge. The impact on drainage will be substantial. The designs submitted are out of keeping with local architecture.

ELECTRICITY NORTH WEST: Advisory notes recommended. The proposed site contains low voltage cables - these must be maintained at a safe depth and a safe distance must be maintained during works.

ENGLISH HERITAGE: Have recently been consulted on planning applications for 410 houses around Longridge (Preston City Council). Suggest that in making a decision, cumulative impact of this and other housing development upon the historic assets should be considered.

ENVIRONMENT
DIRECTORATE
(COUNTY
ARCHAEOLOGY): No significant archaeological implications.

ENVIRONMENT
DIRECTORATE
(COUNTY ECOLOGY): At this stage the European Protected Species surveys are incomplete and the principal of the proposed development cannot therefore be established. Further comments can be provided once information has been submitted. The following matters will need to be addressed before the application is determined:

The site supports suitable terrestrial habitat for amphibians which would be affected and there are ponds within and adjacent to the site that are suitable to support Great Crested Newt. The submitted Ecological Assessment Report (Tyler Grange, 11th April 2014) states that Great Crested Newt surveys to establish the presence/absence of Great Crested Newt and the need for a Natural England licence are ongoing (para 5.30). These surveys will need to be complete prior to determination of the application.

If surveys reveal the presence of amphibians which are likely to be affected, then the applicant will need to submit proposals for mitigation and compensation. If the presence of Great Crested Newt is established then Ribble Valley Borough Council will also need to have regard for the requirements of the Habitats Directive in reaching a planning decision. Ribble Valley Borough Council should not approve the application if there is reason to believe that Natural England would not issue a licence. The licensing tests given in the Habitats Regulations should be given consideration. In summary, these are that:

1. The development is required for the purpose of:
 - preserving public health or public safety
 - for other imperative reasons of over-riding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
 - for preventing serious damage to property.
2. There is no satisfactory alternative;
3. The proposal will not be detrimental to the maintenance of the population of the species at a favourable conservation status (see DEFRA Circular 01/2005).

If Great Crested Newts would be affected, information should be provided by the applicant prior to determination to demonstrate how the above three tests will be addressed. This should include mitigation proposals, informed by adequate survey data in order to address the third test.

5 mature trees are proposed for removal (Site Layout plan). Based on the submitted information it is not clear whether the presence of bat roosts in these trees can be reasonably ruled out. Further information should be submitted to address the following matters:

- There does not appear to be any information submitted regarding the suitability of the 2 trees proposed for removal from the hedgerow in the middle of the site (referred to as hedgerow 8 in the Ecological Assessment and G2 in the tree report) to support roosting bats. These trees do not appear to be numbered or described in the submitted tree report and do not appear to be mapped on the Habitat Features Plan in the Ecological Assessment report. An assessment of the suitability of these trees to support roosting bats will need to be provided, and if suitable then, unless impacts (direct and indirect) can be avoided, surveys (dusk emergence/dawn re-entry surveys) will be required to establish the presence/absence of bat roosts.

- The 3 trees along the site frontage (Chipping Lane) (T18, T19, T20, Ecological Assessment Report) to be removed are categorised as having no potential to support roosting bats (appendix 4, Ecological Assessment Report), however, the descriptions provided highlight the possible presence bat roosting features:

Old ivy cover is present and Ivy stems can themselves provide suitable bat roosting features and can also hide other potential roosting features.

_ The report details the presence of a knot hole which "*appears to be exposed and not lead to a cavity*" and a damaged limb which "*appears exposed and not lead to a cavity*". *The use of the word "appears" indicates to me that it may not have been fully established whether they are suitable features for roosting bats or not.*

It is not clear to me that the potential of these features (and the presence of other features that could be hidden from a distance) to support roosting bats has been ruled out following a full up close inspection. I recommend that this is clarified to ensure that Ribble Valley can be satisfied that these trees do not support roosting bats. If these trees have any potential or may have potential to support roosting bats, then further surveys (dusk emergence/dawn re-entry surveys) will be required. The presence/absence of bat roosts and the likely impacts on bats (European Protected Species) needs to be established prior to determination of the application. Ribble Valley Borough Council will need to have regard to the Habitats Directive in reaching a planning decision (see above).

I recommend that the Environment Agency and/or LCC Flood Risk Management team are consulted reading the proposals to culvert ditches and dispose of surface water into existing watercourses.

As the principle of development cannot be established before Great Crested Newt and bat matters have been resolved, it is not possible

to comment fully on the development proposal. Ribble Valley Borough Council should however be aware that there will be a need to ensure adequate mitigation/compensation for all unavoidable impacts and that there would be a need for planning conditions/section 106 agreements. I will be able to consider the overall mitigation/compensation requirements once the presence/absence and the size of any population has been established.

ENVIRONMENT
DIRECTORATE
(COUNTY
SURVEYOR):

LCC do not currently support this development proposal for the following reasons:

1. Failure to demonstrate a safe and adequate access with provision for all highway users. Further evidence and support is required with regard to the detail and operation of the proposed site access and analysis of junctions on the local highway network.
2. Lack of information, support and commitment with regard to satisfying the sustainability needs of this site. The development must provide/support sustainable transport measures to address the issues relating to the provision for public transport infrastructure, together with cycling and walking connections to appropriately integrate with both the existing environment and all future development phases, and satisfy the NPPF foundation of providing for sustainable transport.

The applicant may wish to submit revised plans, details, evidence and commitment, which if acceptable may overcome the above.

In addition, developer contributions will be sought to deliver improvements to support the principles of the CLHTM to develop highway capacity at the A6/M55 interchange; and towards the Longridge ~ Grimsargh ~ Ribbleton ~ Preston City Centre bus route (as a public transport priority corridor, with measures that follow a public realm approach to support sustainable transport movements and improve the operation of junctions and service reliability along this corridor).

ENVIRONMENT
DIRECTORATE
(CONTRIBUTIONS):

Education contributions requested to mitigate demand for school places created by the development.

ENVIRONMENT
AGENCY:

No objection. The proposed development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere, provided that development proceeds in accordance with the recommendations outlined in the approved FRA. Conditions recommended.

NATS:

No safeguarding objection.

NATURAL ENGLAND: No objection. The proposal is unlikely to affect any statutorily protected sites or landscapes. Standing Advice should be applied to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

Biodiversity Enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

RIBBLE RIVERS
TRUST:

Site lies adjacent to Higgins Brook, which flows into the River Loud. It is known to contain trout, salmon, bullhead, eels and lamprey. Salmon and eels are protected under the Salmon and Freshwater Fisheries Act and the EC Eel Directive respectively. The River Loud is currently failing to meet its legislative standards under the Water Framework Directive due to diffuse pollution. Pollution from construction activity and the development thereafter therefore has the potential to worsen the water quality of the River Loud and appropriate measures therefore need to be in place during construction to prevent pollution of the watercourse. In addition, proposed surface water drainage via the existing watercourse may impact on water quality and SUDs should therefore be incorporated to mitigate this.

It is recommended that a buffer strip be retained adjacent to the watercourses with mitigation to include tree planting in these areas to

provide shade and habitat. Back gardens up to the water courses should be avoided as the impact from the gardens would be significant. Lighting should be minimal. Developer should be referred to 'water friendly homes' guide produced by Ribble Rivers Trust. Also note Himalayan Balsam has been recorded on Higgins Brook (upstream) and the applicant should put in place measures to control spread of this during construction.

**PRESTON CITY
COUNCIL:**

The Council considers that the duty to cooperate has been fully discharged. No objection is raised to the development, however it will result in increased vehicular traffic entering Preston along Whittingham Road towards Broughton and along Longridge Road through Grimsargh. At present, the strategic highway network suffers from congestion and highway infrastructure improvements identified in the Central Lancashire Highways and Transport Masterplan (CLHTM) would need to be brought forward. The proposed development would generate increased vehicular movements on this strategic highway network and the developer should therefore provide a financial contribution towards this infrastructure provision to mitigate the impact.

SPORT ENGLAND:

No objection subject to a condition requiring the submission of a risk assessment and appropriate ball stop fencing specification based on the findings of this assessment. If this fencing is not secured, the development could prejudice the use of the cricket ground and this would trigger a statutory objection.

SUSTRANS:

1. The site lies on the County Council's cycleway, the Lancashire Cycleway and close to National Cycle Network Route 6. The journey by bicycle to the north east side of Preston from the site is not easy due to the nature of the B6243. Can a site of this scale therefore make a contribution to improving the pedestrian/cycle network on the west/south west side of Longridge?
2. The layout of the estate should restrict vehicle speeds to less than 20mph.
3. The design of any smaller properties without garages should include storage areas for residents' buggies/bikes.
4. We would like to see travel planning set up for the site with targets, and monitoring, and with a sense of purpose.

UNITED UTILITIES:

No objection subject to condition requiring scheme for foul and surface waters to be agreed prior to commencement.

**ADDITIONAL
REPRESENTATIONS:**

54 letters of objection have been received. The main concerns raised include:

- Cumulative impact with other large schemes in Preston on traffic, road safety and services.
- Does Longridge really need 2500 additional homes?
- The application does not include infrastructure improvements eg. Schooling, healthcare, leisure centres, or road capacity.

- The cricket club would be hemmed in and houses will not make good neighbours and may restrict the clubs activities. The club provides a valuable service to young people.
- Retirement bungalows would be more appropriate.
- Longridge cannot cope with additional traffic and the applicant has not fully considered cumulative impact.
- Additional pressure on sewerage.
- The mature trees provide nesting for birds and owls.
- No amount of replacement hedgerows put in place will make up for the permanent loss of this beautiful landscape.
- The application merely reflects vested interests and not the wishes or requirements of the town. The proposal is not designed to serve the community.
- The thought of an additional few hundred vehicles negotiating Grimsargh railway bridge each day is an interesting prospect.
- More schools and medical practices would be needed – will the developer build these?
- Higgins Brook may become an open sewer. It already overflows and causes flooding – has the capacity of the Brook to take further water been assessed? Tile Kiln corner would flood and already does so now.
- Application pre-empts the neighbourhood plan/core strategy.
- The current boundary delineates the edge of the countryside and introduces the panorama looking towards the area of outstanding natural beauty.
- Loss of farmland.
- Homes are required for the elderly and first time buyers – this scheme suits the developers desire for profit.
- The slow sale of homes at Roman Crossing and Dilworth Road indicate demand for family homes is limited.
- Most traffic would travel down Inglewhite Road, which is already constricted. Derby Road and Halfpenny Lane are also unsuitable for increased volumes of traffic, which would pass 3 schools en route.
- The development does not propose a mix of housing types.
- The northern boundary of the town gives way to wonderful open space leading to an AONB. There will be a detrimental visual impact.
- Drainage in the area is already poor and gardens stay wet for extended periods.
- The scale of the development is not suitable for a town the size of Longridge and is effectively a strategic site.
- The houses needed should be built through small scale developments across the plan period, which allows the community to adjust and local services to cater for increased population.
- Longridge residents understand the need for additional housing but this needs to be balanced, suitably located, diverse and built on an appreciable timescale to grow in a sensible way.

- Grimbledeston Farm is a more suitable location.
- The proposal is too large, in the wrong place and on land unsuitable for development.
- There are already 2 strategic sites in Ribble Valley – Standen and Barrow – no further strategic sites are necessary.
- The application is premature.
- The Council has a 5 year supply of housing land.
- Existing developments in Longridge including those in Preston have already added significantly to new housing.
- Housing survey does not support demand for this number of homes or the types proposed – no bungalows or accommodation for the elderly are proposed.
- The affordable housing is located in a cluster and should be spread out to ease social problems arising as has occurred at Cromwell Fields.
- The developer will leave with their profit having created urban sprawl with insufficient infrastructure from a formerly green and pleasant place.
- Loss of habitat for barn owls, bats and amphibians. There is a barn owl that forages over this site and curlews are present. The survey was done in winter. Bats roost in the hedgerows and the number of bats circulating on this land is significant at dusk.
- Concrete roof tiles are out of character with slate.
- Increase in light pollution.
- Current dead trees provide valuable habitat.
- Chipping Lane regularly floods. Draining to Higgin Brook cannot be permitted. A robust demonstration of the adequacy of the drainage is essential.
- The house types are taken from their 'stock book' used throughout the country to create yet another Barratt estate. This does not reflect local character – mill cottages, stone and slate, farming history. Ribble Valley should ensure that we raise the bar and secure housing that would be fit to be within conservation areas.
- Unnecessary destruction of trees, hedgerows and wildlife.
- The drainage report identifies that the site has a medium to high risk of surface water flooding.
- There are brownfield sites within the town.
- The buffer of the AONB should be protected to define the character of smaller settlements.
- The wider scheme includes a 'village green' – this should be at the centre of the community not on surplus undevelopable land at the edge of the development. This is an insulting PR stunt and is indicative of the contempt in which this developer holds the existing local community.
- Pedestrian crossing across Inglewhite Road to Barnacre Road may be necessary for school children.

A letter has been received from Berry Lane Medical Centre, which

raises no objection to the development, but expresses concern regarding the impact the additional houses and increase in occupants will have on the provision of health care in Longridge. The practice can accommodate some of the additional demand, but clinical and administrative staff will need to increase to meet the needs and demands of additional patients. The premises will soon require adaptation to accommodate extra services. The practice assumes that a Voluntary Infrastructure Levy would be paid by the developer of this site and the impact of the proposal on the provision of health care needs to be taken into account. A letter of objection has been received from Longridge Cricket Club. This states that the club is a significant community facility, providing services to hundreds of local children and adults through the sport of cricket. There are 25 teams, including 7 senior teams competing in Lancashire leagues on weekends and midweek - 9 junior teams and a ladies team compete throughout the week and there were 330 fixtures in 2013. St Cecelia's and Longridge High schools also use the club for all home fixtures. The club hosts League knock out finals and Lancashire junior festivals. The club also provides social provision to the local community with over 100 events for the 2013-14 season, which also provides an important source of funds for the club's activities. The objection is raised on the grounds that:

- The eastern boundary is only 45m from the cricketing square and during an average game, the ball is hit over on numerous occasions, sometimes over 30m into the adjacent field. This will cause damage to properties, vehicles and possible personal injury to homeowners. In the club's opinion, the height of the fence to prevent this would be impracticable and an eyesore. The club asserts that a safe environment is as per the English and Welsh Cricket Board (ECB) recommendations, namely a boundary of 60 metres from the square or a 90m circle. A plan is enclosed for reference.
- The same can be said for the southern boundary.
- Potential complaints from homeowners regarding the extensive programme of community social functions – without these, Longridge would lose a vital facility and the club a vital source of funds.
- Owing to the above risks, the Club is conscious of increased insurance premiums or worse still the removal of insurance cover altogether. This would result in the club not being able to provide community and cricket facilities in the future.
- Drainage is also a concern as the north westerly section of the ground is the lowest level and the club is concerned that increased flooding would occur resulting in a further loss of provision.
- The ground is a dedicated Queen Elizabeth II playing field and this restricts the use of the ground to a recreational field. The association responsible for this designation has expressed concern that the proposed development has not included alternative provision.

Site Location

The application site comprises 7.3 hectares of agricultural land and lies on the eastern side of Chipping Lane to the north west of Longridge. The site and surrounding land is designated as open countryside in the Ribble Valley Districtwide Local Plan. Additional land identified in blue, which does not form part of this application, extends to the east and abuts Willow Farm.

Longridge Cricket Club lies on the eastern side of Chipping Lane and the site adjoins the north, east and south boundaries of the cricket club. The site of the cricket club is rectangular and comprises of the cricket pitch, which is broadly in the centre of the site, an unmarked car park adjacent to the northern boundary and the cricket club building in the north eastern corner of the site. To the south, the rear gardens of properties on Inglewhite Road back onto the site, along with the vehicle service station and car wash on Inglewhite Road and the Sainsbury's store. The Alston Arms public house lies to the south east of the site at the junction of Inglewhite Road and Chipping Lane and whilst not listed, is a non-designated heritage asset. Beyond the cricket club, the road becomes Longridge Road. Chipping Lane is a country lane and the national speed limit applies.

The Forest of Bowland Area of Outstanding Natural Beauty lies just over 1km to the north of the site and the landscape character of the area is defined as undulating lowland farmland, a landscape character which continues within the AONB. The site therefore forms part of the setting of the AONB. Longridge Conservation Area lies approximately 60m to the south of the site and the Bowland Fells Important Bird Area (IPA) lies 1.3km to the north of the site. The nearest listed buildings are more than 450m from the site (St Wilfred's Church and Churchyard to the south and Dun Cow Rib Farmhouse to the south west, both Grade II listed).

There are mature trees and hedgerows as well as a pond and two ditches within the application site and there are a further three ponds present on adjacent land within 250m of the site. The road narrows in parts but there is a continuous footway along the eastern side of the road. The site is effectively located in a shallow dip in the level of the surrounding land, the levels of which fall away from Inglewhite Road and gradually rise again further north beyond the site. Levels across the site are generally flat, with a 2m-3m drop in levels from south to north. The cricket club is at a lower ground level than the surrounding land the subject of this application.

Proposal

Planning permission is sought for a residential development comprising 106 dwellings with associated affordable housing provision (30%), vehicular and pedestrian access points, landscaping, public open space and ecological enhancement measures. This is a full application for planning permission.

The dwellings would be located on the southern part of the site with public open space proposed to the north, hence the residential development is proposed to occupy approximately half of the site (approximately 3.8ha of this 7.3ha site). Vehicular access to the site would be from taken from Chipping Lane approximately 100m to the north of the junction of Inglewhite Road and Chipping Lane.

There are three access roads within the site at 90 degrees to Chipping Lane – the central route provides access to Chipping Lane, the northern route adjacent to the Cricket Club boundary would provide an emergency access and the southernmost route is accessed from within the site. The speed limit on Chipping Lane will be reduced to 30mph from the northern part of

Longridge Cricket Club to Inglewhite Road. Chipping Lane is proposed to be widened to 10m, a width which includes a 2m wide footway on the eastern side of the road and a right turn facility in the centre of the road. 16 dwellings would front onto Chipping Lane with internal access routes running parallel to the road.

The application proposes 74 market dwellings and 32 affordable dwellings, 16 of which would form affordable rental units and 16 would form shared ownership units. The proposed plans include a mix of dwelling types comprising detached, semi-detached and terraced properties ranging from two to three storey properties with accommodation in the roof space. The proposed materials would be reconstituted stone, render, brick, white Upvc windows and concrete roof tiles.

A footpath link is also proposed from the site to the Sainsbury's store. Two pedestrian links are also proposed to the area of public open space proposed to the north of the site.

Relevant History

No previous history.

Longridge Cricket Club

3/2010/0883 – Extension to the existing clubhouse and new garage to the rear of the clubhouse connected to the existing structure – Approved January 2011.

3/2009/0500 - Installation of a new septic tank. Installation of new changing facilities to rear of existing club house, using steel storage units. Erection of 8m high telegraph poles with netting at roadside, to prevent cricket balls hitting cars and passers-by – Approved August 2009.

Relevant Policies

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control

Policy G5 - Settlement Strategy

Policy G11 - Crime Prevention

Policy ENV3 - Development in Open Countryside

Policy ENV6 - Agricultural Land

Policy ENV7 - Species Protection

Policy ENV9 – Other Important Wildlife Sites

Policy ENV10 – Nature Conservation

Policy ENV13 - Landscape Protection

Policy ENV14 – Archaeological and Historic Heritage

Policy ENV19 - Listed Buildings

Policy H2 - Dwellings in the Open Countryside

Policy H19 - Affordable Housing - Large Developments and Main Settlements

Policy H20 - Affordable Housing - Villages and Countryside

Policy H21 - Affordable Housing - Information Needed

Policy RT8 - Open Space Provision

Policy RT18 - Footpaths and Bridleways - Improvements

Policy RT19 - Footpaths

Policy T1 - Transport Implications

Policy T7 - Parking Provision

Ribble Valley Core Strategy (Including Proposed Main Modifications)

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement EN5 – Heritage Assets

Key Statement H1 – Housing Provision

Key Statement H2 – Housing Balance

Key Statement H3 – Affordable Housing

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

Key Statement DMI1 – Planning Obligations

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME2 – Landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME4 – Protecting Heritage Assets

Policy DME5 – Renewable Energy

Policy DME6 – Water Management

Policy DMH1 – Affordable Housing Criteria

Policy DMB4 – Open Space Provision

Policy DMB5 – Footpaths and Bridleways

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Technical Guidance to National Planning Policy Framework

Environmental, AONB, Human Rights and Other Issues

Principle

Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework adopted in 2012 (NPPF) is one such material consideration and whilst it does not change the legal status of the development plan, paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

Certain policies in the Districtwide local plan are consistent with the NPPF, remain relevant to decision-making and will be referred to where relevant in this report. However, in the context of a national housing shortage and the identified need for additional housing in the Borough, policies in the adopted local plan in respect of housing provision are now out of date. As one of the three principal settlements in the Borough, it is acknowledged that the settlement boundary will need to be reviewed and the release of greenfield land in Longridge to accommodate additional land for housing will be necessary to meet the housing needs of the Borough.

In respect of emerging local plans, paragraph 216 of the NPPF advises that weight may also be afforded to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The 'Core Strategy 2008-2028: A Local Plan for Ribble Valley' continues to progress through the Examination in Public (EiP) and the formal hearings have concluded. Whilst public consultation is currently taking place on a series of main modifications proposed to the Core Strategy, the Planning and Development Committee ratified these modifications at the meeting on 8th May 2014 and the policies set out in the Core Strategy as proposed to be modified therefore represent the Council's proposed policy position. It is considered that the plan is at an advanced stage in the plan making process and the policies within the Core Strategy (as proposed to be modified) can therefore be afforded significant weight in the decision making process. Again, the relevant policies will be referred to where necessary in this report.

In terms of strategic considerations, Key Statement DS1 outlines the development Strategy and states that the majority of new housing development will be concentrated within the identified strategic site to the south of Clitheroe (Standen); and the principal settlements of Clitheroe, Longridge and Whalley and the scale of planned housing growth will be managed to reflect existing population size, the availability of, or the opportunity to provide facilities to serve the development and the extent to which development can be accommodated within the local area. Policy DS1 identifies 1160 residential units to be provided in Longridge over the plan period (2008-2028) and current monitoring indicates that 633 dwellings remain to be provided (31st March 2014).

The Council is required to maintain a 5 year supply of housing land to ensure land supply is not a barrier to housing growth. The objectively assessed housing need identifies 280 units are required to be delivered in the Borough per year – these are minimum targets. Using the 31st March monitoring figures, the Council can demonstrate a 5.16 year supply of housing land with an annual requirement of 280 units using the Sedgefield methodology.

Whilst the Council can demonstrate a 5.16 year supply of housing land, completion rates remain 35% below the identified 280dpa target in the emerging core strategy (183 completions between 1st April 2013 and 31st March 2014). Persistent underperformance in respect of completion rates would exacerbate the current undersupply of new residential units in the Borough and would compromise the delivery of the core strategy. Notwithstanding this, the emerging core strategy, based on objectively assessed housing need, identifies the overall minimum housing target for Longridge is 1160 over the plan period 2008-2028. On the basis of the current monitoring schedule (31st March 2014), which takes into account various considerations including those sites on which construction has commenced and those with planning permission, there remains a residual need for a further 633 dwellings in Longridge over the plan period. The proposal would contribute 106 dwellings to this objectively assessed need and would assist in delivering the core strategy. The principle of the development in housing numbers terms is therefore considered to be acceptable and in accordance with the emerging core strategy and the NPPF.

Amendments to the current settlement boundary would normally be considered in the forthcoming Land Allocations Development Plan Document (DPD), however this application clearly precedes any such document. The application must be considered on its merits and in light of the additional housing proposed to be accommodated in Longridge, as set out in the Core Strategy, there could be no argument that the application is premature in respect of the core strategy adoption, as the principle of the proposed development is in accordance with the emerging core strategy in respect of housing numbers. Notwithstanding this, the land allocations DPD would identify sites in Longridge to accommodate this housing growth and this DPD would be the subject of public consultation. Whilst this is the proper process by which sites would be allocated for housing, the document is in the early stages of production and it could be a number of years before it is adopted. I therefore consider that a reason for refusal in respect of prematurity, of either the core strategy or the land allocations DPD, would be unjustified and contrary to national planning policy.

The NPPF advises that development should be allocated on land of lesser environmental value. Whilst the scope of any definition of this would be wide, the applicant has produced a land quality report and the land classification is not of high value to agriculture (Grade 3b – moderate quality). There is no principle objection to the loss of this agricultural land on the basis of its quality in agricultural terms.

Accepting the principle of the proposed development in housing numbers terms, the main issues in this case are therefore:

1. The visual impact of the proposal on the character and appearance of the area;
2. The impact on Longridge Cricket Club;
3. The amenity of the future occupants of the dwellings;
4. Ecology and protected species;
5. Transport and highway implications; and
6. The quality of design.

Consideration of the above would enable a conclusion to be reached on whether the proposal comprises sustainable development, as defined by the NPPF. There are three dimensions to sustainable development: economic, social and environmental and paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Impact on the Character and Appearance of the Area

Impact on Designated Heritage Assets

The site lies in the Forest of Bowland Natural England Natural Area (No.12) and the landscape character of the area is defined as undulating lowland farmland forming the setting of the Forest of Bowland Area of Outstanding Natural Beauty, which lies just over 1km to the north of the site. The AONB is a designated heritage asset of national importance. Following discussions with the AONB officer, it is considered that, given the distance between the site and the AONB boundary on Forty Acre Lane and taking into account that views of the site from this area are limited and fairly distant, with existing commercial and residential areas as a backdrop, the landscape and visual impact of the proposed development on the AONB is slight and relatively limited in nature. The proposal would therefore have no undue impact on the setting of the AONB.

Longridge Conservation Area was designated on 20 December 1979 and extended on 7 October 2003. Its special interest is essentially derived from its urban character and its location near to the Forest of Bowland – the historic core of Longridge is further to the south with later development to the north. Existing urban form on Inglewhite Road, including the Sainsbury's store, separates the site from Longridge Conservation Area approximately 100m to the south. Officers consider that the proposed development would have no undue impact on Longridge Conservation Area and would not therefore affect its significance.

Character and Appearance of the Area

Policy H2 of the Districtwide local plan, whilst out of date in respect of acceptable forms of residential development outside settlement boundaries, states that the impact of proposals on the countryside will be an important consideration in determining all applications. Development should therefore be appropriately sited and landscaped and scale, design, materials should reflect the character of the area. This particular element of Policy H2 is in line with the NPPF and emerging core strategy and is therefore relevant to this proposal.

The character of Chipping Lane beyond the existing dwellings on Inglewhite Road and the Alston Arms, is that of a road through the countryside. Built form along the road is limited to the single storey buildings associated with the cricket club, which complement, rather than interrupt, this rural character. The openness of the area affords long range views from Longridge towards the AONB, Bowland Fell and Longridge Fell and there are distant views from these upland areas to the urban area of Longridge. In views north from the Alston Arms, the areas character is conspicuously rural and open, with wide and long range views towards the AONB and Bowland Fells. There is a very clear boundary between the urban area of Longridge and the dramatic landscape beyond and the site is an integral part of the countryside.

The Landscape and Visual Impact Assessment (LVIA) submitted by the applicant appears to have been produced prior to the formulation of the detailed design proposals, in that it states *"...whilst there will be a direct loss of a small portion of pastoral agricultural landscape to urban development, the scheme proposals will seek to respond to local landscape circumstances....by virtue of its design, scaling, use of materials, landscaping and retention and enhancement of landscape features to ensure an appropriate scheme....in relation to its context"* (para 5.15).

Contrary to the conclusions in the LVIA, officers consider that the proposal would have a significant adverse impact on the character and appearance of the area due to the cumulative impact of the proposed works. Firstly, whilst the LVIA refers to the retention and enhancement of landscape features, those of significant visual amenity value would be lost. The traditional Lancashire hedgerow and three mature category A and B trees along the boundary with Chipping Lane would be removed to facilitate highway works and the proposed layout leaves inadequate space for replanting as internal access routes are proposed parallel with Chipping Lane. This would markedly change the character of Chipping Lane and whilst a narrow buffer is indicated on the plans between the internal roads and Chipping Lane, these parking areas and driveways are of insufficient size to allow access and egress – some vehicles will simply be unable to manoeuvre into and out of the driveways shown on the proposed layout and the reality of this is likely to be reduced space for replacement landscaping of any significance. In addition, the openness of the site at the corner of Inglewhite Road and Chipping Lane would be significantly compromised by the number of dwellings proposed at this point. There exists the opportunity to provide a focal gateway here, which has not been pursued by the applicant. Given the proposal would result in a significant expansion, the visual impact should be mitigated with a robust 'green edge' and decrease in density along Chipping Lane.

Secondly, the site extends the settlement boundary northwards in a manner that is at odds with the existing settlement pattern, in that it juts out some 250-300m to the north, whereas the existing settlement has extended in a linear manner west to east. Finally, the density of the development proposed (29 dwellings per hectare) and the layout is such that this density remains broadly similar across the site, which clearly fails to address the transition between the urban and rural context.

In conclusion, officers consider that the visual impact of the proposal on approach into Longridge from the AONB would become immediately urban, which fails to respond to the context of the openness of the surrounding landscape. The widening of Chipping Lane, the loss of landscape features without sufficient replacement, in particular the hedgerow and trees on Chipping Lane, the parking of vehicles in front of the properties on Chipping Lane and the density of the proposed development at the roadside, would further exacerbate the urbanising impact. The proposal conflicts with Policy H2 and Policy ENV13 of the adopted local plan, which seeks to protect important landscape features in the countryside and alternatively seek replacement of such features. The impact of the proposal on the character and appearance of the area would be significant adverse, which must be weighed in the planning balance.

Design and Layout

The Government attaches great importance to the design of the built environment - good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (paragraph 56). Securing high quality and inclusive design goes beyond aesthetic considerations - the connections between people and places and the integration of new development into the natural, historic and built environment are important considerations (paragraph 61).

Advice in the recently published NPPG further notes that achieving good design is about creating places or spaces that work well; successful integration of new development with the surrounding context is an important design objective, irrespective of whether a site lies on the urban fringe or at the heart of a town centre; proposals should promote safe local routes by making places that connect appropriately with each other and are easy to move through; a place should have an appropriate number of routes to and through it; and that designs should ensure that new and existing buildings relate well to each other, that spaces complement one another.

The application site is located outside, but immediately adjacent to, the settlement boundary of Longridge and as such, is not isolated from the existing settlement in a locational sense. A key consideration in this respect is the integration of the proposed development with the existing settlement and in particular, accessibility and connectivity, which will be considered by this report. In essence, the layout of the development and links through to existing development are important considerations – development adjacent to a settlement could be considered isolated if there are no, or too few, links through it to the existing settlement.

The proposed layout identifies one point of access onto Chipping Lane, which is some 100m from the junction with Inglewhite Road. Whilst the principle of vehicular access into the site from this point is considered to be acceptable, this also forms one of the two proposed pedestrian routes. Officers consider that a formal and more direct pedestrian and cycle route should be provided through the site to the junction of Inglewhite Road and Chipping Lane, however the layout is such that cars parked on private driveways will largely inhibit the provision of a more direct route at this point. The second route is a cycle and pedestrian route from the

site to the rear of Sainsbury's, however there is a lack of natural surveillance of this area and it is unlikely that future residents would use this access at night. This forms the only cycle route from the site to the existing area and cyclists would therefore be dispensed into the Sainsbury's car park. Within the site, no cycle routes are proposed. Officers consider that the proposal fails to maximise opportunities for walking and cycling contrary to paragraph 35 of the NPPF, which requires development to be designed to give priority to pedestrian and cycle movements, have access to high quality public transport facilities and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

The recently published NPPG also clarifies that consideration to be given to the servicing of dwellings such as the storage of bins and bikes, access to meter boxes, space for drying clothes or places for deliveries. Such items should be carefully considered and well designed to ensure they are discreet and can be easily used in a safe way. Recently, the government has highlighted that unsightly bins can damage the visual amenity of an area and the NPPG therefore states that carefully planned bin storage is particularly important. Local authorities should ensure that each dwelling is carefully planned to ensure there is enough discretely designed and accessible storage space for all the different types of bin used in the local authority area. The applicant has submitted a bin storage strategy and some of the future occupants would have to walk bins more than 40m from the storage area to the street on collection days. This is highly likely to result in the occupants of these dwellings potentially storing the bins elsewhere, including on the frontage, which would be unsightly and may inhibit parking. Officers consider that the use of rear alley arrangements for waste transport is ill-conceived and in the long term, these areas will largely become unmaintained. I consider that the bin storage strategy is contrary to the NPPG and demonstrates the proposed layout of the development is impracticable.

Policy ENV3 of the adopted local plan requires development in the open countryside to be in keeping with the character of the landscape area and should reflect local vernacular style, features and building materials. The proposed development includes dwellings up to three storeys in height, including in close proximity to the cricket club, which are considered to be inappropriate in the context of the area and would be afforded a high level of visibility, appearing as incongruous elements within the landscape setting. The spatial arrangement between dwellings fails to reflect the rural setting, there is a lack of hierarchy and the spacing between dwellings is more reflective of the urban context. There are excessive areas of hardstanding within the site, driveways and reversing spaces are substandard and rows of cars would be parked in front of dwellings without landscaping and in some cases, without adequate pedestrian access to the front entrance. The layout is wholly inadequate in this respect - the proposed garages will largely be used for domestic storage due to their size (the county surveyor recommends internal dimensions of 3m x 6m) reversing distances on some of the plots are excessive and the driveways and turning heads are substandard in size. The triple garage on Chipping Lane is clearly a result of the marketing suite rather than an integral part of the design and would be shared by three properties. The siting of a triple garage block close to the Chipping Lane frontage is incongruous and would detract from the character of the area - the short term provision of the marketing suite in close proximity to the road should not be a driver for a long term development. Some of the plots, for example plot 85 and 59 are provided with only 6-7m off-set from adjoining plots, which is substandard and would provide inadequate privacy. Some plots are provided with only one car parking space. The external appearance of the majority of the dwellings lacks any architectural merit - without headers and sills, surrounds, feature coursing and eaves detail. The height differentials between proposed dwellings in a row can in some cases be 4-5m, which may be appropriate in an urban context but not in this open countryside location.

The applicant proposes to erect 9m high ball stop fencing along two of the three boundaries with Longridge Cricket Club – the southern boundary and the eastern boundary to minimise the risk of cricket balls entering the curtilages of the proposed dwellings. During pre-application discussions, officers advised the applicant that a risk assessment should be undertaken to ascertain the level of risk to the proposed dwellings from over sailing cricket balls given to the proximity of the site to the cricket club. The applicant was advised during pre-application discussions that high fencing would not be an acceptable design solution.

The applicant has not submitted the assessment of risk and given the nature of the topography in this area, the proposed 9m high fencing would be highly prominent and obtrusive, particularly when viewed from Chipping Lane but also from the wider area including from Longridge towards the Forest of Bowland AONB and footpaths from the upland areas of open space to the north back towards Longridge. It is considered that the fencing would introduce an incongruous and alien feature that would dominate long views. The visual impact of this fencing fails to address the transition between the urban and rural context and would have a significant adverse impact on the character and appearance of the area and the street scene.

Conclusion

In conclusion, it is considered that the proposal fails to address the transition between the suburban and rural context and would have a significant adverse impact on the character and appearance of the area. Having regard to the NPPF, this harm must be weighed in the planning balance.

Energy and Sustainability

Members will be aware that the local planning authority normally attaches a condition requiring 10% of the energy needs of the development to be obtained from renewable or low carbon sources and to secure a fabric first approach to energy efficiency to secure over and above current building regulations requirements. This approach has been ratified and advocated by Inspectors presiding over recent appeals in the Borough.

Whilst the applicant was advised of this during pre-application discussions, the development is proposed to meet only current building regulations in respect of efficiency (code level 3) and the detailed design of the dwellings does not include any of its energy needs being met by renewable energy generation on site. Whilst these issues could be addressed by condition, the local planning authority advised the applicant that it would be prudent to address these matters at the design stage and this nevertheless weighs against the proposal in the planning balance.

Impact on Longridge Cricket Club and the amenity of future occupants

It is a fundamental principle of development management that existing land uses should be protected from potential harmful effects of new development. This is recognised by the NPPF, which states that existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established (paragraph 123).

Section 8 of the NPPF: Promoting healthy communities, advocates the social role of sustainable development. Paragraph 70 states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Longridge Cricket Club is a priority club for the Lancashire Cricket Board and the ground is registered as a Queen Elizabeth II Field. The Queen Elizabeth II Fields Challenge was a flagship UK-wide programme to celebrate the Diamond Jubilee, the London Olympic and Paralympic Games and the 2014 Commonwealth Games by permanently protecting as many outdoor recreational spaces as possible by the end of 2012. England will also host the Cricket World Cup in 2019.

In a recent ministerial statement, the Rt Hon Hugh Robertson MP stated that *"hosting sporting events delivers significant economic benefits for the country as well as encouraging our young people to take up new sports"* (Department of Culture, Media, Sports and The Rt Hon Hugh Robertson MP: October 2012). Longridge Cricket Club provides a significant community facility, particularly for young people and two of the local high schools play cricket on these pitches. It would be unfortunate for residential development in the open countryside to take place if it would prejudice the use of a cricket pitch recently registered as a protected ground under the honour of the Queen of England.

The cricket club has developed a second pitch on the opposite side of Chipping Lane and 25 teams now play at the club. The site is therefore in use 7 days a week throughout the summer, the cricket season being generally between March and September. Matches often last from mid morning to dusk. The cricket club have previously attempted to purchase additional land from the land owner to move the cricket pitch further away from Chipping Lane as balls are inevitably hit into the road and the surrounding open countryside. As noted above, the applicant proposes to erect 9m high ball stop fencing along two of the three boundaries with Longridge Cricket Club. In the absence of a risk assessment, it cannot be ascertained that this fencing would be of a sufficient height to protect the occupants of the proposed dwellings from oversailing cricket balls.

Following discussions with Sport England and the England and Wales Cricket Board (ECB), it is apparent that the height of the fencing proposed to the eastern boundary may be insufficient. The ECB state that the eastern boundary is approximately 40m from the 'square' (the rectangular area where batting and bowling takes place) and typically at this distance, a fence of 12m in height would be expected, but this should be subject to a detailed risk assessment and design process. Sport England recommend a condition to require the submission of a risk assessment and a ball stop fencing specification based on the findings of this risk assessment. However, as noted above, it is considered that the impact of such high fencing in this location, particularly bordering residential dwellings, would be significantly detrimental to the character and appearance of the area. The risk assessment may demonstrate that a higher fence than currently proposed is necessary to prevent cricket balls entering the site of the proposed dwellings, exacerbating its visual impact.

Whilst it is acknowledged that any fencing may not necessarily prevent all cricket balls entering the site, it would minimise the likelihood of occurrence and therefore minimise the risk. Notwithstanding this, officers consider the fencing would have a significant adverse impact on the character of the area and whilst this particular impact could be addressed through the omission of the fencing, the proximity of the proposed dwellings to the cricket club is such that the development is likely to then prejudice cricket activity. If the proposed development would prejudice the use of the cricket club, this would attract a statutory objection from Sport England, which may require the application to be referred to the secretary of state if members are minded to approve the application.

Alternative options available to the applicant broadly involve avoidance, mitigation or compensation. Avoidance would be to determine the layout of the proposed development following the assessment of risk and would involve siting the dwellings further away from the cricket club and pitch. Alternatively, mitigation could include the potential use of telescopic fencing, which would be retractable to a height of approximately 2m. The ECB however consider this would not be practicable solution over such a large area without high cost in respect of both construction and maintenance and they consider the imposition of maintenance costs on the cricket club would be unreasonable. Whilst I appreciate this may be the case, the applicant could provide appropriate funding for telescopic fencing and maintenance/replacement could be factored into this. However, there is no indication that the cricket club would take on the management of the fencing. Finally, compensation could take the form of the developer funding the relocation of the cricket club to another site.

Officers consider that it to be essential that the applicant undertakes a risk assessment to allow proper consideration of potential solutions and have made numerous requests for this assessment to be undertaken. Unfortunately, in the absence of any such assessment, officers cannot adequately advise the applicant of amendments that might address the issues raised in this report.

It should be noted that Sport England would not raise an objection to the current scheme subject to the imposition of a condition for a risk assessment and appropriate mitigation in the form of ball stop fencing based on this risk assessment, however members should be aware that this may necessitate the provision of fencing in excess of 12m in height, which would further exacerbate the visual impact of the fencing on the character of the area. The cricket club anticipates that the eastern boundary fencing may need to reach a height of 14m. The fencing would also provide a poor outlook to the future occupiers of the dwellings and would be overbearing and visually intrusive, particularly in views from the front facing rooms of the dwellings bordering the boundaries.

Risk from oversailing cricket balls could clearly create environs where dwellings are unattractive places to live, for example during times when the pitch is in use, occupants may avoid use of private gardens or may park their cars on the road away from the dwelling to prevent damage to cars and in some cases, the siting of the dwelling may be such that occupants consider certain rooms in the dwelling and the gardens are unusable at these times because of the risk of cricket balls entering the property or injuring persons. Whilst to a degree, a prospective purchaser of the dwelling would be mindful of such risk, living with the risk could create undue stress to the occupants, leading to complaints to the club and the councils' environmental health department. Under civil law, the cricket club would be liable for damage to persons or property arising from over sailing cricket balls and there are cases where occupants of dwellings in close proximity to cricket fields have sought an injunction to prevent play (*Miller v Jackson 1977*). Multiple civil lawsuits could also undermine the operation of the club, as could noise complaints from cricket

activity and matches. Following discussions with the Cricket Club, it is clear that multiple incidents of damage to property and persons could lead to a withdrawal of insurance, which would result in the cessation of cricket activity on the site.

In addition to the above concerns, the cricket club building to the north eastern corner of the cricket club site is a licensed premises, the permitted activities of which are:

- Performance of live music (indoor) Fridays and Saturdays 7pm-midnight
- Playing of recorded music (indoor and outdoor) Fridays and Saturdays 7pm-1am and Sunday 1pm-11pm
- The supply of alcohol Sunday-Thursday 11am-midnight and Friday-Saturday 11am-1am

The cricket club building has a large expanse of glazing in the southern elevation facing the cricket pitch and it is evident that the building has not been designed to contain noise and is therefore not soundproof. The future occupants of the proposed dwellings, particularly those sited in close proximity to the cricket club building, would be affected by noise disturbance, the nature of which could be noise from amplified music and loudspeakers used during play, as well as noise from the comings and goings of pedestrians and vehicles, such as car doors slamming, engines starting and people conversing in the car park. Given the licensing hours of the premises, this could occur at unsociable hours into the late evening and early morning. The closest proposed dwelling, plot 40 would be approximately 21m away from the building and it is likely that complaints would be received in respect of noise nuisance by reason of the proximity of the proposed dwellings to the cricket club building. This could cumulate in the curtailment of activities in this building, which may further prejudice the operation of the cricket club and the viability of its operations. The proposal therefore conflicts with paragraph 109 of the NPPF, which seeks to prevent both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

In conclusion, officers consider that the proposed development would prejudice the operation of the cricket club, by virtue of the proximity of the proposed dwellings to both the cricket field and the cricket club building and would provide an inadequate level of amenity to the future occupants of the dwellings. This directly conflicts with one of the core planning principles of the NPPF, which states that decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It also conflicts with the NPPF's aspirations to support a prosperous rural economy (paragraph 28), through the retention and development of local services and community facilities in villages, such as meeting places, sports venues, cultural buildings and public houses. Furthermore, it also conflicts with the social role of sustainable development and paragraph 73 of the NPPF, which states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Two local high schools play cricket at the club and the proposal may therefore adversely affect participation in sport. The harm that would arise as a result of the proposal to the operations of Longridge Cricket Club is considered to be significant adverse in respect of social, environmental and economic implications and this must be weighed in the planning balance.

Amenity

In respect of the impact of the proposed dwellings on the amenity of the occupants of adjoining residential properties, the rear walls of plots 97-106 would be at least 11m from the southern boundary of the site with No's 62-74 Inglewhite Road and a distance of at least 21m would be achieved between facing habitable room windows. Levels are such that the properties on

Inglewhite Road are set above the proposed finished floor and ground levels of plots 97-106. Whilst I appreciate the outlook from rear of the properties on Inglewhite Road to the north would change significantly, it is an established principle that there is no right to a view. The proposed dwellings would be sited a sufficient distance from these properties to ensure there is no undue impact in terms of overshadowing, loss of privacy or overbearing impact.

In respect of No.76 Inglewhite Road, the proposed layout is such that the rear walls of four of the proposed dwellings would directly face the western boundary of this property, three of which along the full length of its private garden, which would significantly and markedly create a perception of overlooking to the occupants of No.76, which currently enjoys an open outlook to the west and north. Whilst the rear walls of these plots would be approximately 10m from the common boundary with No.76, I consider the relationship of No.76 with the application site would justify increased privacy distances at this point, to reduce the significant increased perception of overlooking that will occur to the private rear garden of this property. In addition, plots 94-95 are orientated in such a manner that would avoid undue overlooking to No.76, however, at its closest point the corner of the proposed dwelling would be 6m from the boundary with No.76 and this would be overbearing to the garden of this property. Considered in cumulation with the plots proposed to the west, the impact of the proposed development on this property in particular, would be significant adverse.

In respect of the amenity of the future occupants of the dwellings, the car repair garage on Inglewhite Road and the service yard of the Sainsbury's store could result in potential noise disturbance to future occupants. The vehicle repair garage undertakes tyre fitting in the part of the building immediately adjacent to the boundary with the application site and such activity is inevitably noisy. Whilst a 2.5m high acoustic fence is proposed at this point, officers raised concerns about the lack of detail in the noise assessment submitted with the application and requested additional information. The applicant has provided additional information to demonstrate that noise levels would meet national standards in respect of the service yard, however there remain inadequacies in the information submitted. Furthermore, the applicant has not provided the additional information requested by officers to demonstrate the potential noise nuisance as a result of cricket activity and the use of the cricket club building for events, as this would potentially be overcome in the forthcoming outline application. This is a significant omission, but in all likelihood may identify potentially unresolvable issues in respect of the current scheme. The applicant's acoustic consultant considers that the proposals for the wider site would negate the need for consideration of the impact of the existing cricket pitch on the dwellings proposed as part of the current application, however the wider scheme is not proposed by this application, which must be determined on its merits. The proposal would result in undue noise disturbance to the future occupants of the dwellings and the proposed fencing would provide a poor outlook.

Trees and Protected Species

The nature of the site and surrounding land is such that it provides habitat suitable for European protected species and species of principal importance. The applicant has submitted information to demonstrate that no great crested newts are present in ponds on or adjacent to the site, which is currently being assessed by the County Ecologist. However, information in respect of potential use of the trees and hedgerows by bats has not been submitted by the applicant as it is stated that this would be provided with the forthcoming outline application for the development of the wider site. However, this application is required to be determined on its merits and the lack of information in respect of bats is a further significant omission. The applicant was advised that these surveys would be necessary during pre-application discussions in April 2014.

In the absence of bat surveys to confirm the presence or otherwise of bats, the applicant has failed to demonstrate that the proposal would not adversely affect protected species. A reason for refusal on the grounds of lack of information is therefore recommended.

In addition to the above, the ecological report contains discrepancies in the date the surveys were undertaken and was also conducted outside the optimum surveying season. The applicant has been asked to provide clarification on this and to also provide an in season survey, but no additional information has yet been presented. Given two of the hedgerows are classed as 'Important' hedgerows in respect of the Hedgerow Regulations, officers consider an in season survey is essential as any planning permission would override any Hedgerow Regulations assessment that would normally be required prior to removal of important hedgerows.

The loss of the three mature trees on Chipping Lane has been discussed above. The countryside officer has raised significant concerns about the loss of these trees, T1, T2 & T3 – category A, A, and B and the loss of the entire frontage hedgerow in a prominent and highly visible location along Chipping Lane. The countryside officer considers that the development should be redesigned to allow for the retention of these trees and as much of the hedgerow as possible. The main access road through the site punches through the hedgerow (G2) at it's densest point and this approach gives too much weight to development and ease of design rather than to a development that responds to its context. The countryside officer recommends that the main access point should be moved northward towards the cricket ground with a 10m landscape buffer, which would result in the main access passing through the hedgerow at it's least dense area at the northernmost point. Significant and wide-ranging changes are necessary to the layout of the development. The hedgerows have not been sufficiently assessed in relation to hedgerow regulations and there is insufficient tree/woodland buffer on the northern edge of the site, any buffer should be at least 15m wide to ensure that the development is shielded from the open countryside. This could perhaps be reduced to 10m if the density of the housing further out is reduced and the internal landscaping of the site increased in those areas.

Flood Risk and Drainage

A number of local residents have raised concerns over the adequacy of the existing drainage capacity and this is clearly an important consideration. The applicant has however demonstrated that the drainage strategy would improve the existing drainage situation and the environment agency and united utilities have raised no objection to the proposal. On this basis, it is concluded that the proposal would not exacerbate flood risk elsewhere.

Concern has been expressed that the development could result in additional surface water affecting the drainage of the cricket pitch, because the flow routes naturally drain towards this pitch, which is at a lower ground level. It is however considered that an appropriate drainage strategy could be secured by condition and officers could liaise with United Utilities, Sport England and the Environment Agency to ensure the drainage of the site does not affect the cricket pitch.

Access and Highways

The local highway authority has raised concerns about the transport assessment submitted with the application. Whilst I acknowledge that the applicant may be able to resolve these issues, officers have been unable to ascertain, on the basis of the information provided by the applicant

to date, that vehicles associated with the development could be adequately and safely accommodated on the highway network without detriment to the operation of the highway network, highway and pedestrian safety and the safety of other users of the highway.

Whilst further information has been requested, this remains outstanding and on this basis, it is therefore recommended that a reason for refusal in respect of the potential impact on the highway network is raised on the basis of lack of information. Without agreement on the trip rates in the transport assessment, the local highway authority has been unable to determine appropriate mitigation measures that would be necessary to enable the development to proceed, for example junction improvement works. Furthermore, the applicant has failed to demonstrate that opportunities for sustainable transport, including travel by bus and cycling, have been maximised. As such, the proposal would be contrary to Policies T1, T7 and G1 of the Districtwide Local Plan, Policies DS2, DMG1, DMG3, DMI1 and DMI2 of the draft Ribble Valley Core Strategy (Including Proposed Main Modifications) and the National Planning Policy Framework.

Developer Contributions

The applicant has submitted draft heads of terms, which state the intention to mitigate the effects of the development with contributions towards affordable housing provision (30% on site), education, public open space, sports provision and sustainable transport measures. Following receipt of the education contribution request, the applicant has advised that they are considering whether the level of contributions is acceptable.

Members should be aware that despite pre-application advice, no bungalows are proposed by this scheme and the affordable housing offer does not therefore include any bungalows, which is unacceptable to the housing officer. Whilst 30% on site provision of affordable housing is proposed, these comprise two storey dwellings – 16 for affordable rent and 16 for shared ownership. Again, it may be the applicant's intention to provide bungalows in the outline application for the wider site, however this application is required to be determined on its merits and cannot be dependent on a future scheme coming forward. The affordable housing officer has advised that it is unlikely that those in need of affordable accommodation will relocate to Longridge, however, in light of the Borough wide need for affordable housing, it is considered that a refusal reason in respect of this would be unjustified on the basis of the current scheme. It is anticipated that the applicant would address the lack of any bungalows in the submission of the outline application.

Preston City Council and the local highway authority advise that the applicant should contribute to certain highway improvement works in Preston comparative to the additional vehicle movements generated by the development towards Preston. The applicant has refused to provide this, however officers consider that such a contribution would mitigate the impact of the development on the highway network and would be necessary to make the development acceptable in planning terms. Contributions would also be necessary towards the enhancement of existing sports facilities in Longridge and a contribution is also requested towards swimming pool provision.

The applicant has not proposed to mitigate the impact of the development on medical facilities in Longridge. In the absence of any strategic input from the NHS, it is difficult to ascertain an appropriate level of mitigation. Nevertheless, the development would place pressure on existing services in Longridge and the developer has neither sought to assist in the identification of any necessary mitigation nor propose any mitigation.

Benefits

The scheme would deliver housing and 30% affordable housing to meet identified need - this would contribute to the social dimension of sustainable development and would be a positive benefit to which I give substantial weight. The scheme also includes enhanced biodiversity and sustainable urban drainage, which would serve to mitigate and potentially improve current drainage conditions. With regard to the economic role, the construction of new housing would support jobs and growth in NPPF terms and would bring social benefits, providing the necessary infrastructure is secured to support these new homes. Highway works are mitigation associated with the development as opposed to benefits. Enhanced public access to the wider network of open space beyond the residential development could only be considered beneficial if the public access could be formalised, which is not put forward by the applicant.

Conclusion

Considering the adverse impacts, I consider that the cumulative harm that would arise as a result if the proposal, in particular the visual impact on the character and appearance of the area, the impact Longridge Cricket Club and the inadequate level of amenity for the future occupants, would significantly and demonstrably outweigh the benefits of the proposal. When assessed against the framework as a whole, it is considered that the proposal would not therefore comprise sustainable development. I therefore recommend accordingly.

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

1. The proposal, by virtue of the proximity of the proposed dwellings to Longridge Cricket Club, would prejudice the operations of the cricket club and could result in the curtailment of activities, by virtue of potential noise disturbance to future occupants and risk of cricket balls causing damage to property and injury to persons. As such, the proposal does not comprise sustainable development and is contrary to the National Planning Policy Framework, Policy G1 of the Districtwide Local Plan and Policies DMG1 and DMB4 and Key Statement EC2 of the draft Core Strategy (Including Proposed Main Modifications).
2. The proposal, by virtue of its design, layout, proposed fencing and the alterations to Chipping Lane, fails to take the opportunities available for improving the character of the area and the way it functions and would have a significant adverse effect on the character and appearance of the area. As such, the proposal is contrary to the National Planning Policy Framework, Policies G1, G5, ENV3 and ENV13 of the Districtwide Local Plan and Policies DMG1, DME2 and Key Statements DS2 and EN2 of the draft Core Strategy (Including Proposed Main Modifications).
3. The applicant has failed to demonstrate that the proposal would not have a detrimental impact on European Protected Species and Species of Principal Importance. As such, the proposal is therefore contrary to the National Planning Policy Framework, Policies G1 and ENV7 of the Districtwide Local Plan and Policies DMG1, DME3 and Key Statements DS2, EN3 and EN4 of the draft Core Strategy (Including Proposed Main Modifications).
4. The applicant has failed to demonstrate that vehicles associated with the development could be adequately and safely accommodated on the highway network to the detriment of highway and pedestrian safety and the safety of other users of the highway. Furthermore, the applicant has failed to demonstrate that opportunities for sustainable transport, including bus, walking and cycling, have been maximised. As such, the proposal would be

contrary to Policies T1, T7 and G1 of the Districtwide Local Plan, Policies DS2, DMG1, DMG3, DMI1 and DMI2 of the draft Ribble Valley Core Strategy (Including Proposed Main Modifications) and the National Planning Policy Framework.

5. The proposal would provide an inadequate level of amenity for future occupants, by virtue of noise disturbance, insufficient outlook and risk of cricket balls causing damage to property and persons and would furthermore have an unacceptable impact on the occupants of No.76 Inglewhite Road by virtue of the significant perception of overlooking and overbearing impact. As such, the proposal is contrary to Policy G1 of the Districtwide Local Plan, Policy DMG1 of the draft Core Strategy (Including Proposed Main Modifications) and the National Planning Policy Framework.

APPLICATION NO: 3/2014/0475 (GRID REF: SD 373371 435924)
PROPOSED DEMOLITION OF REAR SINGLE STOREY EXTENSION AND CONSTRUCTION OF REPLACEMENT SINGLE STOREY EXTENSION WITH TWO STOREY SIDE EXTENSION TO CREATE IMPROVED FAMILY ACCOMMODATION AT 8 CALDER VALE, WHALLEY, BB7 9SR

PARISH/TOWN COUNCIL: No objection.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No objection. Public right of way must not be obstructed during construction works – conditions recommended. LPA may wish to consider conditions relating to construction methods and parking of construction workers.

ENVIRONMENT AGENCY: Standing advice - floor levels within the proposed development to be no lower than existing levels and flood proofing of the proposed development required.

ADDITIONAL REPRESENTATIONS: None received.

Proposal

Planning permission is sought for the erection of a two storey side and rear extension and a single storey rear extension, following the demolition of the existing single storey rear extensions. The extension would provide two additional bedrooms at first floor level and extended living accommodation to ground floor. The proposal also includes the repositioning of the existing natural stone boundary wall to accommodate the proposed extension.

The two storey side extension would be set back 4.2m from the original front wall of the property and would have a width of 3.5m. Its side elevation would be 6.2m in length, projecting 1m beyond the line of the original rear wall. The eaves of the two storey extension would line in with the original eaves level at the front of the property, but a lower eaves level is proposed to the rear elevation to accommodate the 1m projection beyond the original rear wall. The ridge of the extension would be set down from the main roof ridge of the existing terrace. The single storey extension would occupy a greater footprint than the existing rear extension but a rear yard area would be retained.

Site Location

The application property is an end terrace within a row of properties to the north east of Calder Vale within Whalley Conservation Area. The terrace of properties on Calder Vale are classed as buildings of townscape merit in the conservation area appraisal. The site lies within flood zones 2 and 3.

Calder Vale is an unadopted road of single vehicle width accessed from King Street. Public footpath No.27 leads from King Street, along Calder Vale and continues along the northern side of the river Calder. There is a private access down the side of the application property leading to an alleyway to the rear of properties within the row. The property benefits from a large side garden between the river Calder and this private access and also benefits from a large detached garage immediately adjacent to footpath No.27. To the rear, the property has a single storey rear extension, constructed of red brick with a lean-to roof under a low pitch.

Relevant History

3/2013/0828 - Proposed new two storey side extension and single storey rear extension following the demolition of the existing single storey rear wing including the diversion of a private access right of way - Refused January 2014.

3/2001/0946 - Enlargement of rear kitchen extension – Approved with conditions March 2002.

Relevant Policies

Ribble Valley Districtwide Local Plan (RVDLP):

Allocation: Whalley Conservation Area
Policy G1 - Development Control
Policy ENV13 – Landscape Features
Policy ENV16 – Development within Conservation Areas

Ribble Valley Core Strategy (Post Submission Version Including Proposed Main Modifications):

Key Statement EN5 – Heritage Assets
Policy DMG1 – General considerations
Policy DME2 – Landscape and Townscape Protection
Policy DME4 – Protecting Heritage Assets

Other relevant policy considerations:

Whalley Conservation Area Appraisal
Whalley Conservation Area Management Guidance
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
The Planning (Listed Buildings and Conservation Areas) Act 1990

Environmental, AONB, Human Rights and Other Issues

Principle

The application proposes the erection of extensions to a dwelling house within Whalley Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act

1990 specifies that, in making a decision on an application for development in a conservation area, special regard shall be paid to the desirability of preserving or enhancing the character or appearance of that area. This, in effect, is a presumption against the grant of planning permission and whilst this may in certain circumstances preclude the erection of an extension, in this case, it is considered that the erection of an extension to the property would in principle be acceptable, subject to the extension being of appropriate design, siting, scale and massing to respect the character and appearance of the original dwelling and the terrace, which are buildings of townscape merit.

Protected Species

The bat and breeding bird survey found no evidence of roosting bats or nesting birds and concludes that the property has a low risk/low potential to support bats and birds. The survey recommends a precautionary approach to the construction works, set out in the recommendations section of the survey. Conditions requiring the development to be carried out in accordance with the recommendations would be necessary in the event that committee are minded to approve the application, or in the event of any future appeal.

Flood Risk

The application site lies in flood zone 3. The environment agency standing advice is applicable, which requires internal floor levels to be no lower than existing and also requires details of flood proofing measures to be provided. These details could be secured by condition in the event committee are minded to approved the application or in the event of an appeal.

Parking

The property has an existing garage and parking area that is sufficient to accommodate vehicles associated with the increase in bedrooms.

Design and Character and Appearance of Whalley Conservation Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 specifies that, in making a decision on an application for development in a conservation area, special regard shall be paid to the desirability of preserving or enhancing its character or appearance.

The NPPF recognises that heritage assets are irreplaceable and therefore any harm or loss should require clear and convincing justification (paragraph 132). If a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent (paragraph 133). Substantial harm is however a high threshold and an extension to dwellinghouse would not normally result in harm that would meet the test of being substantial. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. However, case law has clarified that where harm is less than substantial, the requirement to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area, set out in the Planning (Listed Building and Conservation Areas) Act 1990 prevails and this, in effect, provides a presumption against the grant of planning permission.

Case law is a material consideration in the determination of planning applications. The relevant case that has clarified the above is the Barnwell Manor Wind Energy Ltd v. East Northants DC,

English Heritage and National Trust [2014] and the judgement clarifies that even where harm is properly assessed as less than substantial, it does not follow that the 'strong presumption' against the grant of planning permission, laid out in the Act, has been entirely removed.

Whalley is primarily a residential area, based around the commercial centre on King Street and the conservation area was designated in September 1972. Its special interest derives from both the Abbey ruins and its riverside location, enclosed by hills on three sides with long views across the river Calder and up to the surrounding hills. The river Calder continues down a flattish plain towards the historic town of Ribchester, which continues, though gently rising, to the north, forming the Bowland and Longridge Fells. The row of properties along Calder Vale are present on the 1892 historic maps and public footpath No.27 adjacent to the site is a popular route into and out of the village from the surrounding open countryside and green belt areas. In part, the riverside location and views into and out of the conservation area from the river contribute to the significance of the conservation area.

Whalley Conservation Area Appraisal (pages 16-17) notes that:

Whalley is notable for its riverside location and for the steep hills which partially surround it. These are used for grazing or as woodland, providing an attractive setting of small fields, interspersed with trees and sub-divided by stone walls. The River Calder, which is relatively wide at this point, provides a dramatic foil to the steeply sloping hillside beyond, and to the urban form Whalley town, which lies to the north.

The most important open space in landscape terms therefore lies along the banks of the River Calder, although the land is all in private ownership. The large fields on the south which continue up to the top of the Nab hill are now proposed for inclusion within the Whalley Conservation Area, because they are so important in views into, and out of, the conservation area.....Another vantage point, at the end of Calder Vale, does provide some limited public access, with stunning views across the river to the weir and the Gothic cottages on the southern bank.

The row of terraces along Calder Vale form a gateway into Whalley on approach from the public footpath along the river Calder and are visible in views from across the river, described as 'stunning' in the Whalley Conservation area appraisal. These are important views into and out of the conservation area at this point (as noted by the Whalley conservation area appraisal). Development, including in the form of extensions, therefore has the potential to undermine the significance of the conservation area.

Planning permission was recently refused for the erection of a similar form of development at the application site. Following discussions with the applicant and agent, the current scheme incorporates certain amendments on the basis of advice given by officers. The amendments incorporated include a reduction in the width of the two storey side extension, enhanced detailing on the drawings and window forms and detailing to match those in the existing dwelling. Whilst the amended scheme represents an improvement compared with the refused application, some of the amendments suggested by officers have not been incorporated into the revised scheme. The applicant was advised that the fenestration proposed to the side elevation should be reflective of a secondary elevation and as such, only two windows should be proposed to this side. The applicant was also advised that the extension beyond the original rear wall at first floor level should be omitted, however the size of the extension could be retained by moving the front wall forward by 1m.

Whilst the extension would display a degree of subservience when viewed from the front elevation, it would also project beyond the original rear wall at first floor level. This conflicts with the general uniformity of the existing terrace when viewed from the side elevation as the front and rear eaves are at different levels, with the result that the rear roof slope is longer than the front roof slope. This is significantly incongruous and out of character with the uniform symmetrical proportions of the gable end, which is exacerbated by the fenestration proposed to the side elevation - the four uniform window openings are uncharacteristic of secondary elevations, compromising the solid to void ratio of the gable. The side elevation of the existing gable end is simple with only a few window openings, all of which are irregularly sited and differ in size, which is characteristic of side elevations being subservient to the front elevation.

The rear elevations of properties within the row have been subject to alterations and extensions, though these are limited to single storey extensions and as such, the original uniformity in the roof scape remains intact. The introduction of a feature that extends the eaves below the level of the existing eaves would be at odds with the character of the existing property. The proposed first floor rear element of the proposal would form an incongruous design feature, further exacerbated by the lean-to roof of the single storey extension, which results in a cluttered rear elevation to the detriment of the character and appearance of the terrace, which are buildings of townscape merit.

The proposal does offer the opportunity to remove the insensitive red brick used in the construction of the existing rear extension, which would be of benefit. However, I consider that the proposal, by virtue of the two storey side and rear extension, would dominate the property and outweigh the benefit that would result from the removal of the existing rear extensions. This would be exacerbated by the detail, including the number of windows proposed to the side elevation. The rear elevations of these buildings of townscape merit have already been compromised by the alterations and extensions that have taken place – to introduce further extensions and alterations that also undermine the character of the terrace when viewed from the side, a prominent view into the conservation area, would fail to preserve or enhance the character and appearance of Whalley Conservation Area.

The applicant has referred to a two storey side extension at 18 King Street, which was approved in March 2010 (planning permission reference 3/2009/0991). Whilst I acknowledge that this extension has a visual impact, particularly in views from the rear of the terrace, I cannot advocate the approval of further proposals that would cumulatively serve to further undermine the character and appearance of the conservation area. The applicant has been advised that the erection of an extension to the application property would in principle be acceptable, subject to the extension being of appropriate design, siting, scale and massing. The applicant was offered the opportunity to amend the proposal during the course of the application, but unfortunately, has stated that the front wall of the two storey extension could not be moved forward because the existing detached garage would restrict access to the rear of the terraces. The option of exploring an innovative design solution has also been offered to the applicant.

I consider that the proposal fails to take the opportunities available for improving the character and quality of the area and I conclude that the proposal, by virtue of its scale, design and window arrangement, would be of detriment to the character and appearance of the existing dwelling, undermining the inherent character of buildings of identified townscape merit to the detriment of the character and appearance of Whalley conservation area. The benefits of this proposal, which would provide additional living accommodation for the current occupants, do not comprise public benefits – the identified benefit would be the removal of the existing red brick extension, however this benefit is outweighed by the harm that would arise as a result of the

proposal. It is a requirement of law and it is in the public interest that conservation areas are preserved or enhanced for future generations. This proposal would neither preserve nor enhance the character or appearance of Whalley conservation area. As such, the proposal does not therefore comprise sustainable development and is contrary to Policies G1, ENV13 and ENV16 of the Ribble Valley Districtwide Local Plan, the NPPF and Policies DMG1, DME2 and Key Statement EN5 of the Ribble Valley Core Strategy (Post Submission Version Including Proposed Main Modifications).

Other Matters

The proposed side extension would encroach into the private right of access to the side of the property, which leads to the rear of the properties in the terrace. This is a private civil matter and is not a material planning consideration.

Conclusion

Whilst the replacement of the existing red brick extension would be beneficial and is a positive element of the scheme, this benefit would not outweigh the harm that would arise to the character and appearance of the property and Calder Vale terrace as a result of the proposal. The proposed extension would undermine the inherent character of buildings of townscape merit and would fail to preserve or enhance the character or appearance of Whalley Conservation Area. The proposal does not therefore comprise sustainable development and I therefore recommend accordingly.

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

1. The proposal, by virtue of its scale, design and window arrangement, would be of detriment to the character and appearance of the existing dwelling, undermining the inherent character of buildings of identified townscape merit to the detriment of the character and appearance of Whalley conservation area. As such, the proposal fails to preserve or enhance the character of Whalley conservation area and does not comprise sustainable development, contrary to Policies G1 and ENV16 of the Ribble Valley Districtwide Local Plan, the NPPF and Policies DMG1, DME4 and Key Statement EN5 of the Ribble Valley Core Strategy (Post Submission Version Including Proposed Main Modifications).

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>
3/2013/0721/P	Proposed detached welling house with integral garage following demolition of existing including external works and access	Glendene Barker Lane Mellor
3/2014/0367/P	Discharge of condition no 3 (Materials) of planning permission 3/2010/0961/P	land at Greenacres/ Tennyson Avenue, Read
3/2014/0392/P	Discharge of conditions 3 – materials, 4 – boundary treatments, 5 – contamination, 6 – visibility splays, 8 – off-site highway works, 9 – access to be closed off, 10 – traffic management, 12 – drainage proposals	Wilkinsons Haulage Yard and adjacent land Whalley Road Billington
3/2014/0403/P	Discharge of conditions 3 (Materials), 4 (Landscaping) and 5 (Landscaping) of planning permission 3/2010/0807/P	The Knolle 26 Whalley Road Wilpshire
3/2014/0405/P	Erection of general purpose building for storage of hay and farm machinery	Paddock House Osbaldeston Lane Osbaldeston
3/2014/0434/P	Discharge of condition 5 (landscaping) of planning permission 3/2014/0137/P	Hammond Field Hammond Drive, Read
3/2014/0448/P	Front porch extension	East Cottage George Lane, Read
3/2014/0453/P	Single storey extension and internal alterations to include the formation of a mezzanine floor and the insertion of roof lights	Sandrock Avenue Road Hurst Green
3/2014/0460/P	Non-material amendment to planning permission APP/T2350/A/12/2186164 as per plans 1732-202D, 1732-203D, 1732-204D, 1732-206B and 1732-213G	Kemple Barn Whalley Road Pendleton
3/2014/0467/P	Raising of wall plate to facilitate attic conversion, demolition of single storey section, roof extension and erection of new build dwelling	128 Whalley Road Langho
3/2014/0478/P	Change of use from private lounge to café including a new entrance (previously granted under reference 3/20109/0796/P)	2 Downham Road Chatburn
3/2014/0483/P	Discharge of conditions 3, 4 and 5 of planning permission APP/T2350/A/12/2186164	Kemple Barn, Whalley Road Pendleton
3/2014/0487/P	Agricultural building adjacent to existing building	Land adjacent to Forest Becks, Settle Road Bolton-by-Bowland

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2014/0490/P	Single storey extension to the farmhouse annex	Englands Head Farm Paythorne, Gisburn
3/2014/0492/P	Discharge of conditions 3, 5, and 9 of planning permission 3/2011/0415/P	Sugar Hill Chalet, Cow Ark Clitheroe
3/2014/0500/P	Change of use from sui generis A1 shop use to A3 use shop with flat at first floor	59 King Street Whalley BB7 9SP
3/2014/0509/P	Discharge of conditions 4 (materials) and 5 (tree planting) of planning permission 3/2011/0695/P on land adjacent	Mount Pleasant Padiham Road, Sabden
3/2014/0518/P	Replacement single car garage with attached links door	Plot 5 Garage Colony Whins Lane, Simonstone
3/2014/0522/P	Partial removal of existing conservatory and reconstruction of the same with a change to the proposed roofing material	The Lidgett Twiston Lane Downham
3/2014/0533/P (LBC)	Formation of shower room on the second floor with service connections and confirmation of basement alterations to form kitchen/utility/WC	8 Church Brow Clitheroe

APPLICATIONS REFUSED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
3/2014/0464/P	Two storey and single storey rear extensions and single rooflights in the front and rear roofslope	60 Taylor Street Clitheroe	Policies G1, H10 and SPG and DMG1 and DMH5 – Over development of the plot and dominant and incongruous addition. Policies G1, H10 and SPG and DMG1 and DMH5 – Loss of light, overbearing and oppressive.
3/2014/0501/P	Change of use to C3 dwelling and construction of two n ^o new two storey four bed dwellings and two n ^o new two storey five bed dwellings on land	Longsight Road (A59) Copster Green	Policies G1; Key Statement DS1, DMG1, DMG2 and DMG3 of the emerging Core Strategy; and NPPF – inappropriate unsustainable development in a Tier 2 settlement causing harm to the development strategy, and detrimental effects upon highway safety and visual amenity

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
3/2014/0535/P	Residential development	Oaklands Longsight Road Clayton-le-Dale	Policies G1, G5, ENV3, H2; Key Statement DS1, DMG1, DMG2, DME2 and DMH3 of the Core Strategy as proposed to be modified – inappropriate unsustainable development in the open countryside causing harm to the Development Strategy, and detrimental effects upon highway safety and visual amenity.
3/2014/0553/P (LBC)	Cleaning of external stonework	58 Church Street Ribchester	Harm to special architectural and historic interest, setting and significance of listed buildings and the character, appearance and significance of Ribchester Conservation Area. Visual conspicuousness and incongruity of the stonework finish, the loss of the stonework's 'patina of age' and damage to important historic fabric. NPPF paragraph 17, 131 and 132, Local Plan ENV20, ENV19, ENV16 and G1 and Core Strategy DME4 and DMG1.
3/2014/0564/P	Extension to side and above existing garage to form enlarged snug, utility room, wc and first floor bedroom with en-suite	Beck Top Clough Lane Simonstone	G1, ENV3 and DMG1 and Key Statement EN2 – the proposals would dominate the original bungalow and alters the established hierarchy of the property with the rear balcony appearing as a visually incongruous feature from Whalley Road.

OBSERVATIONS TO ANOTHER LOCAL AUTHORITY

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2014/0577/P	Consultation by South Ribble Borough Council on application 7/2014/0430/FUL for the construction of ground mounted solar photovoltaic array, associated ancillary equipment and access	BAE Samlesbury Aerodrome Whalley Road Samlesbury

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

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2014/0477/P	Application for a Certificate of Lawfulness for an existing use of motorcycle repair, servicing and preparation work	Unit 2 Abbey Works Back King Street Whalley

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2012/0909/P	Erection of manager's dwelling	Bridge Heywood Caravan Park Whalley Road, Read
3/2014/0069/P	Storage of hazardous substances involved in an industrial process	Johnson Matthey Pimlico Industrial Estate Clitheroe
3/2014/0430/P	Demolition of existing bungalow and erection of 16 houses and pumping station with associated access and services	15 Parker Avenue Clitheroe
3/2014/0452/P	Renovate Georgian entrance doorway	Waddow Hall Clitheroe
3/2014/0469/P	Two storey extensions to side and rear to provide additional living accommodation, new detached garage and new driveway	Eatoughs Farm Fleet Street Lane Ribchester
3/2014/0514/P	Hip to gable with dormer side and rear extensions	19 Warwick Drive Clitheroe
3/2014/0520/P	Garage and additional living accommodation to form dining room, breakfast area and sitting room. New roof over to replace existing glazed roof	Angerham Barn Withgill Fold Withgill
3/2014/0541/P	Construction of 19 two bed apartments for the over 55s and a 104 place children's nursery, associated car parking and landscaping	Land off Elker Lane Billington

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2012/0785	Clitheroe Hospital Chatburn Road Clitheroe	6/12/12	57	With Applicants Solicitor
3/2013/0771	Land off Middle Lodge Road, Barrow	13/2/14 24/7/14	102	With Applicants Solicitor for signature
3/2014/0981	Land at Chatburn Road Clitheroe	13/2/14	23	With Agent
<u>Non Housing</u>				
3/2011/0649P	Calder Vale Park Simonstone	15/3/12		Subject to departure procedures, draft 106 received from LCC

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>
3/2013/0578 R	06/02/14	Wolfen Hall Chipping	LB		Appeal allowed
3/2013/0445 R	29/04/14	Higher Flass Farm	Hearing	30/7/14	Awaiting decision
3/2013/0722 Non Det	16/05/14	Englands Head Farm Paythorne	WR		Awaiting decision
3/2013/0448 R	05/06/14	Oakfield Longsight Road Clayton le Dale	WR		Awaiting decision
3/2014/0124 R	06/06/14	5 The Crescent Dunsop Bridge	HH		Appeal dismissed
3/2014/0195 R	02/06/14	98 Durham Road Wilpshire	HH		Appeal dismissed
3/2014/0319 R	23/06/14	Land at Whitehall Lane, Grindleton	WR		Awaiting decision
3/2014/0116 R	30/06/14	Blue Trees Copster Green	WR		Notification sent Questionnaire sent Statement due August 14
3/2014/0204 R	09/07/14	The Warren Hurst Green	WR		Notification sent Questionnaire sent Statement due August 13
3/2014/0394 R	23/07/14	Stoneroyd Haugh Ave Simonstone	HH		Awaiting 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>
3/2014/0175 R	30/07/14	20 Brookside Old Langho	WR		Notification sent Questionnaire sent Statement due
3/2014/0307 R	29/07/14	Land at Albany Drive Salesbury	Hearing	16/09/14	Notification sent Questionnaire sent Statement due
3/2014/0401 R	24/07/14	Boococks Barn	WR		Notification sent Questionnaire sent Statement due 28 th August
3/2014/0235 R	29/07/14	20 Chapel Hill Longridge	HH		Awaiting decision
3/2014/0258 R	01/08/14	1 Main Street Bolton by Bowland	HH		Awaiting decision
3/2014/0298 R	Awaiting validation by PINS	Rose Cottage Main Street Grindleton			

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 21 AUGUST 2014
title: PETITION FROM SAVE LONGRIDGE CAMPAIGN
submitted by: CHIEF EXECUTIVE
principal author: COLIN HIRST, HEAD OF REGENERATION AND HOUSING

1 PURPOSE

1.1 To receive information regarding the receipt of a petition at Full Council and to provide an opportunity to discuss the issues raised.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives – To protect and enhance the existing environmental quality of our area. The Core Strategy vision has strong links to both the Sustainable Community Strategy and the Corporate Strategy vision.
- Corporate Priorities – To be a well-managed authority.
- Other Considerations – None.

2 BACKGROUND

2.1 The Council welcomes petitions and recognises that petitions are one way in which people can raise their concerns.

2.2 Petitions offer an opportunity for members of the public, groups and organisations to get more directly involved in the decisions and activities of the Council. Petitions can have a number of aims and objectives including:

- to allow communities to have direct influence in the democratic process;
- provide direct access to elected Members and other key policy makers;
- allow citizens to raise awareness of a particular campaign, put issues on the agenda which might not otherwise be considered by the accountable body;
- stimulate Council debate;
- result in policy changes; and
- give accountable bodies more access to opinion and feedback on policy decisions.

2.3 The Council has an adopted petition scheme which provides further guidance on the procedures involved. Petitions, which have been signed by the requisite number of people (600¹), maybe presented at Council during the public participation session by delegations of not more than three persons. Only one person from the delegation (normally the petition organiser) shall be permitted to speak for a maximum of 3 minutes. The petition will then be discussed by Councillors for a maximum of 15 minutes.

2.4 The Council must decide how to respond to the petition at this meeting. The Council's response to a petition will depend on what a petition asks for, to how many people have signed it, but may include one or more of the following:

¹ Rounded up from 585 – which is based on 1% of the local population of RVBC 58,500 (ONS 2,000 mid-year population estimate).

- taking the action requested in the petition
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- calling a referendum
- writing to the petition organiser setting out the Council's views about the request in the petition
- considering the petition at a Council meeting

2.5 The Council will consider all the actions it can potentially take on the issues highlighted in the petition. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate or to commission further investigation into the matter, for example by referring it to a relevant Committee.

2.6 The petition organiser will receive written confirmation of the decision taken, this confirmation will also be published on the feedback on line website.

3 THE PETITION RECEIVED

3.1 A petition was presented to the meeting of Full Council on 15 July 2014 by the Save Longridge Campaign. Minute 143 refers, in which it is noted that Mr Walmsley representing the Save Longridge Campaign outlined that the petition, signed by 900 signatories was seeking to urge the Council to:

- maintain and support the new housing numbers proposed in the Ribble Valley Development Plan;
- support and maintain the 200 homes reduction in the number of new homes to be built in Longridge contained in the Ribble Valley Development Plan known as the 'Longridge Adjustment'; and
- resist the arguments of Taylor Wimpey, Barratts, Millers and Gladmans to increase new home numbers in Longridge and recognise that this is a device by each to build on their chosen sites.

3.2 It was resolved at the meeting that the petition would be put before the Planning and Development Committee and that a formal response would follow in due course.

3.3 The petition raises issues around two key areas of this Committee's remit namely the Core Strategy but also in relation to the consideration of planning applications.

4 THE CORE STRATEGY

4.1 As Members are aware the Core Strategy is currently in the Examination stage and was the subject of formal hearings held in January. At that time issues relating to housing and the proposed Development Strategy were debated in front of and with the Inspector. Following the close of hearings, the Inspector issued an interim letter advising the Council to consider the proposed housing requirement and the treatment of what is described as the Longridge Adjustment, together with the need to refine the approach to smaller/other settlements (settlements other than Clitheroe, Longridge and Whalley).

- 4.2 The Council considered those issues and published main modifications including increasing the housing requirement for the borough, with a consequent increase in proposed housing at Longridge under the distribution model. The petition is seeking that the Council continues to support this new proposed figure which is consistent with the Council's approach. Similarly, the Council's position continues the retention of the Longridge Adjustment
- 4.3 The modification as a result of the Inspector's query, is concerned with the mechanism by which the 200 adjustment was distributed to other settlements in the borough. It should be noted that in the interim letter, the Inspector has not raised as an issue the principle of making the adjustment rather he has questioned how the 200 is redistributed to other parts of the borough. Consequently, this aspect of the petition is also consistent with the Council's position being put forward to the Inspector in the Examination.
- 4.4 The petition also urges the Council to resist arguments being made to increase housing numbers in Longridge and recognise that they are aimed at promoting individual sites. Again, this has formed part of the Examination process and the Inspector will be considering the issues that were debated and set out in submissions by a number of parties. The Council's position in relation to the Core Strategy is consistent with what the petitioners are seeking in this regard.
- 4.5 The issues raised in paragraphs 4.1, 4.2, 4.3 and 4.4 above are of course the subject of submissions and representations from developers and landowners to the Core Strategy Examination. It will be for the Inspector to consider the representations as he prepares his report, however all the aspects being sought by the petitioners are consistent with the Council's case that has been put to the Inspector.

5 OTHER CONSIDERATIONS

- 5.1 Having published the main modifications, the Inspector has been provided with all representations for him to consider. No further response has been sought from the Council by the Inspector and as stated, the Council's position remains consistent with what the petitioners are seeking. The additional consultation period currently being held closes on 7 September. So far, the Inspector is seeking that the Council provides any further responses received at the close of this consultation to enable him to prepare his report. At this stage there is no proposal before the Council to alter its position.
- 5.2 Whilst the Core Strategy position is set out above, Members will also be aware that individual planning applications have and are likely to be submitted for sites in Longridge. These will need to be determined on their merits against the framework provided by national policy and the Core Strategy (as proposed to be modified). In doing so, any application will need to be considered against the impact it has upon housing requirements, housing supply and the Development Strategy set out in the Core Strategy. This will be part of that determination process. The impact therefore of approving sites that lead to a significant increase in housing in Longridge for example or are contrary to the Development Strategy set out in the Plan, will need to be taken into account.

6 CONCLUSION

- 6.1 The points raised by the petition support the position being promoted by the Council in the Core Strategy and the Examination. The Inspector will consider all the representations made to the consultations and the issues discussed at the hearings. The Council needs to await the delivery of his report before moving to the formal adoption

stage. The petition will be passed to the Inspector for him to consider. Individual planning applications will need to be considered against the relevant policy frameworks and determined through the development management process. Whilst the petition focuses on the Core Strategy, it is important to recognise that decisions taken on applications can have impacts upon the matters raised in the petition such as the overall amount of housing in Longridge. This will be a matter for consideration in the application process.

7 RISK ASSESSMENT

7.1 The approval of this report may have the following implications

- Resources – No implications identified.
- Technical, Environmental and Legal – The Council needs to consider the petition within the scope of the adopted petition scheme. Decisions in relation to the Core Strategy need to be informed by a robust evidence base and be justified. At present the aspects raised in the petition support the Council's position as presented at the Examination.
- Political - No implications identified.
- Reputation – There is significant public interest in the Core Strategy process and development proposals in the borough.
- Equality & Diversity – No implications identified.

7 **RECOMMENDED THAT COMMITTEE**

- ### 7.1
- Note the contents of the petition together with the points set out in section 6 of this report and agree that the petition be forwarded to the Inspector with the campaign group being advised accordingly.

COLIN HIRST
HEAD OF REGENERATION AND HOUSING

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

Submitted petition – officer files.

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

REF: CH/EL/210814/P&D

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: 21 AUGUST 2014
title: CONSULTATION ON ENGLISH HERITAGE DRAFT HISTORIC
ENVIRONMENT GOOD PRACTICE ADVICE IN PLANNING
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: ADRIAN DOWD – PRINCIPAL PLANNING OFFICER (DESIGN AND
CONSERVATION)

1 PURPOSE

- 1.1 To seek Member authorisation to respond to an English Heritage consultation on draft Historic Environment Good Practice Advice notes.
- 1.2 Relevance to the Council's ambitions and priorities
 - Council Ambitions – To protect and enhance the existing environmental quality of our area.
 - Community Objectives – The Ribble Valley Sustainable Community Strategy 2007-2013 has three relevant strategic objectives – maintain, protect and enhance all natural and built features that contribute to the quality of the environment. Ensure that the design of buildings respects local character and enhances local distinctiveness. Sustainably manage and protect industrial and historical sites.
 - Corporate Priorities – Objective 3.3 of the Corporate Plan commits us to maintaining and improving the environmental quality of the Ribble Valley. Objective 3.8 of the corporate plan commits us to conserving and enhancing the local distinctiveness and character of our towns, villages and countryside when considering development proposals.
 - Other Considerations – None.

2 BACKGROUND

- 2.1 PPS5 Planning for the Historic Environment (2010; including PPS5 Practice Guide) and Planning Policy Guidance 15 Planning and the Historic Environment (1994) were integrated and fully government endorsed policy and guidance documents.
- 2.2 As part of the Government's reform of the planning system, historic environment information has been restructured.
- 2.3 The National Planning Policy Framework was published on 27 March 2012.
- 2.4 In 2012 Lord Taylor of Goss Moor undertook an external review of government planning practice guidance. The Government response to the report was published on 21 May 2013.

Paragraph 12 states “we accept the majority of the report’s recommendations, with the exception of the immediate cancellation of out of date guidance”.

Paragraph 13 states “we believe that the current guidance should remain in place until the new guidance suite is ready. We consider this important to ensure that there is no gap or perceived gap in the provision of guidance, and so will not be accepting the recommendation to cancel any material ahead of the new guidance being available”.

- 2.5 On 6 March 2014 the Department for Communities and Local Government launched the National Planning Practice Guidance (NPPG) web based resource. The section entitled ‘Conserving and enhancing the historic environment’ contains government endorsed guidance on ‘Plan making: historic environment’ and ‘Decision taking: historic environment’. The latter includes guidance entitled ‘What is the setting of a heritage asset and how should it be taken into account?’.

3 CONSULTATION

- 3.1 On 16 July 2014 the Borough Council was invited by English Heritage to comment on Historic Environment Good Practice Advice in Planning. The three Historic Environment Good Practice Advice notes published for consultation (available on the English Heritage website) are:

The historic environment in local plans
Decision taking in the historic environment
The setting of heritage assets

The consultation states “these are intended to assist Local Planning Authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment policy in the National Planning Policy Framework and the related guidance given in the Planning Policy Guidance”.

The Borough Council is also informed that the “PPS5 Practice Guide remains in place for the time being but we are expecting that Government will cancel it once the post consultation versions of these advice notes are published. We hope this will be in early autumn 2014”.

- 3.2 Each document introduction states “this good practice advice therefore supports the implementation of national policy, but does not constitute a statement of government policy itself”.
- 3.3 The consultation is structured and the Borough Council is invited to comment on a number of specific issues. The deadline for the response is 5 September 2014. However, Question 10 invites general comment on the consultation document.

4 RISK ASSESSMENT

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

- Resources – N/A
- Technical, Environmental and Legal – N/A

- Political – N/A
- Reputation – N/A
- Equality & Diversity – N/A

5 CONCLUSIONS

5.1 In response to Question 10 of the consultation, I would have the following comments.

5.2 ‘Decision taking in the historic environment’ paragraph 52 ‘Marketing to demonstrate redundancy’, is welcomed in providing some clarity as to what the ‘medium term’ (NPPF paragraph 133) is in demonstration of building redundancy. Under the title ‘The timing of the marketing’ is stated “under poor market conditions the applicant may be advised to ‘mothball’ the asset until conditions have improved to the point when a negative response can be reasonably ascribed to a genuine lack of interest in the asset itself rather than to general market conditions”.

5.3 The English Heritage website suggests that post cancellation of the PPS5 practice guide in early autumn 2014 “*Technical Advice in Planning notes are planned on ... (and thirdly) Managing Change to Heritage Assets (formerly Part 6 of the PPS5 practice guide)*”. In my opinion, Part 6 (appended) provides a very useful, easily understood and succinct guide to the repair, alteration and extension of heritage assets. In my opinion, Part 6 (and its predecessor Annex C ‘Guidance on Alterations to Listed Buildings’ of Planning Policy Guidance 15) provides essential reference and justification for the Borough Council’s day to day development management decisions ensuring efficiency, consistency and transparency in respect to planning applications, listed building consents and pre-application advice. The deletion of this Government endorsed guidance before the availability of similarly themed English Heritage Technical Advice is of concern and is likely to cause a difficult hiatus in the processing of historic environment related applications and the challenge of more Borough Council decisions.

Mindful of the Government’s reservations in respect to the Taylor report’s conclusions, I would therefore suggest to English Heritage that Part 6 of the PPS5 practice guide be retained until new and equivalent advice is in place and consideration be given to the incorporation (or anchoring) of this information within the Government endorsed NPPG.

5.4 ‘Decision taking in the historic environment’ has only two paragraphs on ‘Unauthorised works, enforcement notices and prosecution’. Mindful that unauthorised work affecting the special interest of a listed building (including non compliance with conditions attached to a listed building consent) is a criminal offence under section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the recent and unfortunately necessary development of the English Heritage Heritage Crime Programme and the extensive guidance within ‘Best practice guidance on listed building prosecutions’ (2006) this is, in my opinion, insufficient direction, encouragement and support for this important and resource demanding aspect of the Borough Council’s work.

5.5 Consideration to the ‘Neglect’ of listed buildings is similarly brief. In my opinion, the prioritisation and early discussion with building owners of maintenance and repair issues is essential to preventing or reducing the scale of problems and costs. Again, I note the

divergence of English Heritage draft good practice advice from Government requirements stated at NPPF paragraph 126 “Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance”.

6 RECOMMENDED THAT COMMITTEE

- 6.1 Authorise the Director of Community Services to respond to the English Heritage consultation and with the opinions expressed in section 5 ‘Conclusions’ above.

ADRIAN DOWD
PRINCIPAL PLANNING OFFICER (DESIGN AND CONSERVATION)

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

1. English Heritage Consultation document – Good Practice Advice in Planning.
2. Extract from PPS5 Practice Part 6.

For further information please ask for Adrian Dowd, extension 4513.

REF: AD/EL/210814/P&D

ENGLISH HERITAGE

CONSULTATION ON HISTORIC ENVIRONMENT GOOD PRACTICE ADVICE IN PLANNING: Consultation Questions

Please submit your responses to the questions asked and/or comments by **September, 2014** to goodpracticeconsultation@english-heritage.org.uk. If you do not have access to email, please provide them in writing to: Good Practice Advice Consultation, Government Advice Team, English Heritage, 1 Waterhouse Square, 138-142, Holborn, London EC1N 2ST.

To assist you in commenting on the three Good Practice Advice notes, we ask the following questions:

Consultation questions

- 1 Do you think the topics selected for publication as Good Practice and Technical Advice in Planning are the right ones? If not, please list any topics which you consider should be included.
- 2 Does GPA 1 give sufficient information on sources of evidence to address the historic environment in drawing up a Local Plan? If not, please list any sources of evidence you consider are missing,
- 3 Does GPA 1 give sufficient and proportionate information and advice on how to develop a positive strategy for the conservation and enjoyment of the historic environment for the Local Plan area? If not, please indicate how you consider it can be improved.
- 4 Are the steps given in paragraph 9 of GPA 2 on the sources of information that might be consulted, or the exercises that might be carried out in assessing significance, useful? If not, please list any others which you consider might usefully be added?
- 5 Do you consider that the advice in GPA 2 which applies specifically to listed buildings, including paragraphs 12 on curtilage and paragraphs (25- 29) on the recent changes to the listed building control system (under the ERR Act 2013) is helpful in managing change to these heritage assets? If not, please list any other factors which you consider could usefully be addressed.
- 6 Do you consider that the paragraphs in GPA 2 which apply specifically to assets with archaeological interest, including those on Archaeological and Historic Interest (13-14), and Decision-taking for Assets with Archaeological Interest (30-31) and the archaeological conditions included at paragraph 37 provide proportionate advice on the protection of non-designated heritage assets with archaeological interest? If not, please list any other factors which you consider could usefully be addressed.
- 7 Would the planning conditions included at paragraph 37 of GPA 2 be sufficient to ensure an appropriate level of archaeological work while being flexible enough to allow development to proceed in a reasonable and timely way?¹

- 8 Do you consider that the section on what makes development successful in its context (paragraph 58) covers the main matters in this regard? If not, please list any additional considerations you think should be included.
- 9 Does the way that GPA 3 - The Setting of Heritage Assets - is set out give clear steps to aid the assessment of setting, bearing in mind that the main concepts relating to setting are now housed in the Government's Planning Practice Guide (paragraph 18a-013)?
- 10 Have you any further comments to make on Good Practice Advice notes 1-3?

'These conditions are proposed as an alternative for the conditions in ***Circular 11/95: The use of conditions in planning permissions***:

54. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him to observe the excavations and record items of interest and finds (*paragraphs 80-81*).

Conditions should not require work to be held up while archaeological investigation takes place, though some developers may be willing to give such facilities.

55. No development shall take place within the area indicated (this would be the area of archaeological interest) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Developers will wish to ensure that in drawing up a scheme, the timetable for the investigation is included within the details of the agreed scheme.

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer Services Department:

Telephone: 0870 333 1 1 8 1

Fax: 01793 414926

Textphone: 0800 015 0516

E-mail: custcmers@english-heritage.org.uk

6. FURTHER GUIDANCE ON MAKING CHANGES TO HERITAGE ASSETS

142. This section illustrates the application of the policies set out in PPS5 in determining applications for planning permission, listed building and conservation area consent. The examples given are not a substitute for the process of understanding the particular significance of the affected assets and the impact upon that significance in each case. Each heritage asset and group of heritage assets has its own characteristics that are usually related to an original or subsequent function. These can include orientation, layout, plan-form, setting, materials, the disposition of openings, external detailing (with larger assets of groups of assets this might include street furniture) and internal fittings.

143. The limits imposed by the structure and features of the asset are an important consideration, as is an understanding of the significance of individual elements, derived both from the physical evidence and documentary sources.

144. There are various legal requirements that buildings have to comply with, such as Building Regulations and the Disability Discrimination Act. Sometimes the best means of conserving a heritage asset will seem to conflict with the requirements of such regimes. Local planning authorities are encouraged to consider imaginative ways of avoiding such conflict. Where conflict is unavoidable, such regimes generally allow for some flexibility so that a balance can be struck.

145. Where change is proposed to a heritage asset, it can usually be characterised as:

1. **Repair;**
2. **Restoration;**
3. **Addition and alteration**, either singly or in combination; and
4. **Works for research alone.**

146. The way of dealing with these types of intervention are considered for each of the following categories of heritage asset:

1. **Buildings and other structures;**
2. **Standing remains** including earthworks;
3. **Buried remains and marine sites**, including evidence of past environmental change, landscapes now submerged in rivers, estuaries and coastal areas to the low-water mark;
4. **Large heritage assets** including conservation areas, formal or informal landscapes at all scales, clusters of scheduled monuments and World Heritage Sites where the whole is greater than the sum of the parts.

Some heritage assets may fall into more than one category.

Repair

General points

147. With the exception of repairs to scheduled monuments, which will almost always need consent, minor repairs are unlikely to require planning permission or listed building consent (where relevant) if the works are carried out using the same materials and techniques and they do not affect the significance of the asset. The local planning authority will be able to advise.

148. Good conservation of heritage assets is founded on appropriate routine management and maintenance. Such an approach will minimise the need for larger repairs or other interventions and will usually represent the most economical way of sustaining an asset.

Buildings and other structures

149. Original materials normally only need to be replaced when they have failed in their structural purpose. Repairing by re-using materials to match the original in substance, texture, quality and colour, helps maintain authenticity, ensures the repair is technically and visually compatible, minimises the use of new resources and reduces waste. However, alternative approaches may be appropriate if it can be demonstrated that the technique will not cause long-term damage to the asset and results in less overall loss of original fabric and significance. An example may be the use of resin or steel reinforcements to stabilise structural timbers without loss of historic fabric. Repairs to a listed building may require consent. One would expect that the loss of historic fabric following repairs, and alteration, would be proportionate to the nature of the works.

150. Even when undertaking repair, care is needed to maintain the integrity of the asset. Some repair techniques, such as the use of cement-based mortars in place of softer lime, will affect the integrity of the existing building and cause permanent damage

to the historic fabric, as well as being visually unsympathetic. Repointing of historic mortar will normally leave the significance of the asset unaffected, provided the original mix and appearance is copied but care is often needed not to affect subtle changes in pointing. A change in the character of the pointing, or painting exposed surfaces including concrete, can be visually and physically damaging and is likely to require listed building consent, as may a change in external paint colour.

151. The removal of hard renders may cause more damage to the significance of the building than retention. In modern buildings cement render may be the original finish, and in such cases it is appropriate for it to be retained and matched when repaired. Features such as tool marks, carpenters' marks, smoke blackening, decorative painting, pargetting or sgraffito work are always damaged by sand-blasting and sometimes by painting or other cleaning, as is exposed timber. Such treatments are unlikely to be considered as repairs and would normally require listed building consent.

152. Doors and windows are frequently key to the significance of a building. Change is therefore advisable only where the original is beyond repair, it minimises the loss of historic fabric and matches the original in detail. Secondary glazing is usually more appropriate than double-glazing where the window itself is of significance. As with the building as a whole, it is more appropriate to deal with timber decay and similar threats by addressing the cause of

the decay rather than treating the symptoms, but where remedial works are shown to be necessary, minimum interference to achieve reasonable long term stability is the most sustainable approach.

153. Even the most minor repairs can sometimes have an impact on the archaeological interest of a heritage asset and may reveal new information relating to the significance of that asset. The recording of evidence revealed by such works may therefore be appropriate.

Standing remains

154. Beyond routine maintenance, required repairs are unlikely to be more than the addition of visually unobtrusive elements to give longer term protection, such as rough-racking or the soft capping of walls with turf, or a shelter coat of limewash or lead flashings, that can mitigate the effects of weathering and be replaced relatively regularly without affecting the earlier elements.

Buried remains, including marine sites

155. Repairs may be required as part of a general management regime, but care will be needed to ensure that they do not cause damage to the significance of the asset (particularly its archaeological interest).

Large heritage assets

156. The general principles apply. Carefully planned and phased repair programmes may assist in the long-term management of such assets by spreading costs and reducing the chances of unexpected works becoming urgently necessary.

157. In respect of parks and gardens, repair will generally be part of ongoing management of the land. Maintenance is essential to conserve the original fabric in good order and to safeguard design intentions. Breaks in maintenance may lead to failure of elements and necessitate repairs or sometimes restoration. Accurate repair following decay is likely to be justified as a means of perpetuating the design if there is sufficient record of that design to inform the repair and if the elements (trees, plants or other parts of the fabric) and the techniques used are close and high quality matches to the original. For battlefields, which are generally managed agricultural land, repair is likely to take the form of small-scale interventions e.g. maintaining walls, hedges or fences.

Restoration

General points

158. Restoration of a listed building requires its alteration and is almost always likely to need listed building consent and may require planning permission. The local planning authority will be able to advise potential applicants.

159. Restoration may range from small-scale work to reinstate missing elements of decoration, such as the reinstatement of sections of ornamental plasterwork to a known

design, to large schemes to restore the former appearance of buildings with the addition of major missing elements such as a missing wing. Previous repairs may be historically important, and may provide useful information about the structure of the building, as will the recording of any features revealed by the work. New work can be distinguished by discreet dating or other subtle means. Overt methods of distinction, such as tooling of stonework, setting back a new face from the old, or other similar techniques, are unlikely to be sympathetic.

160. Restoration is likely to be acceptable if:

1. The significance of the elements that would be restored decisively outweigh the significance of those that would be lost.
2. The work proposed is justified by compelling evidence of the evolution of the heritage asset, and is executed in accordance with that evidence.
3. The form in which the heritage asset currently exists is not the result of a historically-significant event.
4. The work proposed respects previous forms of the heritage asset.
5. No archaeological interest is lost if the restoration work could later be confused with the original fabric.
6. The maintenance implications of the proposed restoration are considered to be sustainable.

161. Restoration works are those that are intended to reveal or recover something of significance that has been eroded, obscured or previously removed. In some cases, restoration can thus be said to enhance significance. However, additions and changes in response to the changing needs of owners and occupants over time may themselves be a key part of the asset's significance.

162. In determining whether restoration is appropriate following catastrophic damage (e.g. from fire or flood) the practicability of restoration should be established by an assessment of remaining significance. Where the significance relates to a design concept or a particular event rather than held directly in the original fabric of the asset, restoration or replication is more likely to be acceptable.

Buildings

163. Restoration involving the stripping-off of later layers of work or abrasive cleaning is only likely to be acceptable where it can be shown that:

1. The later layers are not of significance in themselves.
2. They are damaging the original and other significant fabric.
3. By their removal there would be an enhancement to the significance of the building that outweighs the loss of the later addition.

164. Stripping off finishes such as plaster to expose rubble, brick or timber-framed walls never intended to be seen is likely to have an adverse effect on the building's significance through the loss of historic materials and original finishes and harm to the aesthetic. Where it is proposed to remove more modern coverings that are harmful to the significance or the integrity of the building, appropriate materials will need to be introduced to ensure an

authentic and/or suitably detailed finish is achieved, for example using mock jointing, or lining out, where there is evidence of the original finish. If there is any doubt as to the authentic finish, it is better to create a simple finish rather than one with speculative decoration. Sometimes early framing or finishes were covered up because they were in a poor state and unacceptable loss of original fabric may result from works to make the earlier surface visually acceptable.

165. Replacement of one material by another, for example on roofs, may result in a loss of significance and will in those cases need clear justification. Therefore, while the replacement of an inappropriate and non-original material is likely to be easily justified, more justification will be needed for changes from one type of thatch, slate or tile to another. For thatch, for example, preserving the covering on multi-layered roofs,

particularly where the bottom layer is smoke-blackened, is likely to be necessary in order to maintain the historic and archaeological significance of the building. Only the top coat may need to be replaced. Following the type and form of thatch traditional to the region with local ways of detailing eaves, ridges and verges will sustain the building's significance. English Heritage has published specific guidance on thatching: *Thatch and Thatching: A Guidance Note* (English Heritage, 2000).

166. Many building types have much published information on appropriate restoration techniques. Timber-framed buildings, for example, have been well-researched and appropriate conservation approaches have been shown to work very well while minimising loss of original fabric and structural integrity. Secondary elements, such as the infilling of timber frames, are of value and their retention will maintain the integrity of the whole building. The reuse of original materials whenever possible will meet conservation and other sustainability objectives.

167. The legibility of names on war memorials is important and their re-cutting and/or re-painting in an appropriate manner are likely to be acceptable. For other inscriptions, conservation rather than restoration may be preferred, where the original script is significant.

168. If convincing evidence is available it may be appropriate to take opportunities to reinstate missing architectural details, such as balustrades and cornices or missing elements of a decorative scheme, using traditional methods and materials.

Standing remains

169. Restoration, as opposed to repair, may be appropriate where there is compelling evidence of the former state of the structure and demonstrable benefits to the significance of the standing remains would result. By weighing the merits against any harm caused, including to the archaeological interest, the acceptability of such an approach can be established.

170. The local planning authority will need to carefully balance the long-term benefits of bringing a ruined structure back into use with the impact on significance of the direct damage to the fabric that might result from restoration.

171. Restoration of elements to benefit the ongoing management and conservation of earthworks, such as infilling gaps in earth mounds, vegetation clearance or dealing with the effects of burrowing animals may be justified.

Buried remains including marine sites

172. Restoration of buried remains is unlikely to be acceptable. If the remains still form a structure (perhaps in the form of foundations), work to remove the soil overburden and expose the remains may be justified, but will need to be balanced against the likely

threat to the sustainability and archaeological interest of the asset. Leaving the site undisturbed is usually the preferred solution. Where the goal is to illustrate the past or educate, interpretation panels that illustrate the site's significance could provide a more appropriate solution.

173. For marine sites, repair and restoration for wreck structures are unlikely to form a significant part of their management, but stabilisation and erosion protection strategies may be appropriate to sustain their integrity and could be included in the Marine Plans that will be developed by the Marine Management Organisation under the Marine and Coastal Access Act (2009). Heritage Partnership Agreements may also be of assistance to ensure the long-term future of the site is understood and, so far as is practicable, managed in the best interest of its conservation.

Large assets

174. An inconsistency of approach to repair and restoration because of different ownership, spatially or over time, or in methods and techniques may result in a loss of significance by obscuring the historic or aesthetic connection between elements within the asset and affect the evidential value of the asset as a whole. It may be possible to achieve consistency through a heritage partnership agreement.

175. The spaces between the buildings within an area asset may be important and may be consciously designed (such as a town square); have developed over a period of time (such as parkland surrounding a country house); or, be the space between similar assets with some other link, such as a variety of earthworks on downland. Restoration of individual elements within a group of assets is more likely to enhance the group if the effect on the other assets has been considered from the outset. Restoration of a designed space is more likely to meet the PPS criteria, especially where there is public benefit, for example in the re-creation of the historic street pattern, including widths of streets and plots and heights of buildings and storeys, following the removal of a later development that was unsympathetic to the urban grain. The case for restoration will be stronger where it can be shown that the restoration improves the appreciation of the space and the settings of the assets that are linked to it.

176. Restoration may be acceptable in historic parks and gardens where the original design has been obscured despite regular maintenance, and where it is possible to establish the

original design through research and investigative work, and the work does not diminish the significance of the asset.

177. The significance of historic battlefields will usually result from evidential and associative value that depends on the ability to appreciate the location, topography and setting of the site. Restoration may involve removing later additions and features, or reinstating known earlier features. The sensitivity of any archaeological interest in the site will be important when considering whether any restoration is appropriate.

Addition and alteration

General points

178. The main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of extension that might be appropriate.

179. The fabric will always be an important part of the asset's significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion, together with the use of appropriate materials and methods of repair. It is not appropriate to sacrifice old work simply to accommodate the new.

180. The junction between new work and the existing fabric needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting. Where possible it is preferable for new work to be reversible, so that changes can be undone without harm to historic fabric. However, reversibility alone does not justify alteration. If alteration is justified on other grounds then reversible alteration is preferable to non-reversible. New openings need to be considered in the context of the architectural and historic significance of that part of the asset. Where new work or additions make elements with significance redundant, such as doors or decorative features, there is likely to be less impact on the asset's aesthetic, historic or evidential value if they are left in place.

Buildings and structures

181. When a building is adapted for new uses, its form as well as its external and internal features may impose constraints. Some degree of compromise in use may assist in retaining significance. For example, headroom may be restricted and daylight levels may be lower than usually expected.

182. The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (whether decorated or plain, principal or secondary) and other features are likely to form part of its significance. Indeed they may be its most significant feature. Proposals to remove or modify internal arrangements, including the insertion of new openings or extension underground, will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations.

183. The sub-division of buildings, such as threshing barns and churches, that are significant for their open interiors, impressive proportions and long sight lines, may have a considerable impact on significance. In these circumstances the use of pods or other design devices that allow the entirety of the space to be read may be appropriate.

184. The introduction of new floors into a building or removal of historic floors and ceilings may have a considerable impact on an asset's significance. Certain asset types, such as large industrial buildings, are generally more capable of accepting such changes without unacceptable loss of significance.

185. The insertion of new elements such as doors and windows, (including dormers and roof lights to bring roof spaces into more intensive use) is quite likely to adversely affect the building's significance. Harm might be avoided if roof lights are located on less prominent roof slopes. New elements may be more acceptable if account is taken of the character of the building, the roofline and significant fabric. Rooflights may be more appropriate in agricultural and industrial buildings than dormers. In some circumstances the unbroken line of a roof may be an important contributor to its significance.

186. New features added to a building are less likely to have an impact on the significance if they follow the character of the building. Thus in a barn conversion new doors and windows are more likely to be acceptable if they are agricultural rather than domestic in character, with the relationship of new glazing to the wall plane reflecting that of the existing and, where large door openings are to be glazed, with the former doors retained or replicated so that they can be closed.

187. Small-scale features, inside and out, such as historic painting schemes, ornamental plasterwork, carpenters' and masons' marks, chimney breasts and stacks, inscriptions and signs, will frequently contribute strongly to a building's significance and removing or obscuring them is likely to affect the asset's significance.

188. Extant flooring materials will often be of interest in themselves. Additional care is needed on lower floors to ensure that archaeological interest below the finished surface is not adversely affected by proposed works.

189. Although some works of up-grading, such as new kitchens and bathroom units, are unlikely to need consent, new services, both internal and external can have a considerable, and often cumulative, effect on the appearance of a building and can affect significance. The impact of necessary services can be minimised by avoiding damage to decorative features by carefully routing and finishing and by use of materials appropriate to the relevant period, such as cast iron for gutters and down-pipes for many Georgian and Victorian buildings.

190. Removal of, and change to, historic shopfronts may damage the significance of both the building and the wider conservation area, as may the introduction of new shopfronts to historic buildings where there are none at present. All elements of new shopfronts (stall-risers, glazing, doors, fascias etc.) may affect the significance of the building it is located in and the wider street setting. External steel roller shutters are unlikely to be suitable for

historic shopfronts. Laminated glass and internal chain-link screens are likely to be more appropriate alternatives in most instances.

191. Where the proposal involves a change of use, particularly to single or multiple residential units, local planning authorities may consider that the impact on the building and its setting of potential future permitted development, such as conservatories, garden sheds and other structures associated with residential use, make the change of use proposal unacceptable in principle. Conditions preventing or limiting such future permitted development may make the change of use proposal acceptable.

192. Buildings will often have an important established and historic relationship with the landscaping that exists or used to exist around them. Proposals to alter or renew the landscaping are more likely to be acceptable if the design is based on a sound and well-researched understanding of the building's relationship with its setting, both now and in the past.

Standing remains and buried remains including marine sites

193. New work and alterations are likely to be rare. There may be cases where a new structure enables the long-term care of the original asset or its interpretation and conservation, or where alterations may assist the long-term conservation of the asset. Works other than those of a minor nature are likely to be acceptable only where they would be in the best long-term interests of the conservation of the remains, or, there are other important planning justifications. Any additions or alterations to marine sites or sites affecting the marine area must be made in accordance with the Marine Policy Statement and relevant Marine Plan.

Large assets

194. The same principles will apply, where appropriate, as those set out for buildings, standing remains, buried remains, marine sites and landscapes. The retention and restoration of surfacing and street furniture sometimes makes a very positive contribution to the character and appearance of a conservation area. Quality of place can be enhanced where opportunities are taken for the re-introduction of missing elements in adjacent areas, if there is historical evidence for them. The local tradition in scale, texture, colour and laying patterns will inform appropriate new paving, with the traditional relationship between footways and carriageways retained.

195. The varying degrees of sensitivity to change within landscapes can normally be identified and incorporated into alterations and additions in ways that will enhance the asset's significance. Some landscapes will be so sensitive that the degree of alteration or addition possible without loss of significance may be very limited, particularly where there is a consistently high level of archaeological interest or architectural consistency.

Works for research alone

196. A research investigation involving intrusive works to an asset requiring permission or consent may be proposed as a stand-alone project and not merely as an exercise in

investigating an asset that will be lost or altered for other reasons. It may be justified if there will be a public benefit gained if the investigation results in an increased understanding of our past and this will be maximised if it is well planned, executed and the results properly publicised and disseminated. Guidance on how to secure the best results from an investigation is set out above. For further information see *Understanding Historic Buildings: Policy and Guidance for Local Planning Authorities*, English Heritage (2008).

197. Any intrusive investigation may reduce the significance of an asset and impair the available resource for future archaeological investigation. It may also affect the historic and aesthetic values of the asset. Factors worthy of consideration when looking at the balance of the public benefit from the investigation and that loss of significance include:

1. whether at least part of the investigation can be achieved using non-destructive techniques;
2. whether the understanding sought could be found elsewhere, perhaps from another site where destruction is inevitable;
3. the likelihood of the investigation yielding critical evidence to our understanding of the past; and,
4. the predicted rate of environmental decay of the asset.

Metal-detecting on a scheduled monument for any reason requires a licence and intrusive investigation for research purposes will require scheduled monument consent. Further guidance is published by DCMS and advice can be sought from English Heritage.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 21 AUGUST 2014
title: LOCAL ENFORCEMENT PLAN
submitted by: CHIEF EXECUTIVE
principal author: DIANE RICE

1 PURPOSE

1.1 To seek Committee approval for the Council's Local Enforcement Plan.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - }
 - Corporate Priorities - }
 - Other Considerations - }
- Clear enforcement priorities and processes support the Council's ambition to protect and enhance the existing environmental quality of our area.

2 BACKGROUND

2.1 The Council has responsibility for enforcing planning and listed building controls within its area. The Council has one full time Enforcement Officer dealing with investigating planning (and licensing) enforcement complaints, advice about planning merits is given by the Council's Senior Planning Officer (Enforcement).

3 ISSUES

3.1 The power to take planning enforcement action is a discretionary power which has to be exercised in such a way as to reflect Council priorities about development in the context of available resources.

3.2 The purpose of the Local Enforcement Plan is to explain to both potential complainants and those carrying out unauthorised development how the enforcement process will be managed. The Plan aims to describe the Council's current approach rather than setting out new priorities.

3.3 The purpose of the Plan was discussed with Members at Planning and Development Committee on 8 May as part of a presentation about the Council's Enforcement work. The Plan is in four parts:

- Part A sets out the context and legislative framework.
- Part B clarifies what constitutes a breach of planning control.
- Part C sets out how the Council deals with the alleged breaches.
- Part D sets out how functions are delegated.

3.4 The Council's planning officers have had an opportunity to comment on the Plan and their comments have been taken into consideration.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources - }
- Technical, Environmental and Legal - } The Plan supports the Council's work by setting out how resources will be targeted and which matters will be taken into consideration.
- Political - }
- Reputation - }
- Equality & Diversity – The council's enforcement work is carried out by reference to the Council's equality and diversity policies.

5 **RECOMMENDED THAT COMMITTEE**

5.1 Consider the Local Enforcement Plan with attached Delegation Scheme and approve the same.

DIANE RICE
HEAD OF LEGAL AND DEMOCRATIC SERVICES

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

None.

For further information please ask for Diane Rice, extension 4418.

REF: DER/P&D/210814/EL



Local Enforcement Plan

Approved by the

Council's Planning and Development Committee on 21 August 2014

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PART A - Planning Enforcement at the Ribble Valley Borough Council

The National Planning Policy Framework recommends that planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area.

1. Introduction

The Ribble Valley Borough Council ("**the Council**") is the Local Planning Authority ("**LPA**") in respect of certain planning matters within the Ribble Valley area. The planning system operates to regulate development and the use of land in the community's interest having regard to the development plan and other material considerations.

Effective enforcement is important as a means of maintaining public confidence in the planning system.

This is this Council's Local Enforcement Plan, intended to cover planning enforcement. It set outs how this Council intends to:

- monitor the implementation of planning permissions;
- investigate alleged cases of unauthorised development; and
- take action where it is appropriate to do so.

Formal enforcement action is a discretionary power, and local planning authorities must act proportionately in responding to suspected breaches of planning control.

This Plan also therefore seeks to explain, in general terms, what is likely to be investigated and what is not.

2. Vision and objectives

The Council aims to carry out planning enforcement in accordance with the following three key principles of good enforcement:

- Proportionality;
- Consistency; and
- Helpfulness.

The Council's objectives in carrying out its enforcement duties are to:

- remedy the undesirable effects of unauthorised development on the environment and the amenities of residents;
- ensure that any planning permission granted is not compromised by non-compliance with the approved plans or any conditions; and
- ensure that planning policies, the planning process generally and the credibility of the planning system is not undermined.

In considering any enforcement action, the decisive issue for the Council will be whether the breach of planning control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.

3. Structure

Officers in the Council's Legal Department are now principally responsible for carrying out planning enforcement at the Council.

Queries about general planning matters or recent applications should be directed to Planning reception or the planning case officer in the Council's development management department. More complex enquiries may be referred to the Council's pre-application advice service.

Details on who to contact are set out in the section on **how to report an alleged breach**, below.

For enforcement issues, the first point of contact will be the Enforcement Officer. S/he will liaise with the necessary officers at the Council in order to investigate a complaint. S/he will be supported by the Council's lawyers.

As these officers are not qualified planners, they will need to liaise with, and seek views, from officers in the Council's Planning Department, as and when necessary.

Input from Planning Officers is, for example, needed in order to:

- decide whether or not it is expedient to take enforcement action;
- decide whether or not public amenity is affected;
- decide whether or not a given development is permitted development;
- decide whether or not enforcement is not possible due to limitation;
- consider planning applications, including retrospective applications;
- consider certificates of lawfulness of proposed use or development and certificates of lawfulness of existing use or development;
- defend the Council's position on any enforcement appeal;
- consider what the appropriate planning unit(s) is/are;
- consider what uses exist on a site and whether a material change of use has taken place.

Some complaints and issues raised by members of the public will not be matters that the Council, or its planning enforcement team, is responsible for.

Where the Enforcement Officer is aware of another authority, or another part of the Council, that could help with a query, s/he will refer the complainant to that authority/department. Where this is not possible, and the concern relates neither to planning enforcement, nor the Council more generally, the complainant will be advised that the Council is unable to help.

Often members of the public seek advice from the Council's planning enforcement team, where the matter concerns private legal issues between themselves and their neighbour rather than planning enforcement issues. In such circumstances, the Enforcement Officer will advise the complainant to seek their own legal advice.

4. Legislative framework

The primary legislation for enforcing planning control is the Town and Country Planning Act 1990, as amended. This is supported by statutory guidance.

A key piece of guidance is the National Planning Policy Framework ("**NPPF**"). This replaced Planning Policy Guidance 18: Enforcing Planning Control.

Circular 10/97: Enforcing Planning Control: legislative provisions and procedural requirements, although now dated, contains useful guidance.

The Enterprise and Regulatory Reform Act 2013 contains provisions relating to Conservation Areas.

Parliament has given Local Planning Authorities the primary responsibility for taking whatever enforcement action may be necessary, in the public interest, within their administrative area.

PART B - Breaches of planning control

Breaches of planning control can take many different forms. Different time limits and consequences apply in respect of them.

Where there has been a breach of planning control the Council's officers will decide: (i) whether or not to take enforcement action; and (ii) if they decide to take enforcement action, what form that action should take.

5. What is a breach of planning control?

Below, we give some examples of what is likely to be, and what is not likely to be, a planning breach.

Decisions on planning matters are often a matter of fact and degree, i.e. there is no one-size-fits-all rule. The information is therefore intended to be indicative only.

Examples of breaches of planning control

- Carrying out building or engineering works or the change of use of a building or land without planning permission;
- Carrying out development not in accordance with a planning permission. This can be either failure to follow the approved plans or failure to comply with conditions attached to the permission;
- Carrying out works (internal as well as external) to a listed building without listed building consent;
- The display of a sign or advertisement which requires consent, without advertisement consent;
- The unauthorised felling or carrying out of works to a tree which is protected by a Tree Preservation Order or which is within a Conservation Area; and
- The unauthorised demolition of a building in certain circumstances, e.g. in a conservation area without conservation area consent.

In addition the Council has power to act where land has become so untidy that it harms the amenity of the surrounding area.

Breaches of planning control **often occur** in respect of:

- changes of use, such as shops to offices or takeaways;
- building works;
- unauthorised advertisements;
- erection of fencing; and
- alterations to listed buildings including the installation of UPVC windows.

In the following cases, it is unlikely that enforcement action can be taken under planning legislation:

Examples of activities, which are not normally breaches of planning control

- On street parking is a matter for regulation under the Highways Acts.
- Operating a business from home where the residential use remains the primary use, no staff are employed there, and visitors are kept to a minimum.
- Stationing a solitary caravan within the grounds of a dwelling provided that its use is ancillary to the dwelling i.e. it is stored or used as an extra bedroom (rather than being used as a separate unit of accommodation).
- Clearing land of undergrowth, bushes and trees provided they are not subject to a Tree Preservation Order and are not within a Conservation Area, or protected by a planning condition.

Neighbour nuisance/boundary and land ownership disputes are civil matters that the Council cannot get involved in. Advice on such matters could be sought from a solicitor or from the Citizens Advice Bureau.

Concerns about use of/or development on a highway covered by highway legislation should be referred to the Lancashire County Council, which is the Highway Authority in the Council's area.

Concerns about dangerous structures should be raised with the Council's Building Control section.

Matters covered by other substantive legislation such as noise, smell, abandoned vehicles, dog-fouling or fly-tipping, may fall within the scope of the Council's Environmental Health team.

The Council can only act within its powers. Some matters, such as caravan issues, or alcohol licensing, will require the involvement of other Council departments. Whilst the planning enforcement team will do their best to involve such departments where necessary, the role of planning enforcement officers will be restricted by the powers they have to deal with planning enforcement.

Time limits

The Council does not have an unlimited window in which to act in respect of each and every planning breach.

Four years is the time allowed to take enforcement action where the breach comprises either: operational development, change of use to use as a single dwellinghouse, or breach of a condition preventing change in use of any building to use as a single dwellinghouse.

Ten years is the time allowed to take enforcement action for other breaches of planning control.

Where these time limits have passed, the Council will be unable to take enforcement action.

Serving an enforcement notice in respect of a particular development stops the clock in relation to these time limits. Therefore where the Council feels

that a breach may be close to a relevant time limit it may seek to take urgent enforcement action to prevent a lawful development situation.

Different time limits apply in respect of listed buildings, trees, and advertisements.

The difference between illegal and unauthorised

The basic principle is that it is not an offence to carry out works without planning permission.

The following unauthorised breaches of planning control are exceptions to this. They are criminal offences:

- carrying out unauthorised works to listed buildings;
- displaying unauthorised advertisements; and
- works to protected trees.
- Carrying out certain works without Conservation Area consent.

Failure to comply with the requirements of a planning notice is also an offence.

Whilst the carrying out of development without the necessary planning permission, is not *per se* an offence, there will be implications or consequences.

The Council's officers will need to consider these implications and consequences in order to determine whether the Council should take enforcement action and, if so, what action to take.

Although such a development will be unauthorised, the Council's officers must then consider the expediency of taking formal action. Members of the public sometimes refer to "illegal" development or works. Unauthorised works, although unauthorised, will not (with some limited exceptions as explained above) be "illegal" unless and until a statutory notice is issued and the owner or occupier fails to comply.

PART C -

Dealing with alleged breaches

6. Reporting a breach - guidance for members of the public

Managing expectations

Some residents feel that it is incumbent upon them to advise the Council of each and every possible breach of planning control and demand that its officers take action to "enforce".

The Council and its officers have duties to all of our residents, not merely those who shout the loudest. Resources are limited and must be shared across the borough, with priority being given to the issues that officers, in their professional opinion, consider to be the most important.

Whilst we are grateful for any "tip-offs" that we receive, we would ask that all of our residents please bear in mind the following:

- Enforcement powers are **discretionary**. Before taking enforcement action, **we (i.e. legal officers in conjunction with planning officers)** must be satisfied that such action is the right thing to do (that it is "expedient").
- Government guidance does not say that councils should take action against all unauthorised development, rather a council should take action where serious harm to local public amenity is being caused;
- A necessary corollary of the above is that similar breaches are not necessarily treated in a similar manner. Whilst the Council's officers will try to be proportionate in their dealings with breachers, a high fence in one garden might have a more harmful effect on residential amenity, or highway safety, than that in another. Our officers must and will consider these factors when deciding what, if any, action to take.
- Public interest and residential amenity does **not** equate to the residential amenity or interests of one member of the public, i.e. just because it "affects" one member of the public (or them and their neighbours), does not necessarily mean it affects residential amenity, or that there will be a public interest in taking action. An officer's assessment will depend on many factors, including the type and extent of the harm caused and the nature of the area etc.;
- The Government says that councils should try informal methods of resolving the matter before considering the use of legal powers. Where we can, the Council's officer will explore this. As a consequence:
 - action may not be immediate; and
 - compliance might be quicker in some cases than in others (for example, where planning applications have been made).

What information we need to investigate a breach

The Council's officers will consider all breaches of planning control of which they are made aware. In order to do so our officers need certain key information about the breach. Pre-requisites are the **full address of the site** and **full details of the alleged breach**.

If a member of the public wishes to report a breach they are asked to please use the [planning enforcement complaints form](#). This is available from the Council's website or from its Enforcement Officer. The more information that people provide (whether on this form or to the Council's Contact Centre officers), the easier it will be for the Council's officers to deal with the complaint.

If a member of the public wishes to continue to be involved, they must also please include a [consent form](#). Further information on why we ask people to complete a consent form in these circumstances, and on how we will use your information, is set out below

Please send completed forms by email to lucia.varo@ribblevalley.gov.uk or by post to: Planning Enforcement, Legal Department, Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, BB7 2RA.

Telephone complaints can be made by calling the Council's enforcement officer on 01200 414554 or the Council's switchboard 01200 425111.

Anonymous planning enforcement "tip-offs"

Some people may wish to report a breach anonymously. Anonymous allegations can be the result of private grievance or competitor based: there may be no basis to the allegation in planning terms. Our officers therefore have to be cautious in dealing with such anonymous complaints.

Investigation into anonymous allegations can be difficult to follow up if further information about an alleged breach of control cannot be obtained from an unknown complainant.

For these reasons anonymous complaints will only be investigated where the Council's officers have sufficient information. In such cases the decision whether to investigate will be made on the merits of the case, but, in general terms, anonymous complaints will be treated as low priority.

Private disputes between neighbours and boundary disputes etc where there has been no obvious breach of planning control will not be pursued.

There will however, be cases where the breach of planning control brought to our attention anonymously is causing demonstrable harm. In these cases, appropriate action will be taken.

If a member of the public wishes to make an anonymous allegation, they are asked to please download and complete the [planning enforcement complaints form](#) and to write ANONYMOUS in the personal details section. They should be aware that their involvement will end when they send us the planning enforcement complaints form.

Alternatively, a complainant may wish to refer the matter to either their local ward member or Parish Council representative who can put forward a complaint on their behalf.

Tip-offs or allegations from a named "complainant"

Alternatively, members of the public may wish to provide their name and details.

In these circumstances, they are asked to read the information below regarding how we will treat the information they provide to us.

This is not intended to "put off" people who wish to alert the Council to possible breaches; rather it is intended to make such people aware that the Council cannot guarantee that information provided to it will not have to be disclosed to the alleged breacher at some point in the proceedings.

How we will treat information from members of the public if they provide their name and address

We are grateful when people spend time alerting us about possible breaches.

However, as a public authority the Council is obliged to comply with the provisions of the Freedom of Information Act in respect of any information it holds.

A person's initial contact to us will be treated as implicitly confidential (unless they advise us in writing that they are happy for it to be disclosed). Should we receive a request for this information from someone else (e.g. from alleged breacher, or from any other member of the public), we will advise the complainant of this request, liaise with them, and will, in so far as the law allows us to, respect their wishes in terms of whether or not we disclose such information, i.e. if the complainant does not want their personal details to be disclosed we will try to ensure that they are not disclosed.

Unless the complainant advises us to the contrary, we will assume that they are happy for your involvement in the matter to end with this first contact.

If the complainant wishes to continue to be involved in this matter, we would ask that they please also sign and return a consent form. If we do not receive this form back, we will assume that they are happy to leave the matter in the hands of our officers from this point onwards.

If the complainant either returns the form and/or continues to send correspondence to, or telephone, the Council after this initial contact, they are asked to please be aware of the following:

- In some cases our investigations may lead to criminal proceedings. As a result criminal procedure disclosure obligations may apply to the Council in respect of the documents it holds. If correspondence between the complainant and the Council exists which may prejudice or help the defendant's case, this might have to be disclosed.
- Third parties (including the Property owner/breacher) might ask to see such correspondence before the case gets to Court. The Council would then have to make an assessment as to whether these documents should be disclosed pursuant to the provisions of the Freedom of Information 2000.
- We will endeavour to treat complainants and their information fairly. However, in some cases, when we contact the alleged "breacher", it becomes clear that a neighbour dispute exists between "complainer" and "breacher". In some cases it will be obvious to the "breacher" who the "complainer" is. Officers will be mindful that enforcement action must not be used in an attempt to settle neighbour disputes in such cases.

Although the Council will (up to a point) try to respect your wishes in terms of confidentiality, it must also bear in mind the competing rights of the person about whom you have complained (e.g. their right to a fair hearing).

In some circumstances we may even ask complainants to give evidence at the Magistrates' Court or Inquiry.

7. Dealing with a report of an alleged breach - First Steps

Evaluating the complaint

The Council's officers will consider all breaches of planning control of which they are made aware.

In order to do so our officers need certain key information about the breach.

Pre-requisites are the full address of the site and full details of the alleged breach. For example, an anonymous phone-call that someone has removed some windows somewhere near an off-licence on Smith Street, may well not be sufficient for our officers to investigate.

Further information on how to advise the Council that a breach is taking place is set out in section 6, above.

In order to assess alleged breaches our officers may do the following:

- carry out desktop research;
- review the planning history of the site;
- contact the "breacher" and seek further information from them;
- discuss the site with officers from other Council Departments who have knowledge of it, or visit the site themselves, and, where deemed necessary, take photographs or make measurements.

The Council does not have unlimited resources. Its officers therefore have to assess and to prioritise in order to determine what, if any, action to take according to the overall impact of the breach.

Resources will be targeted at pursuing cases where there is demonstrable harm.
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Some Councils allocate a formal "priority" rating to suspected breaches of planning control. The Council's planning enforcement team will follow an informal triage system with serious breaches, or breaches close to the statutory time limit, being treated as higher priority.

As the Council has a wide geographical area and is a small Council, we propose to tackle lower priority matters, such as unauthorised advertisements, in tranches, using an area-specific approach. This should ensure a proportionate response, but may mean that some "problem areas" continue to exist until that area is targetted for action.

Appropriate enforcement action will be taken where it can be demonstrated that there is significant harm caused through:

- the loss of residential amenity;
- loss of character of an area;

- development/use being contrary to Local Plan Policy;
- an unacceptable precedent.

In all cases it will be for the Council's officers to determine how the breach should be treated and what action is appropriate (residents and councillors own concerns or views, whilst relevant, are only one factor in a raft of considerations that an officer might have to take account of).

The following factors are some of the other things that will be borne in mind:

- Guidance recommends that enforcement action must be seen as a last resort. Officers are often able to resolve minor cases of unauthorised development through negotiation. They may well therefore try to do so as a first course of action in appropriate cases.
- There will be instances where rapid action will be the only appropriate response. Prosecutions will therefore be pursued, where appropriate, including where negotiations fail to yield results.
- Enforcement action must not be used to regularise a breach where no harm is caused, or in an attempt to settle neighbour disputes.

If no breach of planning control is established

A significant number of investigations are closed because no breach of planning control is established. This can be for a number of reasons. For example:

- There is no evidence that a breach exists;
- Development has taken place but planning permission is not required, usually because the development benefits from permission granted under the Town and Country Planning (General Permitted Development) Order 1995, as amended. These rights are referred to as permitted development or "PD" rights.
- The development already benefits from planning permission granted by the Council.
- There is evidence that the time-limits for taking enforcement action have passed.

It may also be the case that, whilst a technical breach of planning control has taken place, the breach is so minor that it has little, or very little impact on amenity. Such a breach will be considered *de minimis* in planning terms and no formal action could be taken in this respect.

Responding to complainants

If a complainant/breach reporter provides contact details and indicates that they are happy to be contacted by the Council, a Council Officer will write to them once (by email or by post) to confirm receipt of the complaint.

Whether the Council remains in contact with that person, will depend upon whether or not they have indicated that they wish to continue to be informed. Even where they do wish to be kept informed, the Council has limited resources and is not able to provide regular updates to complainants. Our officers will endeavour however, to let people know when we have:

- successfully prosecuted someone; and
- taken a decision to take no further action.

We would respectfully ask that residents do not repeatedly visit our offices or call/email our officers requesting updates. This distracts us from doing our job and slows progress.

8. Dealing with an alleged breach – Stage Two

Dealing with persons responsible for the alleged breach

Before determining what action is to be taken in respect of an enforcement enquiry, the person responsible for the alleged breach of planning control will be given the opportunity to explain his/her position and to put forward any mitigating circumstances.

Usually, the Enforcement Officer or Principal Planning Officer will discuss the matter with the person responsible who will be advised in writing of the Council's intended course of action.

Unless the breach is causing irreparable harm to amenity, officers will often try, as an initial step, to negotiate a solution without recourse to formal enforcement action. Where we are unable to negotiate an acceptable solution within a reasonable timescale, or where it is clear from the outset that the breach is not capable of being remedied through negotiation, formal enforcement action will be taken.

Not taking enforcement action

In some cases it may not be expedient for the Council to take enforcement action. For example:

- Where the complainant believes that there has been a planning breach but all, or the majority of the development, is covered under permitted development legislation;
- Where retrospective planning permission or a certificate of lawfulness is likely to be granted.
- Where a technical breach of planning control has taken place, but the breach is so minor that it has little, or very little impact on amenity. Such a breach will be considered *de minimis* in planning terms and no formal action could be taken in this respect. For example, a 2.1 metre high fence which was not adjacent to the highway and did not affect the visual amenity or character of the area, might be considered to be *de minimis*.
- Where the time limits for taking action for that type of breach have been exceeded.

Taking enforcement action

The Council will take prompt and appropriate enforcement action where serious harm to the amenity of local residents or specially designated areas is identified.

Enforcement action may only be taken in the public interest and should not be used to resolve disputes of an essentially private nature between, for example, adjacent land-owners or competing businesses.

In some cases, further investigations will be required in order to gain sufficient evidence to prove whether or not a breach of planning control is taking place.

Once a decision to take formal action has been made, Council officers will consider the full range of powers to ensure the most proportionate and expedient response. The powers available are outlined briefly below. The use of these can vary depending upon the nature of the breach and the level of harm caused.

Stop notices

In appropriate circumstances, i.e. where the continuation of unauthorised development is significantly harmful, the Council may issue a Stop Notice or a Temporary Stop Notice as deemed appropriate. A stop notice must be served at the same time as or after the service of an enforcement notice. This will require the immediate cessation of the unauthorised operation or use of land or buildings.

Planning contravention, and other information gathering, notices

In circumstances where there's uncertainty as to whether or not a breach of planning control has occurred, or where it needs to establish the facts, the Council may issue a Planning Contravention Notice (**PCN**). This does not constitute formal enforcement but it is an information-gathering tool. Alleged transgressors can also be invited to attend a meeting to discuss possible breaches of control through this Notice. There is a legal requirement to respond, in writing, to the questions posed in the Notice within 21 days of receipt of the Notice.

A PCN will be served in most cases as a precursor to an enforcement notice to seek to obtain all relevant information.

A similar tool to a PCN is a formal Requisition for Information served under section 16 of the Local Government (Miscellaneous Provisions) Act 1976. This is generally used where Council officers need to find out about interests in land and property. Another type of notice can also be served pursuant to powers under section 330 of the Town and Country Planning Act 1990.

Enforcement notices

In certain circumstances the Council may issue an enforcement notice.

The service of an Enforcement Notice will normally only be considered as the last resort and when negotiations have failed to resolve a breach of planning control. In appropriate cases consideration will first be given to other remedial options, for example:

- requesting the submission of a retrospective planning application;
- reaching an agreement that the breach can be remedied with a reasonable timescale; or
- negotiating the relocation in respect of certain uses of land or buildings.

Enforcement Notices must specify clearly the nature of any breach of planning control, the reasons for issuing the Notice and steps which must be taken in order to remedy the breach. A reasonable timescale for taking the required steps must also be specified. There is a right of appeal against such a Notice

where all of these matters can be challenged. If an appeal is lodged, the requirements of the Notice must be held in abeyance until such a time as the appeal is determined by the Planning Inspectorate.

We are required to serve enforcement notices on the owner, occupier and any other person with an interest in the land which is materially affected by the notice.

Non-compliance with an Enforcement or Stop Notice is a criminal offence and the Council will view a continued breach very seriously. Court proceeding will almost inevitably follow.

The Local Planning Authority has powers to enter land and take such steps as are necessary in order to secure compliance with the terms of an Enforcement Notice and seek to recover costs incurred from the transgressor.

Breach of condition notices

Where a breach of planning condition is identified a Breach of Condition Notice (**BCN**) may be issued. The minimum time for compliance with a BCN is 28 days. There is no right of appeal against this Notice and non-compliance can result in prosecution.

Section 215 notices

In cases where the amenity of an area is adversely affected by the condition of land or buildings, and the Council's officers consider it appropriate to do so, the Council will consider serving a notice under Section 215 of the Town and Country Planning Act 1990 (as amended). This will specify the steps taken to remedy the condition of the land or buildings, the time period within which the steps must be taken, and the date that it takes effect.

Prosecutions

As explained in section 5, not all unauthorised development will be criminal. However, where the Council considers that a criminal offence has been committed, including in circumstances where an enforcement notice, or another type of notice, has not been complied with, the Council will consider commencing a prosecution.

Before commencing any legal proceedings the Council's officers will need to be satisfied that there is sufficient evidence to offer a realistic prospect of conviction and that the legal proceedings are in the public interest.

Direct action

Where any steps required by an enforcement notice or a section 215 or 225 notice have not been taken within the compliance period (other than the discontinuance of the use of land), the Council's officers will consider whether it is expedient to exercise their powers to take direct action. In most cases, the Council will seek to prosecute the failure to comply with a notice before seeking to initiate direct action.

Injunctions

We will consider applying for an injunction in the appropriate circumstances. Such action will only be considered if the breach, actual or anticipated, is particularly serious and is causing, or is likely to cause, exceptional harm.

Advertisements displayed in contravention of the Regulations

Unlike most spheres of planning control, the display of advertisements without consent is an offence. The Council therefore has power to initiate prosecutions without the need to issue a notice.

In respect of the display of a sign or advertisement which needs but does not have advertisement consent, the council's officers will contact any person deemed to display the advertisement and give them one opportunity to remove the advertisement voluntarily.

If the sign is not removed within a reasonable timescale the Council's officers will then consider:

- initiating a prosecution of such person or persons; and/or
- removing or obliterating the advertisement after serving the appropriate notices and recouping their costs from those served with the notice.

The Localism Act has introduced new provisions to deal with advertisements: removal notices, action notices and powers to remedy the defacement of property. The Council's officers will consider the use of these powers where appropriate.

Trees

The Council's Countryside Officer is responsible for initial investigations concerning unauthorised felling of, or other works to, trees which are the subject of tree preservation orders or are within a conservation area.

How long will enforcement action take?

One complaint that Councils receive in respect of planning enforcement is that officers do not act quickly enough or that results take too long to achieve.

There are various factors which can slow the process down, for example:

- Exercise of the right to appeal against an enforcement notice;
- The use of informal methods to try to resolve the matter which do not yield the results hoped for;
- Submission of a retrospective application for planning permission.

Whilst the Council's officers will do what they can to achieve a given result in a specific case, they have to look at the big picture and frequently have to divide limited resources across a broad range of matters. It would help us to progress matters as swiftly as possible if we are not interrupted by "update" phonecalls, emails or visits from complainants unless these are absolutely necessary.

9. Retrospective planning applications

A person or persons responsible for a breach of planning control has the right to seek to regularise the matter through the submission of an application for retrospective planning permission.

Where officers consider that planning permission is likely to be granted for an unauthorised development, or that the imposition of conditions could reduce

the harm to amenity, a retrospective planning application will normally be granted for development.

In determining such applications the Council cannot refuse an application simply because the development has already been carried out.

The Council will not encourage such applications in respect of serious breaches of planning control where the granting of retrospective permission is considered to be unlikely.

There are cases where it is initially unclear as to whether a development is acceptable in planning terms. In those cases (particularly where it is clear that the development could not be carried out under permitted development rights), an application may be necessary to obtain full details of the intended development.

It is, of course, preferable for people to obtain planning permission before carrying out development. Where they have not done so, an enforcement notice should not be issued solely to regularise development which is acceptable on its planning merits. In such circumstances the Council will seek to persuade an owner or occupier to seek permission. However, it is generally regarded as unreasonable for a council to issue an enforcement notice solely to remedy the absence of a valid planning permission if there is no significant planning objection to the breach of planning control.

Where a retrospective application has been submitted, enforcement action will not be held in abeyance pending the outcome of the application where there is a serious breach of control. However, it may be the case that prosecutions have to be adjourned in certain circumstances pending the result of such applications.

In the case of less serious breaches of control, formal enforcement action may be held in abeyance pending the outcome of a retrospective application, but, if the application is refused then formal action will be taken in all cases where there is expediency and negotiations have proved ineffective and, if an appeal has been lodged, the Council will in appropriate cases continue to take enforcement action against the refusal of planning consent.

10. Monitoring conditions

Every year the Council determines numerous applications for planning permission, listed building and advertisement consent, the majority of which are approved subject to conditions.

The Council does not have the resources to monitor each and every condition but its officers will investigate alleged breaches of condition reported to it and will deal with these in the same way as other alleged breaches of planning control .

Where resources permit planned, subject based monitoring of conditions will be carried out eg to check compliance with holiday let or agricultural occupancy conditions.

Recommended Delegation of Functions – Planning Enforcement

Matter to be dealt with	Member involvement	Officers	Comments
Authorisation and investigation			
Authorisation of officers (where not already authorised by Officer Delegation Scheme)	Full committee		The Officer Delegation Scheme delegates to certain post holders. Additional delegations to be approved by Planning Committee
Establishing whether there has been a breach without a warrant (usual checks and visits)	N/A	Enforcement Officer (Planning) Taxi Enforcement Officer All planning officers Head of Legal and Democratic Services Chief Executive Director of Community Services Solicitor Countryside Officer	Council has power without a warrant at any reasonable time. Section 196A TCPA 24 hour notice required for entry to a dwelling. Section 214B TCPA (trees) Officers should be authorised by Committee if not already authorised by Officer Delegation Scheme (see above)

Matter to be dealt with	Member involvement	Officers	Comments
Seeking a warrant to establish breach	Chair or Vice Chair	Enforcement Officer (Planning) All planning officers Head of Legal and Democratic Services Chief Executive Director of Community Services Solicitor Countryside Officer	Section 196B
Decisions as to enforcement action, general			
Decision to take no further action at that time	N/A	Enforcement Officer (Planning) Head of Legal and Democratic Services Solicitor Chief Executive	Officers should record reasons for decision: e.g. <ul style="list-style-type: none"> • Immunity due to time limits (s171B TCPA and s 191(2) and (3)); • Not expedient and why (proportionality, /amenity, personal circumstances); • Compromise reached.
Decision to serve a planning contravention notice (PCM)		Head of Legal and Democratic Services Planning Enforcement Officer Solicitor	Used by Council to obtain information on possible breaches of planning control (section 171C TCPA)

Matter to be dealt with	Member involvement	Officers	Comments
Decision to serve a notice under section 330 TCPA		Head of Legal and Democratic Services Planning Enforcement Officer Solicitor Chief Executive Director of Community Services	
Decision to serve a notice under section 16 of the Local Government Miscellaneous Provisions Act 1972		Head of Legal and Democratic Services Planning Enforcement Officer Solicitor Chief Executive Director of Community Services	
Decision to grant a CLEUD		Head of Planning Services /Planning Officers Director of Community Services	Section 191 TCPA

Matter to be dealt with	Member involvement	Officers	Comments
Decision to serve stop notice		Head of Legal and Democratic Services Solicitor Chief Executive Director of Community Services Head of Planning Services	Section 183 TCPA (can only be served with EN) Must be registered (s 188(1)(b))
Decision to serve an enforcement notice (EN) Unauthorised development Material change of use Failure to comply with condition.		Head of Legal and Democratic Services Solicitor Director of Community Services Chief Executive Head of Planning Services Planning Enforcement Officer Senior Planning Officer (Enforcement)	Sections 171, 172 and 173 TCPA. Entry should be made in register (s188(1)(a) TCPA.
Appeal against enforcement notice		Senior Planning Officer (Enforcement) Head of Planning Services Head of Legal and Democratic Services	Section 174

Matter to be dealt with	Member involvement	Officers	Comments
Decision to serve a temporary stop notice		Head of Legal and Democratic Services Solicitor Chief Executive Director of Community Services Head of Planning Services	Section 171E TCPA Compensation may be payable to the recipient of the TSN if the TSN is withdrawn or the activity prohibited is lawful
Decision to obtain an injunction		Head of Legal and Democratic Services Solicitor Chief Executive Director of Community Services Head of Planning Services	Application to High or County Court. S187B TCPA. Section 214A TCPA (trees)
Decision to serve a breach of condition notice (BoCN)		Head of Legal and Democratic Services Planning Enforcement Officer Solicitor Chief Executive Director of Community Services	Section 187A TCPA Section 187(2)(a) and (b) and Section 187A(7) TCPA Must be registered (s188(1)(c)) No right of appeal against BoCN but shouldn't be used where any legal doubt about validity of condition.

Matter to be dealt with	Member involvement	Officers	Comments
Decision to withdraw any notice served		Head of Legal and Democratic Services Chief Executive Director of Community Services	e.g. 173A TCPA
Decision to seek a Planning Enforcement Order		Head of Legal and Democratic Services Solicitor Chief Executive Director of Community Services	Application to Magistrates'
Prosecution for contravention of stop notice		Head of Legal and Democratic Services Chief Executive Director of Community Services	Section 187(1) TCPA
Prosecution for breach of enforcement notice		Head of Legal and Democratic Services Chief Executive Director of Community Services	

Matter to be dealt with	Member involvement	Officers	Comments
Decision to take direct action		Head of Legal and Democratic Services Chief Executive Director of Community Services Head of Planning Services Planning Enforcement Officer	Section 178 TCPA
Enforcement of listed building control			
Prosecution under section 9		Head of Legal and Democratic Services Chief Executive Director of Community Services Solicitor	Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA)
Decision to serve a listed building enforcement notice (LBEN) or a conservation area enforcement notice		Head of Legal and Democratic Services Solicitor Director of Community Services	Section 38 PLBCAA
Decision to seek an injunction (e.g. for an anticipated breach)		Chief Executive Head of Planning	Section 39 PLBCAA

Matter to be dealt with	Member involvement	Officers	Comments
Appeals against LBEN		Services Planning Enforcement Officer Senior Planning Officer (Enforcement)	
Tree Preservation Orders			
Decision to serve a tree replacement notice		Head of Legal and Democratic Services Solicitor	Section 207 onwards TCPA
Appeal against TRN		Director of Community Services	TCPA
Prosecution for contravention of TPO		Chief Executive Head of Planning Services Countryside Officer Planning Enforcement Officer Senior Planning Officer (Enforcement)	Section 210 TCPA
Advertisements			
Prosecution under section 224		Head of Legal and Democratic Services	Section 224 TCPA
Decision to serve 225 notice and to take direct action		Chief Executive Solicitor	Section 225 TCPA
Decision to use section 225A powers		Director of Community Services	Power to remove structures used for unauthorised display

Matter to be dealt with	Member involvement	Officers	Comments
Decision to use section 225C powers		Planning Enforcement Officer	Persistent problems with unauthorised advertising
Section 215			
Decision to serve a s215 Notice		Head of Legal and Democratic Services	Section 215 TCPA
Appeals against 215 Notice		Solicitor	Section 217 TCPA
Prosecution for non-compliance		Chief Executive	
Decision to take direct action		Director of Community Services	
		Planning Enforcement Officer	

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 21 AUGUST 2014
title: STATISTICAL REPORT ON LISTED BUILDING APPLICATIONS
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: JOHN MACHOLC – HEAD OF PLANNING SERVICES

1 PURPOSE

1.1 To inform Members on the determination rate of listed building applications in the years 2006 to 2013. The report also highlights the complexities that surround the determination of listed building applications.

1.2 Relevance to the Council's ambitions and priorities:

- Corporate Priorities – To protect and enhance the environmental quality of our area and to be a well run and efficient Council.
- Other Considerations – None.

2 BACKGROUND

2.1 It is important to give an analysis of the determination rate of all types of application but on the basis of the request in relation to an average determination rate for listed building applications over the last 8 years, a report has been prepared giving details in relation to not only the average determination rate over the last 8 years but also a breakdown as to the percentage of determination rates within various timeframes. The breakdown, which is accurately reflected in the pie charts shown as Appendix 1 to this report, uses the determination rate up to a target of 8 weeks, and a further breakdown in relation to 9-12 weeks, 13-20 weeks and over 20 weeks. Information within this report also gives a breakdown of the number of applications refused and number of applications approved.

2.2 When considering proposals for listed building applications, they often require extensive consultations with historic amenity groups such as Victoria Society as well as English Heritage. In many instances the consultation responses are not received within the statutory period of 28 days and in some cases it is often important to wait for the outcome of the consultation response before making a decision. The nature of the reply may also require the need to obtain additional information which could lead to a delay in the decision. Members are fully aware of the importance of protecting the heritage and therefore it is essential to give full consideration of any impact a proposal would have on the character of the listed building and its setting. Listed building applications often require a statutory notice to be located on site as well as a newspaper advertisement.

2.3 In many cases applications that relate to listed buildings require a more detailed checklist than most other minor applications. It is often the case that insufficient or inadequate information is included at the time of the submission. It is often the case that applications have either been made invalid or additional information requested which has caused further delay in the determination of the applications. It is regretful that there are many instances where proposals do not include sufficient information to allow a speedy decision other than to recommend a refusal. In most situations the Council request additional information so as to enable a full assessment rather than to refuse on the grounds of lack of information.

3 ISSUES

- 3.1 It was requested that an average determination rate be given for all listed building applications submitted from 2006-2013. I am of the opinion that this is of limited value and that the submitted pie charts for each year is of more use in informing Committee in relation to determination of listed building applications. However, I can advise Members that the average determination rate for listed building applications from 2006 to 2013 is 10 weeks, 3 days.
- 3.2 In relation to appeals on listed building applications, I can advise Members that the success rate, ie appeals dismissed, is approximately 70%.
- 3.3 It is evident from the pie charts in Appendix 1 that there is a drop in determination rates within the 8 week period over the last 2 years and this is partly due to workload issues arising from the increase in number of listed building applications and the need to allocate officer time on the Public Inquiry at Whalley and on the Heritage Partnership Agreement with English Heritage and Stonyhurst College.
- 3.4 There have been some concerns about the delay in the determinations of listed building applications but it is important to emphasise that they often require complex evaluation on the implications of the proposal as well as a historical assessment of the significance of the building or works affected.
- 3.5 I am aware that many submitted schemes lack information and many submitted proposals do not include a justification for the alterations. In order to improve the quality of the submissions it may be beneficial to provide a detailed validation checklist on listed buildings as well as a general reminder to planning agents of the importance and need for high quality submissions and to engage in pre-application advice. It is hoped that this will assist on improving the speed of decisions in relation to listed buildings.

4 CONCLUSION

- 4.1 I am mindful that there has been a decline in determination rate in recent years but I am satisfied that the majority of the applications are still determined within the 8 week period. However it is important to continue to monitor the determination rate of not just listed building applications but all planning applications as this is an important measure in relation to performance and service delivery of the planning service.

5 CONCLUSION

- 5.1 Note the contents of this report.

JOHN MACHOLC
HEAD OF PLANNING SERVICES

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

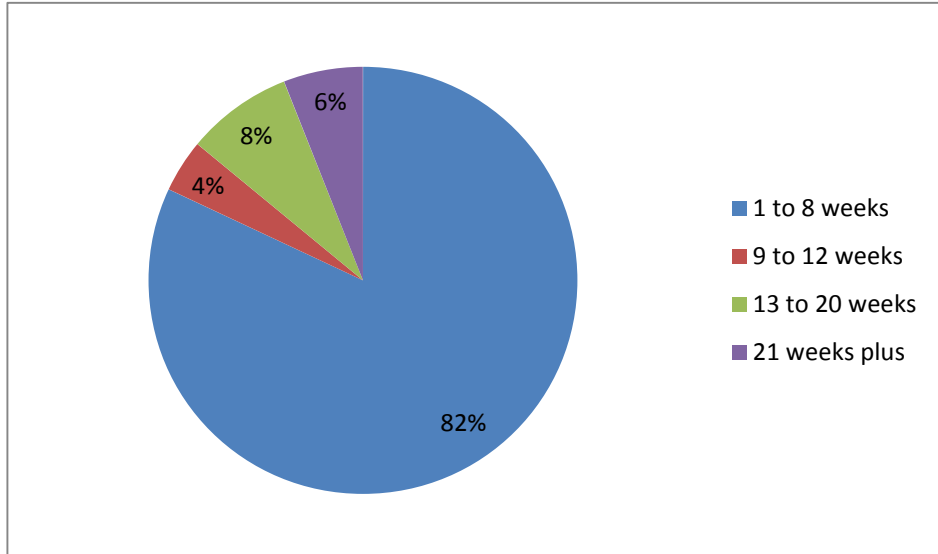
BACKGROUND PAPERS

1. Internal statistical report using MVM system.

For further information please ask for John Macholc, extension 4502.

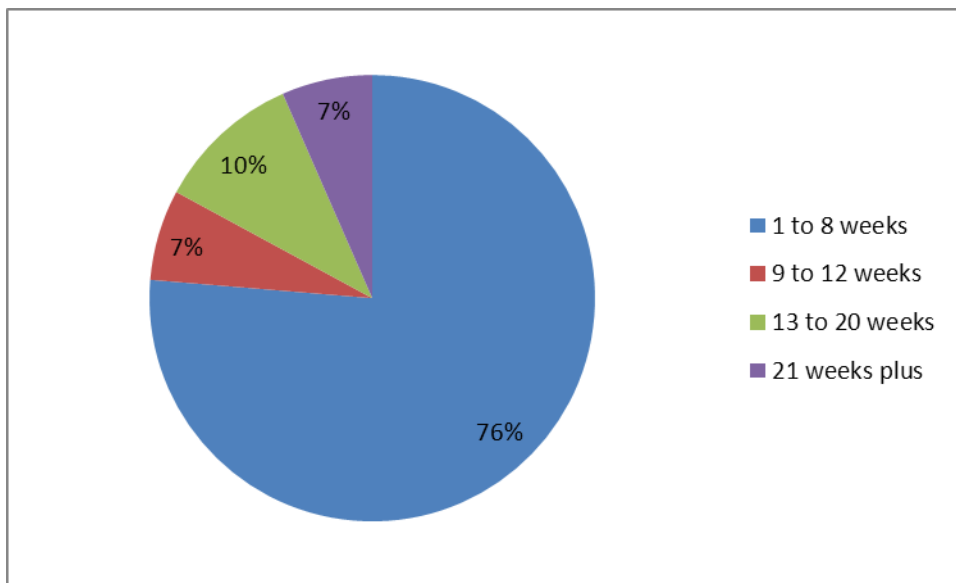
Average Determination Rate on Listed Building Applications

2006 Chart reflecting the turnaround period for Listed Building planning applications in weeks.



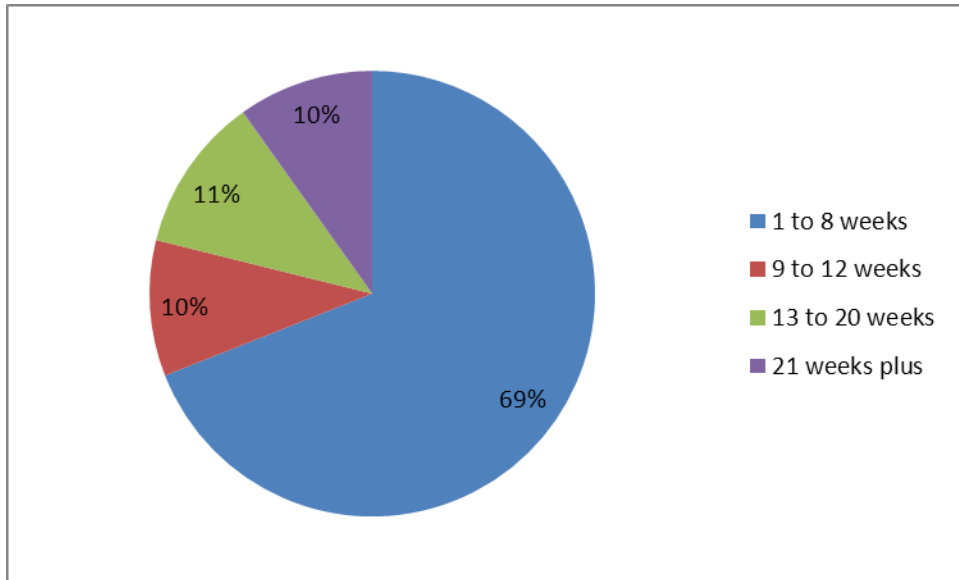
1 to 8 weeks	9 to 12 weeks	13 to 20 weeks	21 plus weeks
41	2	4	3

2007 Chart reflecting the turnaround period for Listed Building planning applications in weeks.



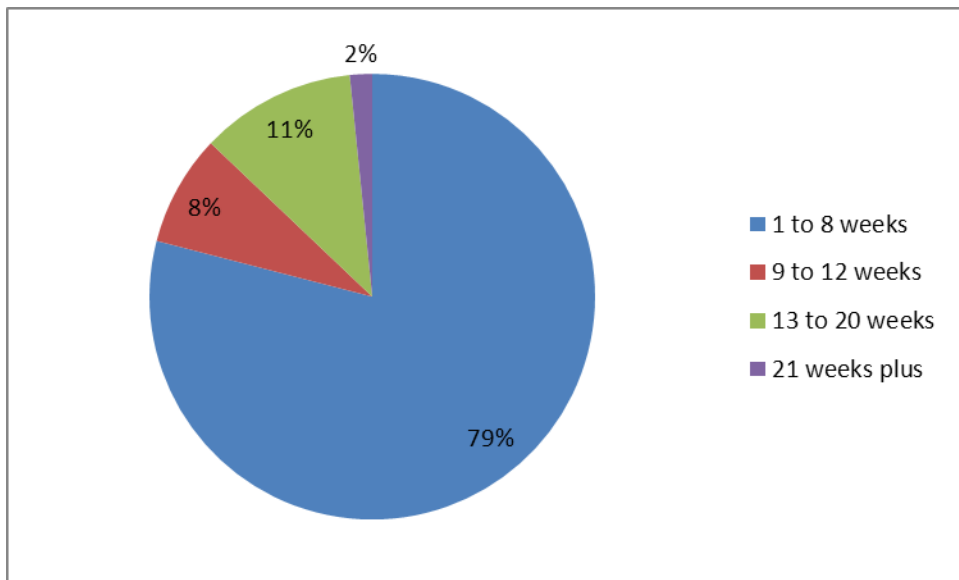
1 to 8 weeks	9 to 12 weeks	13 to 20 weeks	21 plus weeks
58	5	8	5

2008 Chart reflecting the turnaround period for Listed Building planning applications in weeks.



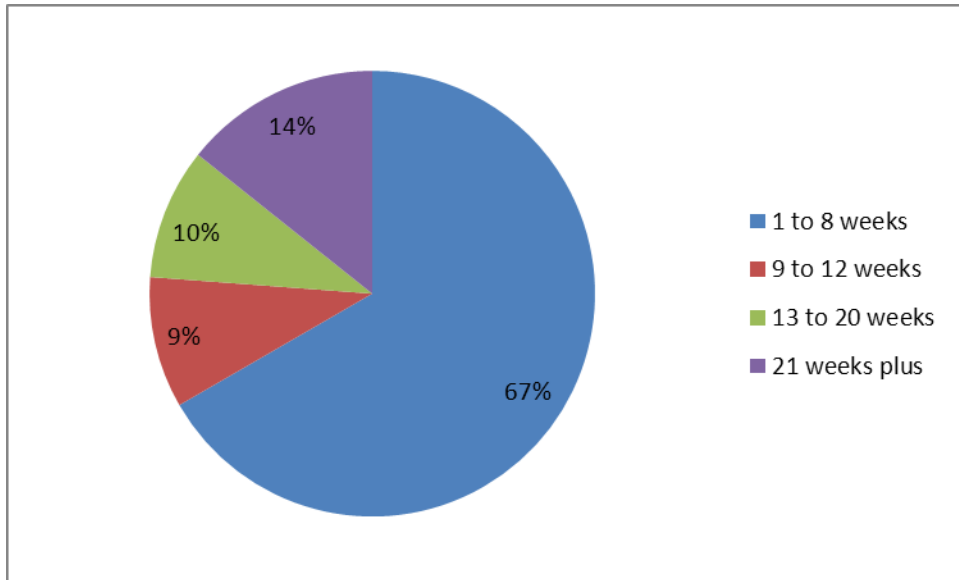
1 to 8 weeks	9 to 12 weeks	13 to 20 weeks	21 plus weeks
49	7	8	7

2009 Chart reflecting the turnaround period for Listed Building planning applications in weeks.



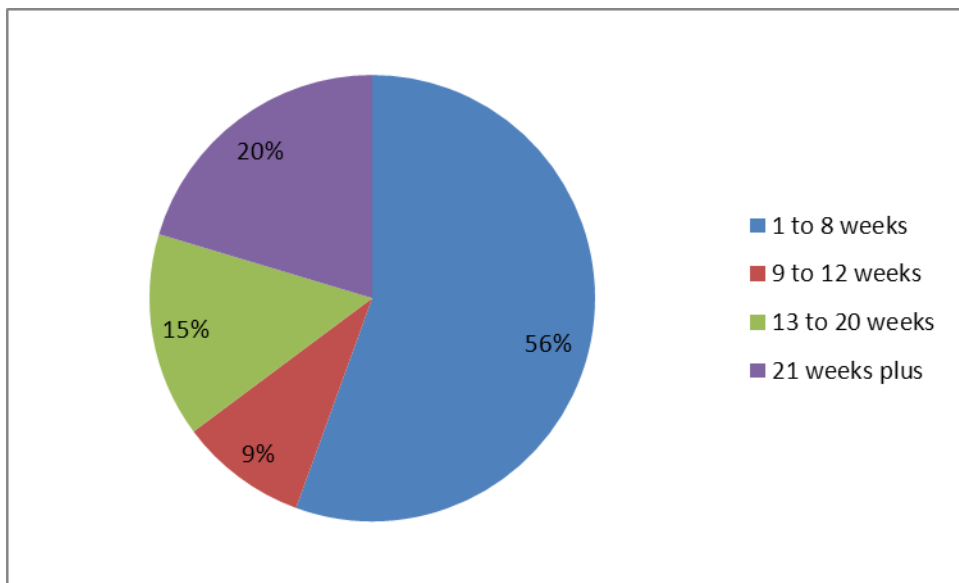
1 to 8 weeks	9 to 12 weeks	13 to 20 weeks	21 plus weeks
49	5	7	1

2010 Chart reflecting the turnaround period for Listed Building planning applications in weeks.



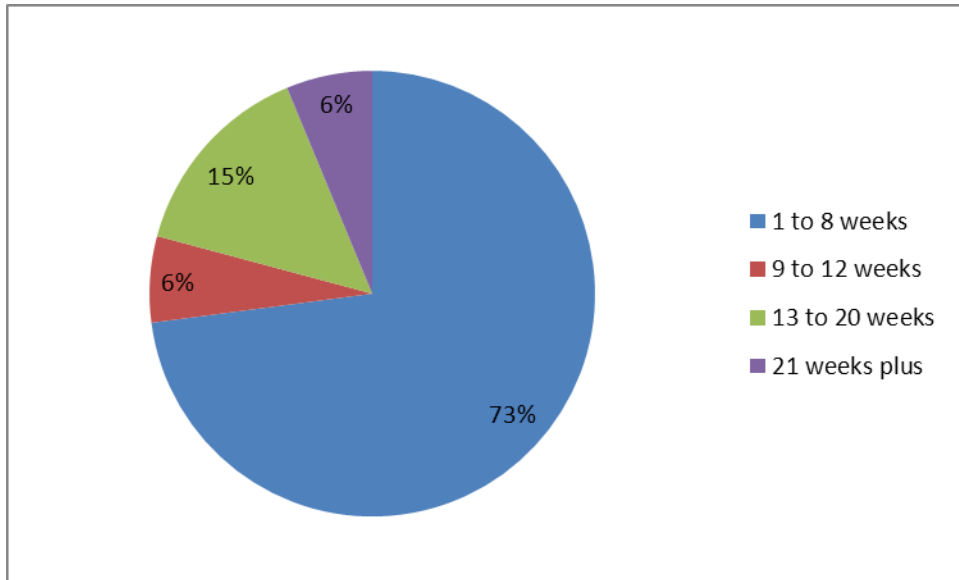
1 to 8 weeks	9 to 12 weeks	13 to 20 weeks	21 plus weeks
28	4	4	6

2011 Chart reflecting the turnaround period for Listed Building planning applications in weeks.



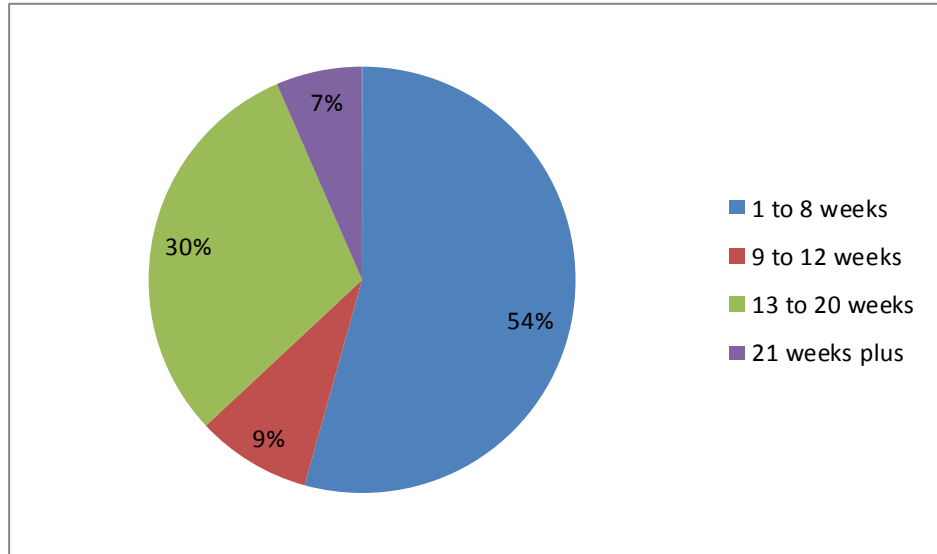
1 to 8 weeks	9 to 12 weeks	13 to 20 weeks	21 plus weeks
30	5	8	11

2012 Chart reflecting the turnaround period for Listed Building planning applications in weeks.



1 to 8 weeks	9 to 12 weeks	13 to 20 weeks	21 plus weeks
35	3	7	3

2013 Chart reflecting the turnaround period for Listed Building planning applications in weeks.



1 to 8 weeks	9 to 12 weeks	13 to 20 weeks	21 plus weeks
25	4	14	3

Table 1.1. Listed Building application decisions and turn-around time scales in weeks and days.

