

# RIBBLE VALLEY BOROUGH COUNCIL

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Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** is at **6.30pm** on **THURSDAY, 12 FEBRUARY 2015** 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 15 January 2015 – 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. Proposed Council Consultation Response to Bolton-by-Bowland Draft Neighbourhood Plan – report of Director of Community Services – copy enclosed.
- ✓ 7. Tree Works Notification, Spex Opticians – report of Director of Community Services – copy enclosed.
- ✓ 8. Confirmation of Dilworth Lane, Longridge – No 4 Tree Preservation Order 2014 – report of Director of Community Services – copy enclosed.
- ✓ 9. Housing Land Availability – report of Director of Community Services – copy enclosed.

#### INFORMATION ITEMS

- ✓ 10. New Government Policy Section 106 Agreements – report of Director of Community Services – copy enclosed.
- ✓ 11. Appeals:
  - (a) 3/2014/0501 – Change of use to C3 dwelling and construction of 2 No new two storey 4 bed dwellings and 2 No new 2 storey 5 bed dwellings at Longsight Road, Copster Green – appeal dismissed.
  - (b) 3/2014/0151/P – proposed single and two storey rear extensions. re-build 3 No external walls (in bad condition). Renew roof complete (defective timbers). Roof removed prior to application. Condition number 5 in dispute regarding doors and windows being in timber. Resubmission of application 3/2014/0840 at Lower Abbott House Farm, Abbott Brow, Osbaldeston– appeal allowed – condition 5 deleted and substituted
  - (c) 3/2014/0537/P – extensions and alterations to dwelling, creation of new vehicular access and access alterations. Erection of one dwelling/conversion of building to form holiday cottage and change of use of paddock to residential curtilage without complying with condition attached to planning permission 3/2009/0640/P – condition number 2 in dispute regarding occupation period at Pinfold Cottage, Tossie, Skipton – appeal dismissed.
  - (d) 3/2014/0462/P – outline application for one dwelling at land adjacent Glen View, Lower Road, Longridge – appeal dismissed.
  - (e) 3/2014/0143/P – erection of 4 No three bedroom houses at land adjacent 52 Chapel Hill, Longridge – appeal dismissed.
  - (f) 3/2014/0605/P – residential development for one dwelling at land off Pendle Street East, Sabden – appeal dismissed.
  - (g) 3/2014/0535/P – residential development at Oaklands, Longsight Road, Clayton-le-Dale – appeal dismissed.

- (h) 3/2014/0804/P – spiral stair to allow external access to first floor of the property at 22 Wellgate, Clitheroe – appeal dismissed.
- (i) 3/2014/0075/P – proposed conversion of two traditional farm buildings into two full open market dwellings and the demolition and re-building of an existing farmhouse at Sheepfold Farm, Balderstone Hall Lane, Balderstone – appeal dismissed.
- (j) 3/2014/0419/P – proposed dwellinghouse at 7 Whins Lane, Simonstone – appeal dismissed.
- (k) 3/2014/0711/P – proposed two bedroom bungalow at 5 Cowper Place, Sawley – appeal dismissed.

12. Reports from Representatives on Outside Bodies (if any).

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

- ✓ 13. Planning Appeal at Dilworth Lane, Longridge – Appointment of Consultants – report of Director of Community Services – copy enclosed.
- ✓ 14. Planning Appeals Risk Assessment – report of Director of Resources – copy enclosed.

INDEX OF APPLICATIONS BEING CONSIDERED MEETING DATE 12 FEBRUARY 2015						
	<u>Application No:</u>	<u>Page:</u>		<u>Officer:</u>	<u>Recommendation:</u>	<u>Site:</u>
<b>A</b>	<b>APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS:</b>					
					NONE	
<b>B</b>	<b>APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR APPROVAL:</b>					
	3/2014/0096/P	1		JM	AC	16 Spring Gardens Waddington
	3/2015/0008/P	4		AD	AC	Rose Garden Clitheroe Castle Grounds
<b>C</b>	<b>APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL:</b>					
					NONE	
<b>D</b>	<b>APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED</b>					
					NONE	
<b>E</b>	<b>APPLICATIONS IN 'OTHER' CATEGORIES:</b>					
					NONE	

**LEGEND**

AC Approved Conditionally  
R Refused  
M/A Minded to Approve

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

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, 12 FEBRUARY 2015  
 title: PLANNING APPLICATIONS  
 submitted by: DIRECTOR OF COMMUNITY SERVICES

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

APPLICATION NO: 3/2014/0996/P (GRID REF: SD 372988 443572)  
 PROPOSED CHANGE OF USE OF HAIRDRESSERS SHOP TO A ONE BEDROOM GROUND FLOOR FLAT AT 16 SPRING GARDENS, WADDINGTON, BB7 3HH

PARISH COUNCIL: No observations received at the time of preparing this report.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): The proposed development is a change of use from existing hairdressers shop to a one bedroom flat. It is believed that there would be less frequency of the vehicles visiting the site than the previous business and as such there was a highway betterment. It is possible that the occupant's flat may have one vehicles and currently there is no parking restrictions on the road adjacent to the proposed development and as such it is possible to accommodate one vehicle and the site is on the road of the vicinity of this development. No objection to the proposed development on highway grounds.

ENVIRONMENT AGENCY: Originally objects on the grounds of the inadequacy of the Flood Risk Assessment. A revised Flood Risk Assessment has been submitted and as yet there is no reply to the revised strategy. Update to be reported verbally.

ADDITIONAL REPRESENTATIONS: No representations received.

### **Proposal**

Permission is sought for a change of use of a former hairdressing salon to a one bedroom flat at 16 Spring Gardens, Waddington. The property is a ground floor unit. There is no parking available within the site and it is situated on the edge of the Conservation Area of Waddington.

### **Site Location**

The property is on the edge of Waddington Conservation Area within the built up area of Waddington and predominantly surrounded by residential properties. It is situated on the main road known as Waddington Road although the property is known as Spring Gardens. The property falls within the settlement boundary of Waddington and is designated a Tier 2 settlement as part of the Adopted Core Strategy.

## **Relevant History**

None.

## **Relevant Policies**

Key Statement DS1 – Development Strategy.

Key Statement H2 – Housing Balance.

Policy DMG2 – Strategic Considerations.

Policy DMG1 – General Considerations.

Policy DMR4 – Retail Outside the Main Settlement.

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

The main issues to consider in relation to this application relate to residential amenity, highway safety, loss of employment use and the Council's Development Strategy in relation to the provision of new housing.

In relation to residential amenity I do not consider that the creation of a ground floor flat would cause harm to residential amenities of adjacent dwellings. The property is surrounded by residential dwellings and this unit forms one of a block of terraced dwellings. There would be some overlooking as a result of the proposal but this is minimised as the most affected window of the adjacent dwelling is obscure glazed.

Having regard to highway implications it is clear that the County Surveyor recognises that the previous use may have resulted in more vehicular activity and although there is no provision for off-street parking there is no objection from Lancashire County Council Highway Authority on this matter.

The property has been marketed and there has been no demand for a hairdressing facility or other type of employment use. Although it is regrettable to lose any facility that serves the local community I do not consider that the loss of this business use would be significant harm to the vitality of the local community.

The key issue that remains to be considered relates to whether or not the provision of an additional residential property, albeit a small one bedroom flat, would be harmful to the Adopted Core Strategy and in particular the settlement hierarchy. Policy DMG2 in relation to Tier 2 villages requires that the development should either:

- be essential to the local economy;
- needed for the purpose forestry agriculture;
- for local needs housing and meets and identified need;
- small-scale tourism or recreation development;
- small-scale uses appropriate to a rural area.

It is evident that over the plan period there are no houses to be allocated for Waddington and as such there is no residual requirement for a market house in this location. So unless the proposal is either local needs housing or has recognised regeneration benefits it should be resisted.

It is accepted that the proposal would create a small flat and by nature of its size would potentially provide provision for a reasonably low priced unit. The SHMA concluded that there is a need for both market and affordable 1 bed units. The applicant has indicated they are not willing to have an affordable units restriction and so this application must be seen as providing a 1 bedroom market dwelling.

The applicant considers that this development would provide regeneration benefits via the construction and introduction of a new household, but it is clear that this would provide limited benefits, I am fully aware that each application is considered on its merits but it is worth noting that an Inspector has given little regard to economic benefits of one dwelling in two recent planning appeals.

### Conclusion

It is accepted that this scheme would not result in any significant visual harm and there is some benefit in providing a 1 bedroom flat as this is identified need and would add to the range of housing provision in the locality and borough.

I am mindful that the Adopted Core Strategy which identifies Waddington as a Tier 2 settlement where there is no requirement for market housing and that it should be limited to local needs and regeneration benefits. I consider that this is an exceptional case as it does not include new build, ensures the vitality of an existing building in a prominent location and would add to the range of house types throughout the borough and also help to meet a local and borough need for 1 bed units.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions and subject to adverse comments received from the Environment Agency:

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

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

2. This permission shall be carried out in accordance with plan references 4665-01REVB and 4665-03A.

REASON: For the avoidance of doubt.

3. Prior to occupation of the dwelling precise details of the obscure glazing shall be submitted to and approved in writing by the Local Planning Authority. It shall thereafter remain in that matter in perpetuity.

REASON: To safeguard adjacent residential amenity and to comply with Policy DMG1 of the Core Strategy Adopted Version.

APPLICATION NO: 3/2015/0008/P

(GRID REF: SD 374244 441693)

PROPOSED DISMANTLING AND REBUILDING OF HISTORIC PINNACLE FROM THE HOUSES OF PARLIAMENT TO REMOVE CORRODED FERROUS CRAMPS, DOWELS ETC WITH NECESSARY STONE REPAIRS MADE USING CONCEALED STAINLESS STEEL FIXINGS AT ROSE GARDEN, CLITHEROE CASTLE GROUNDS

TOWN COUNCIL:	No objections.
ENGLISH HERITAGE:	<p>Commend the design process which is informed by an understanding of the significance of the structure as well as being specified by people with experience and knowledge of the most appropriate means of repair of a historic structure of this type. This is the potential to be an exemplary scheme if implemented with the same care by an operative experienced in the repair of these types of defects. English Heritage are therefore happy to support the scheme from a development management prospective.</p> <p>English Heritage recommends that the Borough Council addresses the above issues and determines the application in accordance with national and local policy guidance, and on the basis of its specialist conservation advice.</p>
SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:	Defers to the Victorian Society on this occasion.
ANCIENT MONUMENTS SOCIETY:	No adverse comments. Happy to defer to the RVBC Conservation Officer on the detail of the proposals.
COUNCIL FOR BRITISH ARCHAEOLOGY:	No response necessary. No objection. Application suitable to be determined based on the advice of the RVBC Conservation Officer.
20 <sup>TH</sup> CENTURY SOCIETY:	Consulted, no comments received at time of report writing.
VICTORIAN SOCIETY:	Welcomes the proposed conservation of this nationally important and highly characterful monument. It is clear that the pinnacle's stonework is in need of the sensitive repair that this application proposes and the Victorian Society therefore offer it full support.
GARDEN HISTORY SOCIETY:	Consulted, no comments received at time of report writing.
ADDITIONAL REPRESENTATIONS:	Lancashire Gardens Trust – the LGT responds on behalf of the Garden History Society which devolves its cases to the regions. Based on the submitted plans (no site visit) the LGT supports the proposals of repair.



Clitheroe Castle Park is a registered park and garden Grade II, which includes a number of important listed structures notably the Grade I listed Castle Keep, as well as a number of Grade II listed structures, the Stables and Outbuildings, the Old Courthouse, Castle House and the Pinnacle (Turret from the Houses of Parliament).

It is recognised that the eventual scope of some important areas of the work depends on decisions to be taken once dismantling and repair has commenced. This is unavoidable, and it is assumed that the funding will permit the ultimate extent of the work to be completed. In particular the “apparent” lean on the overall structure itself (item SE9) although hopefully minor at 1° is not clarified and depends on further surveys. It is to be hoped that this is not a progressive matter caused by a below ground issue, and that this will be understood at an early stage in the works.

The LGT notes the comprehensive documentation provided and fully supports the project.

## **Proposal**

Listed building consent is sought for the dismantling of the pinnacle, removal of ferrous fixings and rebuilding with stone repairs using concealed stainless steel fixings.

The submitted Heritage Statement identifies that “the main threat to the pinnacle is the corrosion of concealed ferrous cramps within the structure which hold the various pieces of stone together: their deterioration and expansion is likely to cause fractures to the masonry”. The submitted Design and Access Statement also identifies that “previous stone repairs also seemed to have used ferrous dowels which have corroded, shedding the repair and leaving the dowels exposed”.

The Civic Society is not seeking to replace any of the stonework (Heritage Statement) but it may be necessary to insert some new carved stone sections where they are missing completely, if they are deemed to be of structural or weathering significance – namely a couple of drip mouldings at the top of the columns on the South East and South West corners (Design and Access Statement). Also, the submitted Philosophy of Repair allows for the replacement of stones where they are damaged beyond the extent that they can be effectively repaired by either ‘pinning’, indenting or a combination of both. It is confirmed that only essential repairs will be undertaken.

In dealing with iron fixings, the Philosophy of Repair states that Cathodic Protection would not be a practical option.

The schedule of work submitted with the application is based on the visual inspection of the pinnacle. It is hoped that a Ground Penetrating Radar (GPR) Survey can also be undertaken in order to determine as accurately as possible, and prior to dismantling, the extent, location and features of all embedded ferrous fixings.

The originally submitted information proposed cleaning of the worst areas of stone dirt/pollution using water wash/brush down and if deemed necessary, 'poultice' cleaning.

### Site Location

The 'Turret from Houses of Parliament in gardens of Clitheroe Castle' is a Grade II listed (30 September 1976) building prominently sited within the Clitheroe Castle Historic Park and Garden (Grade II), Clitheroe Conservation Area and the setting of Clitheroe Castle Keep and Curtain Walls (scheduled monument; Grade I listed) and the Clitheroe Castle Museum buildings (Grade II listed former Stables and Outbuildings, Old Courthouse and Castle House).

The list description for the turret identifies:

*"Used as the centrepiece of pond in rose garden to South of castle. Octagonal stone turret with 4 lions rampant with shields at base. Plinth. Lancet ornament with cusped heads, gargoyles, crocketed finials. Inscription records the presentation of the turret, which originally formed part of the parapet of the Houses of Parliament, erected 1840-54, and was presented to the Borough of Clitheroe by a local MP in 1937, in commemoration of the coronation of George VI".*

The historic park and garden description identifies:

*"A castle mound, used as the grounds of a private residence, with garden terraces laid out in the early C19, the mound and adjacent land being developed for use as a public park in the 1920s (Summary of Historic Interest)*

*... The Castle site and grounds were purchased by public subscription by the then borough council from Lord Montagu of Beaulieu in November 1920, to form a memorial to the 260 soldiers from the town who lost their lives in the war. A total of £15,000 was raised, the balance from the purchase price of £9500 being spent on the laying out of the park.*

*... a formal rose garden, the centrepiece of which is a pinnacle from the Houses of Parliament (listed grade II), presented to the Borough of Clitheroe by the local MP in 1937 to commemorate the coronation of George VI. This scheme replaced a bowling green, formed on a garden terrace constructed in the mid C19, the green being part of the scheme of conversion of the site for public use".*

The Clitheroe Castle Historical Survey for Restoration (Land Use Consultants, 1998) identifies:

*"The Rose Garden ... photographic evidence indicates that the turret was originally free standing within the paved area (aerial photographs 1949) but was subsequently enclosed in a raised pond bed (possibly to deter direct access in view of possible damage). The pond is shown in O.S. 1976 but has been subsequently infilled as a raised rosebed" (7.15; also map regression page 12-18, photograph page 45 and reference to Council Minutes of 28 August 1936 at page 68).*

The submitted Heritage Statement identifies that following the almost total devastation of the Palace of Westminster by fire in 1834, a Royal Commission was set up to oversee its reconstruction. Gothic or Elizabethan style was stipulated. The architect chosen was Charles Barry, who was assisted by Augustus Pugin, and construction began in 1840. The stone chosen was the magnesian limestone quarried at Anston in the West Riding of Yorkshire. However, it was soon found that it was very susceptible to the polluted environment of London, and there

was rapid deterioration of the masonry, to the extent that by the 1920s there was a clear risk of parts falling from overhead, so a programme of replacement was begun in 1930, using Clipsham limestone from Rutland. Some of the decayed stonework was sold off, including the pinnacle which now stands at Clitheroe (paragraph 2.1-2.2). All details are typically early Victorian Gothic revival (paragraph 3.2).

The pinnacle and Castle Gardens are in the ownership of the Borough Council.

### **Relevant History**

3/2005/0187 - Dismantle stone turret and move to new location in park, re-assemble, undertake restoration work as required. Associated curtilage work. Walls, railings and copings. LBC granted 18 August 2005

### **Relevant Policies**

Planning (Listed Buildings and Conservation Areas) Act 1990.  
National Planning Policy Framework (NPPF).  
National Planning Policy Guidance (NPPG) .  
Historic Environment Planning Practice Guide (HEPPG).

*Ribble Valley Core Strategy (Adopted Version)*  
Policy DME4 – Protecting Heritage Assets.  
Clitheroe Conservation Area Appraisal.

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

The main consideration in the determination of the listed building consent application is the preservation ('keeping free from harm') of the listed building, its setting (and the setting of the scheduled monument and other listed buildings) and its features of special architectural and historic interest.

Section 16(2) (relating to listed building consents) and 66(1) (the 'General duty as respects listed buildings in exercise of planning functions') of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that *special regard* be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. A number of recent legal cases have examined the weighting of this consideration in the 'planning balance'. The Governance and Legal Director of English Heritage ('Legal Developments' Conservation Bulletin Issue 73: Winter 2014) states in respect to (any level of) harm to a listed building:

*"The Lyveden case reaffirmed that this means the conservation of a listed building should be afforded 'considerable weight and importance' ... with the 'great weight' of paragraph 132 and you should appreciate that minor harm does not mean merely a minor concern ... Any harm is to be given 'great weight' whether it is serious, substantial, moderate, minor or less than substantial ... every decision should acknowledge the general priority afforded to heritage conservation in comparison to other planning objectives or public benefits ... Minor harm to a heritage asset can add up to major and irreversible damage. It is obviously right that planning decisions reflect on this threat each and every time".*

**Guidance and advice** suggests that the repair of a listed building should be approached carefully. ‘Like-for-like’ repair may not be appropriate where the original form of construction is not durable.

‘The Historic Environment Planning Practice Guide’ (HEPPG) states:

*“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** ... 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” (Paragraph 149).*

*“Even when undertaking repair, care is needed to maintain the integrity of the asset. Some repair techniques ... will affect the integrity of the existing building and cause permanent damage to the historic fabric, as well as being visually unsympathetic” (Paragraph 150).*

*“Features such as tool marks ... smoke blackening ... are always damaged by sand-blasting and sometimes by ... other cleaning ... Such treatments are unlikely to be considered as repairs and would normally require listed building consent” (Paragraph 151).*

‘Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment’ (English Heritage, April 2008) states:

*“Repair necessary to sustain the heritage values of a significant place is normally desirable if:*

- a. there is sufficient information comprehensively to understand the impacts of the proposals on the significance of the place; and*
- b. the long term consequences of the proposals can, from experience, be demonstrated to be benign, or the proposals are designed not to prejudice alternative solutions in the future” (Paragraph 117).*

*“It is important to look beyond the immediate need for action, to understand the reasons for the need for repair and plan for the long-term consequences of inevitable change and decay. While sufficient work should be undertaken to achieve a lasting repair, the extent of the repair should normally be limited to what is reasonably necessary to make failing elements sound and capable of continuing to fulfil their intended functions” (Paragraph 118).*

*“The use of materials or techniques with a lifespan that is predictable from past performance, and which are close matches for those being repaired or replaced, tends to carry a low risk of future harm or premature failure. By contrast, the longer term effects of using materials or techniques that are innovative and relatively untested are much less certain. **Not all historic building materials or techniques were durable – iron cramps in masonry, or un-galvanised steel windows, for example, are both subject to corrosion. Some structural failures are the inevitable, if slowly developing, consequences of the original method of construction. Once failure occurs, stabilising the structure depends on addressing the underlying causes of the problem, not perpetuating inherent faults**” (Paragraph 119).*

*“Evidential value, historical values and some aesthetic values, especially artistic ones, are dependent upon a place retaining (to varying degrees) the actual fabric that has been handed down from the past; but authenticity lies in whatever most truthfully reflects and embodies the values attached to the place (Principle 4.3). It can therefore relate to, for example, design or function, as well as fabric. Design values, particularly those associated with landscapes or buildings, may be harmed by losses resulting from disaster or physical decay, or through ill-considered alteration or accretion” (Paragraph 91).*

‘Masonry Decay: Dealing with the Erosion of Sandstone’ (Historic Scotland, 2005) states:

*“Four main considerations need to be borne in mind when deciding to replace masonry. These are:*

- *Authenticity: Would retention of original stone preserve the building’s integrity and character?*
- *Aesthetic: Does the appearance of the building depend on architectural completeness, or on revealing the marks of time?*
- *Structural: Is there real concern about safety, collapse or serious failure?*
- *Functional: Is the building performing in the way it was designed?*

*... as a general rule the selective replacement of eroded stones should be all that is required. Each wall-face should be structurally sound and effective in stopping concentrations of water from getting into the building. The primary consideration should be to replace eroded stones that were originally designed to throw water off the face of buildings, but no longer do so. That way, the maximum benefit for the costs involved will be achieved.*

*... problems can emerge unless replacement stone accurately matches the properties of the original. These can include changes in colour and performance, localised erosion, and difficulties in trying to copy the original appearance left by the mason’s tools”.*

Strategic Stone Study: A Building Stone Atlas of West and South Yorkshire (English Heritage, 2012) states:

*“Cadeby limestone was extensively quarried at North Anston in south Yorkshire, and the limestone used to build the present Houses of Parliament (Lott & Richardson 1997) ... the dolomitization process can also cause a significant redistribution of the porosity within the limestone fabric. Consequently, this diagenetic process is important in determining the physical properties of these limestones and must be fully considered when selecting replacement stones for use in conservation work” (page 18-19).*

The Clitheroe Conservation Area Management Guidance (The Conservation Studio consultants; subject to public consultation) states:

*“Stone cleaning: All stone cleaning techniques have an inherent risk of damaging the stone and must be selected and executed with care.*

*Cleaning may sometimes be desirable to prevent the harm caused by corrosive dirt or to reveal where problems are hidden by encrustations. However, cleaning is less justifiable for aesthetic reasons alone, and consideration must be given to its impact on the historic character of the building (e.g. loss of 'the patina of age').*

*... Cleaning with water and bristle brushes is the simplest method, although water cleaning can lead to saturation of the walls.*

*... Prior to cleaning, a sample panel(s) in an unobtrusive location should be prepared to ascertain the suitability of the technique and the effect on the fabric, character and appearance of the building.”*

The Conservation, Repair and Management of War Memorials (English Heritage/War Memorials Trust, 2014) states:

*“Reasons for cleaning - Cleaning is a complex issue. It involves both aesthetic and technical considerations and should be viewed as a major intervention ... As a general rule, memorials should be cleaned primarily for technical reasons – for example to remove soiling which is causing damage to the historic material or to allow further treatment to be carried out. The aim of cleaning is not to return the memorial to a ‘like new’ appearance, but to safely remove particulate deposits, staining and biological growths ... However, even quite gentle regular cleaning of stonework can result in increased exposure of the surface pores of the stone; this provides a suitable location for pollutants to collect and biological growth to take root. As a result, the memorial gets dirtier more quickly and a more frequent cycle of cleaning can become established*

*... Mortars - Lime mortar is generally the best for all types of stone because it is flexible, permeable and has characteristics that can be varied to ensure compatibility with the stone”.*

‘The Cathodic Protection of Iron and Steel’ Farrell D, Davies K, and McCaig I in The Building Conservation Directory 2001 states:

*“Metal dowels and cramps were often built into traditional masonry structures to secure stones which might otherwise be prone to movement or displacement ... In 18th and 19th century buildings, dowels and cramps were usually made from wrought iron which is susceptible to corrosion if exposed to air and moisture ... The expanding rust eventually exerts such pressure on the stone that the stone cracks or spalls. The conventional remedy involves major surgery to remove the cramps, replace them with non-corroding phosphor bronze or stainless steel and then repair the damaged stonework ... conventional treatments can be highly invasive involving large-scale opening up to expose and treat the affected components. Cathodic protection offers an alternative approach to the treatment of rusting iron and steelwork buried in masonry and stone ... CP systems work on the principle that corrosion is an electrochemical reaction in which one part of a piece of iron or steel acts as an anode while adjacent metal acts as a cathode”.*

The agent has confirmed that cathodic protection has been considered and discounted because of questions as to the: efficacy of such a high-tech approach in this situation; accommodation of generating and/or battery storage equipment; physical and aesthetic issues arising from securing and embedding the electrodes to the relatively fragile magnesium limestone, installation maintenance and whether it is now too late to consider just arresting the corrosion of the ferrous fixings.

It is also confirmed that:

- (i) there is no intention to conduct a general clean of the masonry surfaces and cleaning is to be non-destructive for the removal of existing mortar from masonry faces; and

(ii) the sourcing of replacement stone is ongoing.

In my opinion and having regard to the significance and values of the pinnacle (NPPF paragraph 129 and 131; English Heritage 'Conservation Principles') and the comments received from English Heritage, the historic amenity societies and the agent, the proposed works are limited to what is reasonably necessary to ensure the proper preservation of the listed building. Therefore, whilst the dismantling of the pinnacle may result in loss of archaeological evidence and risks some damage to stonework (minimised by Ground Penetrating Radar Survey) the proposed works are justified and appropriate.

In my opinion, the proposed works have an acceptable impact upon Clitheroe Conservation Area (character and appearance), Clitheroe Castle Historic Park and Garden and the setting of the scheduled monument and other listed buildings.

I am mindful of the comments of the Lancashire Gardens Trust in respect to possible below ground conditions and would suggest a condition in this regard.

In giving considerable importance and weight to the duties at section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and 'great weight' to the conservation of the designated heritage assets (NPPF paragraph 132), I would recommend that listed building consent be granted conditionally.

**RECOMMENDATION:** That listed building consent be granted subject to the following conditions:

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

**REASON:** Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. Precise specifications and samples of lime mortar pointing, new stone, stone indent repairs, stone tooling, stone cleaning and any consolidation of small decorative elements shall have been submitted to and approved by the Local Planning Authority before their use in the proposed works.

**REASON:** In order to safeguard the special architectural and historic interest and significance of the listed buildings and the character, appearance and significance of Clitheroe Conservation Area.

3. Precise details of the storage (including location) of dismantled pinnacle elements shall have been submitted to and approved by the Local Planning Authority before the commencement of proposed works.

**REASON:** In order to safeguard the special architectural and historic interest and significance of the listed buildings and the character, appearance and significance of Clitheroe Conservation Area.

4. The reconstruction of the pinnacle shall be undertaken within twelve months of the commencement of its dismantling.

REASON: In order to safeguard the special architectural and historic interest and significance of the listed buildings and the character, appearance and significance of Clitheroe Conservation Area.

5. Precise specifications of any proposed below ground work shall have been submitted to and approved by the Local Planning Authority before its implementation.

REASON: In order to safeguard the special architectural and historic interest and significance of the listed buildings and the character, appearance and significance of Clitheroe Conservation Area.

6. This consent shall be implemented in accordance with the proposal as amended by letter received on the 28 January 2015 confirming the extent of stone cleaning.

REASON: For the avoidance of doubt since the proposal was subject of agreement amendments.



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>
3/2014/0633/P	Modify access and layout of existing car park	Stydd Nursery Stoneygate Lane, Ribchester
3/2014/0661/P	Discharge of conditions nos. 4-Materials agricultural building, 5-materials barn conversions, 6 - building record, 7 - visibility splays, 8 - details and construction specification new manure store, 9 - site access improvement onto Heights Lane, 10 - improvement of site access onto Elmridge Lane, 11 - landscaping of farmstead development relating to planning approval 3/2013/0691/P	Elmridge Farm Elmridge Lane Chipping
3/2014/0839/P	Construction of pedestrian bridge over West Bradford Brook to link garden area to nearby land.	Brook House Clitheroe Road West Bradford
3/2014/0902/P	Two storey extension to side and rear to provide additional living accommodation, new detached garage, covered courtyard and new driveway	Eatough's Farm Fleet Street Lane Ribchester
3/2014/0934/P	Two storey extension to the rear	Stonyhurst, Salthill Gardens Clitheroe
3/2014/0941/P	Extension to second floor living accommodation	Lee Carter House Castle Gate, Clitheroe
3/2014/0964/P	Single storey side extension and alterations	Sands Cottage 34 The Sands, Whalley
3/2014/0965/P		
3/2014/0968/P	Conversion of an existing building into a granny annex.	Marl Hill Byre Easington Road, Cow Ark
3/2014/0969/P	Conversion of an existing building into a granny annex	Marl Hill Byre Easington Road, Cow Ark
3/2014/0983/P	Replacement single storey extension and internal alterations	11 Hollies Road, Wilpshire
3/2014/0984/P	Conversion of existing integral garage into art studio for personal use. Proposed timber garage, car port and garden store.	Moss Hall Higher Road Longridge
3/2014/0986/P	Proposed conversion of an agricultural building to a camping bunk barn with pedestrian access from public right of way (footpath 43)	Hill House Farm Sawley Road, Grindleton

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2014/0987/P	Demolition of existing conservatory and construction of rear storey extension	14 Waters Edge Whalley
3/2014/0988/P	Kitchen extension	Willow House Slaidburn Road, Waddington
3/2014/1005/P	Single storey extension	1 Scott Avenue Simonstone
3/2014/1006/P	Two storey extension above existing room to rear	65 Pimlico Road Clitheroe
3/2014/1029/P	Conversion of existing integral garage to form new habitable room and erection of new double garage	8 Hazel Grove Longridge
3/2014/1033/P	Proposed two storey extension to rear	27 Woodlands Park Whalley
3/2014/1037/P	Demolition of conservatory and erection of single storey rear extension 6.5m long, 4m high to the ridge and 2.5m to the eaves.	22 The Hazels Wilpshire
3/2014/1015/P	Removal of condition 8 of planning approval 3/2014/0610 to allow the use of upvc doors and windows	Land adjacent to The Barn George Lane Read
3/2014/1041/P	Erection of timber stables and garages for private use	Dean Slack Head Grindleton Road, Slaidburn
3/2014/1052/P	Application for discharge of condition no. 1 (commencement of development) and condition no. 4 (relating to building recording and analysis) of planning approval 3/2012/0639/P	Windy Hills Farm Chipping
3/2014/1054/P	Single storey side extension to form bedroom and en-suite	Beck Top Clough Lane, Simonstone
3/2014/1058/P	Provision of new external door to the flat from Whittingham Road for exclusive use of the occupants of the flat. Some additional work with an internal partition wall will also be necessary to accommodate these changes	Kendal House Clinics 11 Whittingham Road Longridge
3/2014/1068/P	Demolition of existing garage, erection of two storey extension to side and rear, roof repairs and alterations to existing rear dormer, internal alterations and levelling of ground at rear	17 Brungerley Avenue Clitheroe
3/2014/1072/P	Single storey rear extension 4.93m long, 3.95m high to ridge, 2.62m high to eaves	Highfield, Tunstead Avenue Simonstone
3/2014/1074/P	Non-material amendment to development approved on appeal (APP/T/2350/A/12/2186164) to amend the position of the dwelling and garage, the shape of the garage and the location of internal stairs	Kemple Barn Whalley Road Pendleton
3/2014/1075/P	Structural restoration works to existing dwelling to prevent building falling into further disrepair	Church Style Farm Church Street Slaidburn

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2014/1081/P	Variation of condition 8 of planning consent 3/2005/0587/P to allow the sale and display of any A1 non-food goods by catalogue showroom retailer for up to 185m <sup>2</sup> of the existing sales area	Homebase Clitheroe
3/2014/1084/P	Discharge of condition no 10 (Archaeological Record) of planning permission 3/2011/0625/P	Hubbersty Fold Farm Balderstone
3/2014/1103/P	Single storey rear extension 8m long, 4m high to the ridge, 2.8m high to the eaves	17 Calfcote Lane Longridge
3/2014/1105/P	Discharge of condition 4 (construction method statement), 6 (landscaping details) and 8 (signage scheme) of planning consent 3/2013/0549 which was for demolition of building and car park	Back York Street Clitheroe
3/2014/1106/P	Discharge of condition 4 (demolition and construction method) of planning consent 3/2013/0543 which was Conservation Area consent for demolition of a building	Central Garage Back York Street Clitheroe
3/2014/1109/P	Proposed war memorial, stone and plaque measuring approximately 1.2m high x 2m long and 0.4m wide and gravel hard standing	Land west of Trough Road and south of Langden Drive Dunsop Bridge

#### APPLICATIONS REFUSED

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>	<b><u>Reasons for Refusal</u></b>
3/2014/0409/P	Proposed change of use from barn to dwelling-house and erection of detached garage	Eatough's Farm Fleet Street Lane Ribchester	NPPF; Key Statements DS1 and DS2; and Policies DMG1, DMG2, DMH3 and DMH4 – isolated unsustainable location contrary to the Council's Adopted Development Strategy.
3/2014/0967/P	Two storey extension to the side with garage at ground floor and bedroom at first floor, rear conservatory altered with addition of slate roof and conversion of existing attached garage to play room	8 Chatburn Avenue Clitheroe	DMG1 and DMH5 – Disproportionate additions to the dwelling subsuming the host dwelling and causing harm to the street scene.
3/2014/0976/P	Class MB Application for Prior Approval - Change of Use of Agricultural Building to Dwellinghouse (C3 Use	Dewhurst Farm Longsight Road Langho	Does not accord with MB.1. (a), (b), (c), (f), (g), (h), (i) and (l), and is contrary to Class MB.2
Cont/			

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
Cont...	Class) with no associated operational development		(1) (d) and (e)
3/2014/0985/P	New extension	1 Higher Standen Whalley Road Pendleton	An unsympathetic addition which would detract significantly from the simple and uncluttered character of the original building and the visual amenities of the locality - contrary to RVDLP policies G1, ENV3 and H17 and Core Strategy policies DMG1, EN2, DME2 and DMH5

CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2014/1057/P	Application for a Lawful Development Certificate for the use of the existing building as a dwelling within the meaning of Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) without restricted occupancy	Robin Hill Talbot Bridge Bashall Eaves

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 PARTS 6 & 7 PRIOR NOTIFICATION OF AGRICULTURAL AND FORESTRY BUILDINGS AND ROADS PRIOR APPROVAL **NOT** REQUIRED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2015/0034/P	Extension to existing building to house slurry handling equipment/ farm machinery	Mason House Farm, Bashall Eaves, BB7 3DD

AGRICULTURAL BUILDING TO DWELLING PRIOR NOTIFICATION APPLICATION (CLASS MB) - APPROVED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2014/0811/P	Class MB application for prior approval for the change of use of an agricultural building to a dwellinghouse (resubmission of refused prior notification application 3/2014/0525/P) at an agricultural building adjoining the farmhouse	Shuttleworth Hall Burnley Road Gisburn

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2013/0816/P	Proposed siting of 1 x 30m high (hub) endurance wind turbine with a tip height of 45.071m	Horton Pasture Farm Skipton

<b><u>Plan No</u></b>	<b><u>Proposal</u></b>	<b><u>Location</u></b>
3/2014/0843/P	Proposed studio/live work unit	Primrose House Primrose Road Clitheroe

#### SECTION 106 APPLICATIONS

<b><u>Plan No</u></b>	<b><u>Location</u></b>	<b><u>Date to Committee</u></b>	<b><u>Number of Dwellings</u></b>	<b><u>Progress</u></b>
3/2012/0785	Clitheroe Hospital Chatburn Road Clitheroe	6/12/12	57	With Applicants Solicitor
3/2013/0981	Land at Chatburn Road Clitheroe	13/2/14 18/12/14	23	With LCC
3/2014/0666	15 Parker Avenue Clitheroe	18/9/14	15	With Applicants Solicitor
3/2014/0597	Land off Waddington Road, Clitheroe	16/10/14 15/1/15	275	With LCC
3/2014/0779	Land off Dale View Billington	16/10/14	18	With LCC
3/2014/0188	Victoria Mill Watt Street, Sabden	13/11/14	40	With Planning
3/2014/0742	Land off Pimlico Road Clitheroe	15/1/15	19	With Planning
<b><u>Non Housing</u></b>				
3/2011/0649P	Calder Vale Park Simonstone	15/3/12		Subject to departure procedures, draft 106 received from LCC

#### APPEALS UPDATE

<b><u>Application No</u></b>	<b><u>Date Received</u></b>	<b><u>Applicant Proposal/Site</u></b>	<b><u>Type of Appeal</u></b>	<b><u>Date of Inquiry/Hearing</u></b>	<b><u>Progress</u></b>
3/2013/0722 U	16/05/14	Englands Head Farm, Paythorne	WR		Awaiting decision
3/2014/0394 R	23/07/14	Stoneroyd, Haugh Ave Simonstone	HH		Awaiting decision
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	11/08/14	Rose Cottage Main Street Grindleton	HH		Awaiting decision
3/2013/1023 U	29/08/14	Land off Kingsmill Avenue, Whalley	WR		Awaiting decision
3/2014/0537 R	29/09/14	Pinfold Cottage Tosside	WR		Appeal dismissed 08/01/15

<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>
3/2014/0075 R	24/09/14	Sheepfold Farm Balderstone	WR		Appeal dismissed 26/01/15
3/2014/0550	01/10/14	Bradyll House Franklin Hill Old Langho	WR		Awaiting decision
3/2014/0501 R	07/10/14	Land at Longsight Road Copster Green	WR		Appeal dismissed 30/12/14
3/2014/0151 Cond	08/10/14	Lower Abbott House Farm Mellor	WR		Appeal allowed 30/12/14
3/2014/0605 R	09/10/14	Land off Pendle Street East Sabden	WR		Appeal dismissed 13/01/15
3/2014/0462 R	10/10/14	Land adj Glen View, Longridge	WR		Appeal dismissed 13/01/15
3/2014/0535 R	10/10/14	Oaklands Longsight Rd Clayton le Dale	WR		Appeal dismissed 13/01/15
3/2014/0143 R	10/10/14	Land adj 52 Chapel Hill Longridge	WR		Appeal dismissed 13/01/15
3/2014/0692 R	20/10/14	11 The Old Stables, Mitton Road, Whalley	HH		Appeal allowed 04/12/15
3/2014/0419 R	04/11/14	7 Whins Lane Simonstone	WR		Appeal dismissed 23/01/15
3/2013/0442 R	05/11/14	Woodfield Farm Longsight Road Clayton le Dale	WR		Awaiting decision
3/2014/0804 R	11/11/14	22 Wellgate Cllitheroe	WR		Appeal dismissed 20/01/15
3/2014/0711 R	18/11/14	5 Cowper Place Sawley	WR		Appeal dismissed 23/01/15
3/2014/0705 R	06/01/15	Meadows Farm Worston	HH		Awaiting decision
3/2014/0793 R	21/01/15	Talbot Fold Barn Talbot Bridge Bashall Eaves	WR		Questionnaire sent 26/01/15 Statement due 25/02/15
3/2014/0592 R	14/01/15	The Moorcock Slaidburn Rd Waddington	WR		Questionnaire sent 20/01/15 Statement due 18/02/15
3/2014/0634 R	24/12/14	11 Lower Lane Longridge	HH		Awaiting decision
3/2014/0838 R	22/01/15	Beech House Alston Lane Alston	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>
3/2014/0438 R	16/01/15 but extension given until 6/02/15	Land east of Chipping Lane Longridge	Inquiry		
3/2014/0517 R	Awaiting validation by PINS	Land to the north of Dilworth Lane Longridge	Inquiry		
3/2014/0827 R	Awaiting validation by PINS	39 Clitheroe Rd Whalley			
3/2014/0464 R	Awaiting validation by PINS	60 Taylor Street Clitheroe			

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

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Agenda Item No. 6

meeting date: 12<sup>th</sup> FEBRUARY 2015  
title: PROPOSED COUNCIL CONSULTATION RESPONSE TO BOLTON BY  
BOWLAND AND GISBURN FOREST DRAFT NEIGHBOURHOOD PLAN  
submitted by: DIRECTOR OF COMMUNITY SERVICES  
principal author: PHILIP DAGNALL

### 1. PURPOSE

- 1.1 To agree a formal response to the consultation currently underway regarding the Bolton by Bowland and Gisburn Forest Neighbourhood Plan and thereby aid in its timely development.
- 1.2 Relevance to the Council's ambitions and priorities:
  - Community Objectives – The matters covered in this report will contribute to several of the objectives of the Sustainable Community Strategy including appropriate housing and encouraging economic activity.
  - Corporate Priorities – The document that is the subject of this report relates to Council ambitions of making people's lives safer and healthier and also helping to protect the environment by directing future development into appropriate and sustainable locations.
  - Other Considerations – This consultation response will help the Council to positively contribute to the neighbourhood planning process.

### 2. BACKGROUND

- 2.1 Neighbourhood planning is a new initiative of the present government which gives local communities the opportunity, should they choose to take it, to develop a formal plan for their particular area. This plan, once adopted, will have legal force in the formal planning system alongside other documents produced by the Planning Authority and by central government. It must be in general conformity with the area's overall Local Plan, including the Core Strategy, and not conflict with central government policy statements such as the National Planning Policy Framework (NPPF) and associated National Planning Practice Guidance (NPPG). Decisions on planning applications will be made using both the Local Plan and, once it is formally adopted, the neighbourhood plan, and any other material considerations.
- 2.2 In general terms, and subject to the above, neighbourhood plans give local communities the ability to develop a shared vision for their particular area including where they want to see new homes, shops and work places develop, potentially what those new buildings will look like and what infrastructure should be provided. These plans can operate over ten, fifteen or twenty year horizons. It is also important to note that the plan will also be subject to the parallel process of Sustainability Appraisal, as was the Core Strategy.



- 2.3 Briefly, the process of developing a neighbourhood plan begins with the designation of the specific area the plan will consider. In this case it is the combined parishes of Bolton by Bowland and Gisburn Forest, which have developed the draft to which this consultation refers through a joint Steering Group under the guidance of independent consultants. This draft plan is currently the subject of a consultation ending on 1<sup>st</sup> March 2015. This neighbourhood plan is the first of its type to be progressed in Ribble Valley.
- 2.4 Following the closure of the consultation period the plan will be revised in the light of responses and any necessary further clarifications and liaison. This revised version, which the local community considers to be its final plan, will then be submitted to Ribble Valley Borough Council who will arrange a formal six week consultation on the document. Following that stage the document, together with any consultation responses, will be the subject of an Examination by an outside party. If it is found to be legally sound it will then pass to a local public referendum. If successful, and subject to EU obligations and Convention rights, Ribble Valley Borough Council then formally makes the plan and it comes into legal force.
- 2.5 Further details regarding Neighbourhood Planning can be found on the National Planning Policy Guidance (NPPG) website link below.

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

### 3. THE PLAN ITSELF

- 3.1 Briefly, the draft plan deals with a variety of matters relating to key local issues that the community have identified through a series of workshops. These are set out as Objectives relating to the following issues:
- Housing Growth
  - Maintaining Character
  - Transport/Infrastructure
  - Promoting Employment
  - Community Facilities
  - Natural Environment
- 3.2 Each Objective has its own chapter structured around a description of local evidence, then followed by an outline of technical evidence, including relevant parts of the Core Strategy and other documents and a variety of policies. These policies, once finalised, are intended to, on the adoption of the plan, be formal legal considerations in the Council's judgement of planning applications alongside the Core Strategy.
- 3.3 The Plan also contains a series of maps intended to delineate formal areas of land to which various policies will relate and which will potentially be future formal land allocations. In addition there are a series of Appendices relating to items such as the NPPF, Parish Actions outside the plan and other matters. The Plan is available as a hard copy in the Member's room and on line at: [www.tsbparish.org.uk](http://www.tsbparish.org.uk)

#### 4. THE PROPOSED RESPONSE

- 4.1 The draft plan has been the subject of internal consultation from which the proposed response in Appendix 1 has been developed. It is structured around the various Objective chapters within the plan and is intended to help guide the community towards developing a final plan. The Planning department will continue to liaise positively with the local Steering Group as the plan develops.

#### 5 RISK ASSESSMENT

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

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

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

- 6.1 Approve the consultation response in Appendix 1 and its despatch to the relevant recipient. Further approve the Head of Planning to continue on-going liaison with the Plan Steering Group as necessary.

PHILIP DAGNALL  
AUTHOR

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

#### BACKGROUND PAPERS

1. Ribble Valley Borough Council Response to Consultation on Draft Bolton By Bowland and Gisburn Forest Neighbourhood Plan.

For further information please ask for Philip Dagnall, extension 4570

REF: Author/typist/committee/date

**Comments on Draft Bolton By Bowland and Gisburn Forest Neighbourhood Plan (28-1-15)**

The following comments are made in relation to the Draft Plan put to public consultation in January 2015. It is understood that these will inform a further version of the plan that the Council will consult on later in the year in preparation for an Examination and then a public referendum. It is also important to mention that, in parallel to the development of this plan, it is subject to an on-going Sustainability Appraisal scoping exercise which may indicate that a more detailed Sustainability Appraisal is necessary.

**General Points.**

Is there a plan period for this plan, ie a start and an end date? BBGF2 refers to an end date of 2028.

**Comments on the Various Plan Sections**

**1.23 bullet 2** - To what does the 54.3% in brackets refer?

**4.1** - The document should state that there are other parts of national planning legislation that might have a bearing in addition to NPPF and NPPG.

**4.3** - The document should make it clearer that the Neighbourhood Plan must be in conformity with the Ribble Valley Core Strategy. While the detail is quoted within Appendix A (which is referred to in 4.4) a clear statement in either 4.2 or 4.3 of this relationship would be helpful.

**Objective 1 – Housing**

**6.4** - This contains housing requirement figures that relate to a previous version of the Core Strategy. The correct versions are now within the Adopted Core Strategy Table 4.12 Page 42 which breaks down an overall figure of houses in “Other Settlements” in a more detailed way.

**6.7** – It should be emphasised that these policies relate to Adopted Ribble Valley Core Strategy policies. This would help in reading through further sections of the plan.

The three proposed housing sites all appear to be sites mentioned as Included Sites within the RVBC 2013 Strategic Housing Land Availability Assessment (SHLAA) and therefore this document should be referenced within this section.

**6.11 - 6.12** - It is not clear how any information quoted as general housing need could be translated into actual housing units over the plan’s period mentioned in BBGF1 and BBGF2. This is a detailed and important matter and should be set out before any consideration of actual sites is undertaken. Numbers are mentioned within Policy BBGF1 but their derivation should be made clearer here or within 6.13. These numbers would need to be justified to aid in any decisions on relevant planning applications.

**6.12 - 6.14** - It is also unclear what criteria have been used to select the various sites mentioned and their relative sustainability. What other sites were considered? Is it dependent on SHLAA

information? Also Ribble Valley Borough Council are embarking on the development of a formal land allocations Development Plan Document (DPD) and it will be important that there is significant liaison regarding any proposed allocations through the Neighbourhood Plan and through RVBC's document, which will have a series of formal consultations.

**6.16** - While the various general tests that would apply to Site 3 within Flood Zone 3 are laid out it is still unclear how it could be considered sustainable as a housing site. Is this site the most sustainable solution? Are there not more sustainable sites? There also needs to be a link here to Policy BBGF19 Flooding, which appears later in the document.

### **Policy BBGF1**

Note above concerns over:

- Inclusion of Site 3
- Derivation of housing numbers in final para.

### **Proposals Map 01: New Housing Development (Policy BBFG-1)**

A number of the identified preferred development/housing sites appear to be adjacent or within close proximity to Designated Heritage Assets (Listed Buildings, Conservation Area, Focal Buildings). It is likely that a number of the areas designated for 'future development' or 'housing' currently play a role in the overall setting/importance and inherent value of the aforementioned assets. A detailed assessment in relation to potential impacts, opportunities/constraints should be undertaken prior to 'site allocations'.

'Site 01' Is directly adjacent a Grade II Listed Building and directly abuts the Bolton by Bowland Conservation Area. It is likely that any development of this site will have an effect upon the character and setting of the Listed Building/Conservation Area and there is the danger that any development (to the east of the School) will fundamentally undermine its current role as a 'Focal Building' upon approach from the east.

'Site 02' is likely to be representative of ribbon development that results in excessive encroachment into the defined open countryside which is largely discordant with the inherent settlement pattern which at present consists of tight-knit clusters or groupings. There are fundamental concerns that the extent of expansion to the east would afford any new development/built form a higher level of visual prominence/importance than that of Bolton by Bowland CoE Primary School (Grade II Listed) this may be further exacerbated by the topography of the site.

'Site 03' will have a partial 'frontage presence' onto an identified 'significant Open Space'. The site further occupies an area that is likely to be afforded a high level of visual prominence from Barrett Hill Brow upon approach from the east. The defined parcel appears to extend the settlement and built form northward which may have fundamental impacts as to how the settlement is visually read and could be considered to be discordant with the of tight-knit clusters or groupings that define the character of the settlement. It is additionally located wholly within the Bolton by Bowland Conservation Area and it should be considered that the 'openness' of the site may contribute to its overall inherent character.

## Proposals Map 02: New Housing Development (Policy BBFG-1)

It is noted that the settlement boundary (Map 02) does not match the defined settlement boundary as carried forward by the Adopted Core Strategy.

The preferred site is directly adjacent two Grade II Listed Buildings. It is likely that any development of this site will have an effect upon the character and setting of the Listed Building, a detailed assessment in relation to potential impacts, opportunities/constraints should be undertaken prior to the 'site allocation' which should inform the overall approach taken in identifying the extents/location of the site.

Given the potential constraints/impacts related to the identified housing/development sites it is suggested that detailed supplemental guidance be prepared to guide any development in an appropriate manner. Such guidance should consider (but not be limited to):

- Materials
- Scale
- Form
- Elevational Proportioning
- Elevational Detailing
- Boundary treatments (including private curtilage)
- Orientation and spacing between buildings
- Streetscene considerations
- Surfacing
- Access arrangements
- Landscaping
- Roofscape
- Frontages
- Setbacks
- Context appraisal
- Character Appraisal
- Focal Points/Vistas/Important Views
- Parking/Servicing/Refuse Storage
- Landscape/Ecology/Biodiversity

**BBGF2** - The phasing stated in this policy may be difficult to justify, for instance in terms of development viability considerations. Does it refer to development for market housing or only local needs or both?

Also it is not clear how the housing policies here relate to the Core Strategy policies and their emphasis on affordable housing. It should also be mentioned that recent changes to Planning Policy Guidance regarding Planning Obligations and associated thresholds may also have an effect on the local provision of affordable housing and whether or not it would be NPPF compliant.

**6.21** – The reference to following criteria to allow conversion of existing farmstead building to housing needs clarification. Housing within the Open Countryside (ie outside defined settlement of Bolton by Bowland and Holden) would need to have regard for the Adopted Core Strategy Key Statement EN2 and policy DMH3.

**6.22** – Clarification is needed to define “exceptional circumstances” envisaged to justify new build?

**6.23 - 6.24** – Clarification as to the intention of the plan to allow up to 6 new dwellings in each existing farmstead? If it is envisaged that there would only be 1 or 2 such developments how could this number be justified and what site criteria could be used to judge applications? It is noted that the recent changes to the GPDO regarding change of use of farm buildings to dwellings do not apply within the AONB are mentioned in 6.27.

**6.28** - Refers to “restrictions and criteria” that are presumably within BBGF3 or are these to be developed later?

**BBGF3** - It is unclear how this policy relates to the Core Strategy policies DMH3 Dwellings in the Open Countryside and AONB and DMH4 Conversion of Barns and Other Buildings to Dwellings, with which it shares many elements. Its final criteria regarding meeting “identified local needs” would seem to limit such conversions to affordable only dwellings which may render many sites financially unviable.

The terms ‘Countryside Settlements’ requires further definition as does Isolated Location (e.g. isolated from services/facilities or visually isolated).

### **Objective 2 –Character Agree with red to replace green but leave the first bit in about stat duties**

Further consideration is required to statutory duties at 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Policy BBGF4** is entitled ‘**Protecting Heritage Assets**’ but the text appears to refer to Designated Heritage Assets only. It appears onerous to require new development to both ‘preserve and enhance’ **Policy BBGF5**

**4.12 - Encouragement of conversion of barns/existing buildings for housing provision in the countryside and Policy BBGF5 ‘General Design Principles – priority to use of brownfield sites/conversion of existing buildings** – notwithstanding other sustainability issues, we would suggest further consideration to the ‘optimum viable use’ of these heritage assets. Residential conversion is unlikely to be the most sympathetic reuse for historic barns. Furthermore, we would suggest that detailed design guidance on barn conversion accompanies these proposals (and Policy BBGF12). The need for informed and sensitive management of change to the historic agricultural building stock is identified at NPPF paragraph 115 AONB ‘cultural heritage’ and para 135. In this regard, the EH et al study below identifies the pressure this area has already been under from residential conversion.

<http://www.english-heritage.org.uk/publications/historic-farm-buildings-extending-the-evidence-base/historic-farm-buildings-ext-evidence-base.pdf>

Page 15-16 identifies “*Divergences are found, however, between the geographical distributions of addressable-barn conversions and those of the overall stock of listed barns ... Where the number of ‘addressable barns’ is substantially higher than the overall population of listed barns might predict (such as in the Severn and Avon Vale NCA, and much of Cornwall), this appears to reflect both market pressure and the character of the stock itself. This is clearest in the Bowland Fringe and Pendle Hill NCA in Lancashire, where the density of ‘addressable barns’ is*

*at its highest. Here, small linear farmsteads incorporating unlisted stone barns are particularly well suited, in terms of capacity, to residential conversion ... Although the annual flow of addressable conversions is equivalent to no more than 1 per cent of new building, it can have much more significant effects in some highly regulated contexts. Thus in the Bowland Fringe and Pendle Hill NCA, addressable barns constitute almost 5 per cent of the entire dwelling stock (outside urban areas and towns)".*

We would therefore support the Policy BBGF3 and Policy BBGF12 reference "no detrimental effect on the form, design, character and setting of the building". However, Policy BBGF3 (replacement dwellings) does not appear to take account of the loss of character to the AONB from the demolition of traditional buildings (undesigned heritage assets).

We are concerned (no site inspection undertaken) that the proposed housing sites would be harmful to the setting of listed buildings (also conservation area setting and views issues at Bolton by Bowland) and would suggest that significance assessments in accordance with the methodology in EH's 'The Setting of Heritage Assets' be undertaken at a very early stage.

<http://www.english-heritage.org.uk/publications/setting-heritage-assets/setting-heritage-assets.pdf>

Also we are uncertain as to the intended relationship of items (a) to (e) in the policy to other policies in the Core Strategy. (a) to (e) seem to be stated as the only criteria to be met before approval can be given. In the Core Strategy there are many other considerations that may come into play in relation to an application eg DMG1 and DMG2. Whilst these policies are mentioned in the Technical Evidence section the exact relationship needs more clarity.

### **Objective 3 – Transport/Infrastructure**

Technical evidence section should refer to Core Strategy Key Statement DMI 1 Planning Obligations. This specifically relates to Bowland Plan policy BBGF7.

**BBGF6** - We are uncertain as to which planning body this policy is directed toward. We are also uncertain as to whether this is a policy as such but rather a statement of support for other, unstated, bodies' plans and road safety and traffic management? We are also uncertain as to how this could be applied to an application put to us. Are there particular traffic management projects that this statement is referring to?

**BBGF7** - As mentioned above Core Strategy Key Statement DMI1 Obligations sets out the Council's priorities in seeking Planning Obligations and these include "Improvements in highway safety..". Also within Core Strategy Chapter 8, which contains the above Key Statement, "Transport" is mentioned as an item for obligations negotiation.

Possibly there could be a better link to Appendix D item 6 here which sets out the Parish's intentions on local bus services as a Parish Action outside the neighbourhood plan. This relates to the last bullet in the policy.

**BBGF8** - We are uncertain as to the exact meaning of the final sentence of the policy – further detail would help here on the types of connection intended and also the meaning of "other communications networks".

#### **Objective 4 - Promoting Employment**

**BBGF10** - Item A includes concepts such as “significant periods of time” without defining them. Core strategy policy DMB1 contains a minimum period of marketing.

We also have concerns as to how Item B could actually be enforced should any particular site become economically unviable and be used for another purpose. As such it may conflict with DMB1.

**BBGF11** - The development of land for a potentially wide variety of employment uses could involve many considerations that go beyond the four elements mentioned in the policy. To aid clarity the relationship of these points to the various relevant Core Strategy policies such as DMB1 would help. It is important that there is no unnecessary duplication of Neighbourhood Plan policies and Core Strategy adopted policies.

**BBGF13** - Bullet 2 seems to state that tourism development can only be located within a converted building and therefore may conflict with Core Strategy policy DMB3. In general this policy seems to us to limit the nature of tourism development.

Bullet 1 may also conflict with the same policy. Also what does the word “accommodation” specifically mean in this context?

Second paragraph, all bullets points should end with ‘; and’

#### **Objective 5 – Community Facilities**

**BBGF14** - In referring to NPPF paras 76 and 77 is it the intention of the Plan to designate the list of spaces as “Local Green Spaces”? If so does it follow Planning Policy Guidance on the subject, for instance have local landowners been specifically consulted on these proposed designations? Also, if such designation is proposed, it would seem that BBGF14 is effectively a list of spaces, or a type of allocation and not a specific policy as such.

The intention to designate is made clearer in Appendix D as a Parish Action. The link to this Appendix, or perhaps some of its text would be more usefully placed as explanation of this policy.

Site 03 may potentially adversely affect the sense of ‘openness’ of 2. Stocks Green.

**BBGF15** - There may be some contradiction between this policy and Core Strategy Key Statement EC2 which states that

“Proposals that have an adverse impact on existing community facilities would only be permitted as an exception where the proposed development would bring defined and demonstrable benefits”.

Also it may be difficult to insist on the provision of an alternative site that item a) appears to state. However it may be worth investigating further as a possible mitigation measure for the loss of a facility.



## **Objective 6 – Natural Environment**

Add Core Strategy policy DME6 Water Management to the list of relevant policies in the Technical Evidence section. Also it is suggested that the Forest of Bowland AONB Renewable Energy Position Statement be referred to in this section. Also reference should be made to national planning policy guidance (NPPG) on Flood Risk, in particular the sequential and exceptions tests for development within Flood Zones 2 and 3.

**BBGF16** - Bullet 3 refers to “Protecting important views” – where are these defined or what criteria will be used to define them? Are they those defined within the Landscape Character Assessment documents referred to within the technical Evidence?

**BBGF17** - Fuller reference should be made here to Planning Policy Guidance on flood risk, especially as in earlier parts of the document it was suggested that there are potential housing sites within Flood Zone 3 (see section 6 above). While The Sequential and Exceptions tests are mentioned in Section 6 (6.13) as background information they should be also brought into this policy in some detail. It is assumed that the Environment Agency, the lead flood risk advice body may well have more detailed comments to make on this policy. There may also be issues relating to the effect on visual impact of raising land levels. Further dialogue with RVBC is recommended.

**BBGF19** - This policy should be reviewed in relation to the AONB Position Statement mentioned above.

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 7

meeting date: 12<sup>th</sup> February 2015  
title: TREE WORKS NOTIFICATION, SPEX OPTICIANS  
submitted by: DIRECTOR OF COMMUNITY SERVICES  
principal author: PHIL JOHNSON

## 1 PURPOSE

- 1.1 To request that Members formally confirm the intention to allow the works as identified within the notification without making a new tree preservation order

## 2 BACKGROUND

- 2.1 A tree works notification (application number 3/2014/1100) was submitted on 15<sup>th</sup> December 2014. The notification outlines the intention to remove three trees to the rear of Spex Opticians (adjacent to the market area) due to their potential to further damage a wall to an extent where it would become a concern to public safety.
- 2.2 The trees are not protected by a tree preservation order, but are located on the boundary of the Clitheroe Conservation Area (the character area of the conservation area designated as the 'Central Area' – which is not designated specifically for trees). As such the notification is not an application for permission, but a notice of intention to carry out work (under section 211 of the Town and Country Planning Act 1990). The Council does not have the power to refuse permission or to grant permission, the options available to Committee are to either make a new tree preservation order in order to protect the trees from removal, or not to make a new tree preservation order and therefore allow the work to go ahead as described within the notification.
- 2.3 The applicant has indicated their intention to plant two replacement trees further back from the wall in order to protect public amenity whilst ensuring the wall is not damaged further by trees.

## 3 ISSUES

- 3.1 On 4<sup>th</sup> December 2014 the Countryside Officer (Phil Johnson) conducted an assessment of the trees and concluded that the trees were all in good condition with no visible signs of defects. However, it was also noted that the trees were located very close to a tall wall that acts partially as a retaining structure, damage to the wall was indicative of tree related damage. Additionally, the trees are currently only at semi-maturity and as such would be expected to grow to a mature height and girth of more than double their current size, this would put the trees in direct physical contact with the wall and this would without doubt cause very significant damage (likely resulting in the collapse of the wall).

## 4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications
- Resources – No implications identified.

- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – No implications identified.
- Equality & Diversity – No implications identified.

## **5 RECOMMENDED THAT COMMITTEE**

- 5.1 Agree to allow the Section 211 Notification to pass without placing the trees under the protection of a tree preservation order – thereby authorising their removal by default.

PHIL JOHNSON  
COUNTRYSIDE OFFICER

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

### **BACKGROUND PAPERS**

See attached copy of the Notification and an assessment carried out by the Countryside Officer on the trees in question.

For further information please ask for Phil Johnson, extension 4505.

REF: PJ/P&D/12-02-15



RIBBLE VALLEY  
BOROUGH COUNCIL

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA Tel: 01200 425111 www.ribblevalley.gov.uk

For office use only

Application No. 3/2014/1100

Date received

Fee paid £

Receipt No:

# Application for tree works: works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in a conservation area.

## Town and Country Planning Act 1990

You can complete and submit this form electronically via the Planning Portal by visiting [www.planningportal.gov.uk/apply](http://www.planningportal.gov.uk/apply)

### Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using block capitals and black ink.

You must use this form if you are applying for work to trees protected by a tree preservation order (TPO). (You may also use it to give notice of works to trees in a conservation area).

It is important that you read the accompanying guidance notes before filling in the form. Without the correct information, your application will not be able to proceed.

### 1. Applicant Name and Address

Title:  First name:

Street name:

Company (optional):

Unit:  House number:  House suffix:

Use me:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

### 2. Agent Name and Address

Title:  First name:

Last name:

Company (optional):

Unit:  House number:  House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

### 3. Trees Location

All trees stand at the address shown in Question 1, go to Question 4. Otherwise, please provide the full address/location of the site where the tree(s) stand (including full postcode where available)

Unit:  House number:  House suffix:

Use name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (known):

If the location is unclear or there is not a full postal address, either describe as clearly as possible where it is (for example, 'Land to the right of 12 to 18 High Street' or 'Woodland adjoining Elm Road') or provide an Ordnance Survey grid reference:

Description:

PLAN ENCLOSED SHOWS AN OUTLINE OF THE PLOT WITH A SYMBOL TO IDENTIFY THE TREES.

### What Are You Applying For?

Are you seeking consent for works to tree(s) subject to a TPO?  Yes  No

Are you wishing to carry out works to tree(s) in a conservation area?  Yes  No

### Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes).

Please provide the following information below: tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

1. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

### 4. Trees Ownership

Is the applicant the owner of the tree(s)?  Yes  No  
If 'No' please provide the address of the owner (if known and if different from the trees location)

Title:  MR First name:  KEVIN

Last name:  HORKIN

Company (optional):  SPEX OPTICIANS

Unit:  3 House number:  1 House suffix:  1

House name:  1

Address 1:  New MARKET STREET

Address 2:  1

Address 3:  1

Town:  CLITHEROE

County:  LANCASHIRE

Country:  UNITED KINGDOM

Postcode:  BB7 2JW

Telephone numbers

Country code:	National number:	Extension number:
<input type="text"/> +44	<input type="text"/> 1200 423704	<input type="text"/>
<input type="text"/> +44	<input type="text"/> 7538 720987	<input type="text"/>
<input type="text"/> +44	<input type="text"/> 1200 422237	<input type="text"/>

Email address (optional):  kevin@spexopticians.co.uk

### 6. Tree Preservation Order Details

If you know which TPO protects the tree(s), enter its title or number below.

REQUIRE TREES TO BE REMOVED DUE TO POTENTIAL DANGERS CONCERNING PUBLIC SAFETY AND PROPERTY PROTECTION.

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### Trees - Additional Information

Additional information may be attached to electronic communications or provided separately in paper format.

**For all trees**  
A sketch plan clearly showing the position of trees listed in Question 7 must be provided when applying for works to trees covered by a TPO. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes). It would also be helpful if you provided details of any advice given on site by an LPA officer.

**For works to trees covered by a TPO**  
Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the necessary evidence to support your proposals. (See guidance notes for further details)

1. **Condition of the tree(s)** - e.g. it is diseased or you have fears that it might break or fall:  Yes  No  
If YES, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

2. **Alleged damage to property** - e.g. subsidence or damage to drains or drives.  Yes  No  
If YES, you are required to provide for:

Subsidence

A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.

Other structural damage (e.g. drains, walls and hard surfaces)

Written technical evidence from an appropriate expert, including description of damage and possible solutions.

**Documents and plans (for any tree)**  
Are you providing separate information (e.g. an additional schedule of work for Question 7)?  Yes  No

If YES, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application. If they are being provided separately from this form, please detail how they are being submitted.

---

DOCUMENT NOT OFFICIALLY IDENTIFIED.

# 1. Authority Employee / Member

With respect to the Authority, I am:

- a) a member of staff
- b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

Yes  No

If Yes, please provide details of the name, relationship and role

I AM A COUNCILLOR FOR RIBBLE VALLEY BOROUGH AND TOWN COUNCIL.

## D. Application For Tree Works - Checklist

Only one copy of the application form and additional information (Question 8) is required. Please use the guidance and this checklist to make sure that this form has been completed correctly and that all relevant information is submitted. Please note that failure to supply precise and detailed information may result in your application being rejected or delayed. You do not need to fill out this section, but it may help you to submit a valid form.

### Sketch Plan

- A sketch plan showing the location of all trees (see Question 8)

### Identify all trees

(see Question 7)

- Clear identification of the trees concerned
- A full and clear specification of the works to be carried out

### Identify works to trees protected by a TPO

(see Question 7)

Have you:

- stated reasons for the proposed works?
- provided evidence in support of the stated reasons? in particular:
  - if your reasons relate to the condition of the tree(s) - written evidence from an appropriate expert
  - if you are alleging subsidence damage - a report by an appropriate engineer or surveyor and one from an arboriculturist.
  - in respect of other structural damage - written technical evidence
- included all other information listed in Question 8?

## 1. Declaration - Trees

We hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

12/12/14

(This date must not be before the date of sending or hand-delivery of the form)

## 2. Applicant Contact Details

Telephone numbers

Country code:	National number:	Extension number:
-44	01200 423704	
Country code:	Mobile number (optional):	
+44	7538 720987	
Country code:	Fax number (optional):	
-44	1200 422237	

Email address (optional):  
 kevin@spexopticians.co.uk

## 13. Agent Contact Details

Telephone numbers

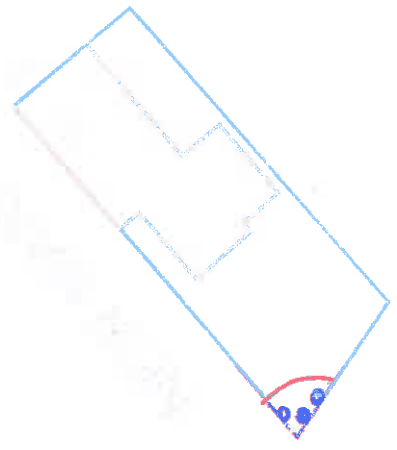
Country code:	National number:	Extension number:
Country code:	Mobile number (optional):	
Country code:	Fax number (optional):	

Email address (optional):

Electronic communication - If you submit this form by fax or e-mail the LPA may communicate with you in the same manner.

Please see guidance notes

Riviera Valley Council  
Town and Country Planning Act 1990



**ATTENTION**  
WORK MUST NOT START UNTIL YOU  
HAVE CHECKED IF BUILDING REGULATION  
APPROVAL IS REQUIRED. TELEPHONE  
BUILDING CONTROL ON 01206 47

Eastham  
Houses

Starling Club





Kind Regards,  
Kevin Horkin  
PJ Oliver

Thanks for visiting the trees on site today. Please find attached relevant photos showing the trees and damage created to the stone wall. Hopefully these photos meet the criteria of evidence needed to be provided as described in the application form. The application form will be delivered to reception in the council offices before 5pm.

Hello Phil,

**From:** Oliver Alcock @ The Horkin Group [oliver@horkingroup.co.uk](mailto:oliver@horkingroup.co.uk)  
**Date:** 4 December 2014 14:42  
**Subject:** TREE Application  
**To:** [phil@huronstonedecorations.co.uk](mailto:phil@huronstonedecorations.co.uk), [devon@huronstonedecorations.co.uk](mailto:devon@huronstonedecorations.co.uk), [kevin@huronstonedecorations.co.uk](mailto:kevin@huronstonedecorations.co.uk), [pj@huronstonedecorations.co.uk](mailto:pj@huronstonedecorations.co.uk), [caz@huronstonedecorations.co.uk](mailto:caz@huronstonedecorations.co.uk)







**Oliver Alcock**  
**IT MANAGER**







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 01200 423704  01200 422237  @oliver@thehorkingroup.co.uk



**SMALL BUSINESS**  
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— 6<sup>th</sup> DECEMBER —

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**SMALL BUSINESS, ON 6TH DECEMBER**  
**AND BEYOND**


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 @SmallBizSatUK

 SmallBusinessSaturdayUK

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed.

# TREE WORK ASSESSMENT

<b>TPO:</b>	Clitheroe Conservation Area	<b>DATE:</b>	4 <sup>th</sup> December 2014
<b>SPECIES:</b>	1x Sycamore, 2x conifer	<b>ASSESSOR:</b>	Phil Johnson
		<b>SIGNED:</b>	
<b>ADDRESS:</b>	Spex Opticians, New Market St, Clitheroe		

**VISUAL TREE ASSESSMENT:**

The trees are all in reasonable condition with no signs of any significant defects. However, there is visible and obviously tree related damage to the adjacent wall. Additionally, the trees are in close proximity to the wall (which is some 2 – 2.5m tall) and are only at semi-maturity. As the trees continue to grow it is a certainty that in this location they would cause the collapse of the wall.

<b>RELATED ISSUES:</b>	<b>YES</b>	<b>NO</b>		<b>YES</b>	<b>NO</b>
Planning Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Highway issue	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Statutory Undertaker	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Damage to property (proven)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Health & safety issues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Nuisance	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other (describe)	<input type="checkbox"/>				

<b>AMENITY EVALUATION:</b>	<b>YES</b>	<b>NO</b>
Carried out	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Necessary	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Application works appropriate    **YES**     **NO**

Why?

Felling is the only feasible option in this case.

Alternative works more appropriate    **YES**     **NO**

Describe Alternative Works:

N/A

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 8

meeting date: 12<sup>th</sup> February 2015  
title: CONFIRMATION OF DILWORTH LANE, LONGRIDGE TREE PRESERVATION ORDER 2014 NO 4  
submitted by: DIRECTOR OF COMMUNITY SERVICES  
principal author: PHIL JOHNSON

## 1 PURPOSE

- 1.1 To request that Members formally confirm the Dilworth Lane, Longridge Tree Preservation Order 2014 No 4
- 1.2 To request that Members formally authorise the Director of Community Services to sign the modified order as confirmed.
- 1.3 Relevance to the Council's ambitions and priorities
  - The Order will help to make people's lives healthier by protecting and enhancing the environment.
  - Protect and enhance the existing environmental quality of our area by retaining trees in the local landscape.

## 2 BACKGROUND

- 2.1 On 23<sup>rd</sup> October 2014 Ribble Valley Borough Council made the temporary tree preservation order for the proposed Taylor Wimpey development site on Dilworth Lane, Longridge. This temporary order is in place for a period of 6 months during which time the Council must make a decision as to whether to confirm the order (with or without modification) or revoke the order.

## 3 ISSUES

- 3.1 2 objections to the tree preservation order (or parts thereof) have been received. The details of the objections are outlined with a response below.

### Objection 1:

- i. *An objection is made on the grounds that the objector does not believe the order to be expedient in the public interest because they have always looked after the trees in the past and intend to continue this in the future:-* It is accepted that the objector has not wholesale felled trees without necessity in the past. However, the proposed use of the land may change in the future and the ownership of the land may be a further change as a part of that process. This potential places the trees under greater threat, and it is within the power of the Council to make the decision to protect the trees against a potential threat. Clearly it is too late to protect trees once they have already

been damaged or removed. **It is not considered that this objection is a valid reason to revoke or modify the tree preservation order.**

- ii. *An objection is made on the grounds that the objector does not believe the order to be expedient in the public interest because the trees are already protected by felling licence controls:-* The report from TEP is clear on this, that if the trees were to remain within a field then felling regulations would prevent wholesale removal of trees all at one time. However, felling regulations would not prevent the removal of several trees at once (in each calendar quarter) which would have a significant impact on the environment and amenity of the area. Additionally, if the use of the land were to change and trees were to be located within designated parkland or within residential curtilage then felling regulations would not apply at all. It should also be noted that felling regulations do not prevent the unnecessary pruning of trees. **It is not considered that this objection is a valid reason to revoke or modify the tree preservation order.**
- iii. *An objection is made on the grounds that the objector does not believe the order to be expedient in the public interest because the planning process is on-going and as a part of that process the majority of the trees are shown to be retained:-* The planning application for houses on Dilworth Lane was refused, and as such there are no conditions requiring the retention of the trees. If the trees were considered to be a barrier to obtaining planning permission then it is feasible that the owner or a developer may feel that it is appropriate to remove that barrier by removing those trees. Confirming the tree preservation order would ensure that this does not happen and would ensure that this important landscape is protected. **It is not considered that this objection is a valid reason to revoke or modify the tree preservation order.**
- iv. *An objection is made on the grounds that the objector believes that some of the trees protected by the order are of low amenity value because they were rated as Category C trees by the developer's arboricultural report:-* It is accepted that the Council concurs with the findings of the arboricultural report that was provided with the planning application made by Taylor Wimpey. Category C trees are identified as being "trees of low quality with an estimated life expectancy of at least 10 years". It is considered to be of bad practice to include trees with a life expectancy of less than 10 years within a tree preservation order, and tree preservation orders must be made on trees that have a reasonable amenity value. In this case the trees were inspected on site by the Countryside Officer and several Category C trees were included in the order because it was considered that they had a wider amenity value (beyond simple visual amenity). That wider amenity value includes a value as habitat features for local wildlife, as such it is considered that it is important to retain these trees within the order. As a matter of note, not all of the Category C trees as identified within the arboricultural report were included within the tree preservation order, as it was considered that some of those trees had no significant wider amenity value. **It is not considered that this objection is a valid reason to revoke or modify the tree preservation order.**

## Objection 2:

The comments as a part of Objection 2 support the order, but object to the two trees on the objector's property being placed under protection:

- v. *An objection is made on the grounds of expediency for both T16 and T17. All trees within the property 54 Higher Road have been carefully looked after and are not at risk of removal by the current owners:-* Inspection of the site concurs with this comment, the trees within the property that front Higher Road are in good condition and have not been the subject of needless felling or pruning. **It is considered that this is a valid reason to modify the tree preservation order to remove trees 16 and 17.**
  
- vi. *An objection is made on the grounds of suitability of T17. The tree is in close proximity to the house and is therefore considered inappropriate for inclusion:-* The trunk of T17 is greater than 5m distance from the building, as such it is not too close to the house to be included within the order. However, due to the objection (v.) the tree should be removed from the order. **It is not considered that this is a valid reason to revoke or modify the tree preservation order.**

3.2 Of the 6 individual points of objection only point number 5 is considered to be a valid reason to change the order. It is considered reasonable to remove T16 and T17 from the confirmed order and to therefore confirm the order as modified.

## **4 RISK ASSESSMENT**

4.1 The approval of this report may have the following implications

- Resources – No implications identified.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – Potential increase in reputation locally in Longridge due to protecting the natural environment.
- Equality & Diversity – No implications identified.

## **5 RECOMMENDED THAT COMMITTEE**

5.1 Agree to the modified confirmation of the Dilworth Lane, Longridge Tree Preservation Order 2014 No 4 under the Town and Country Planning Act 1990.

5.2 Authorise the Director of Community Services to sign the modified order as confirmed.



PHIL JOHNSON  
COUNTRYSIDE OFFICER

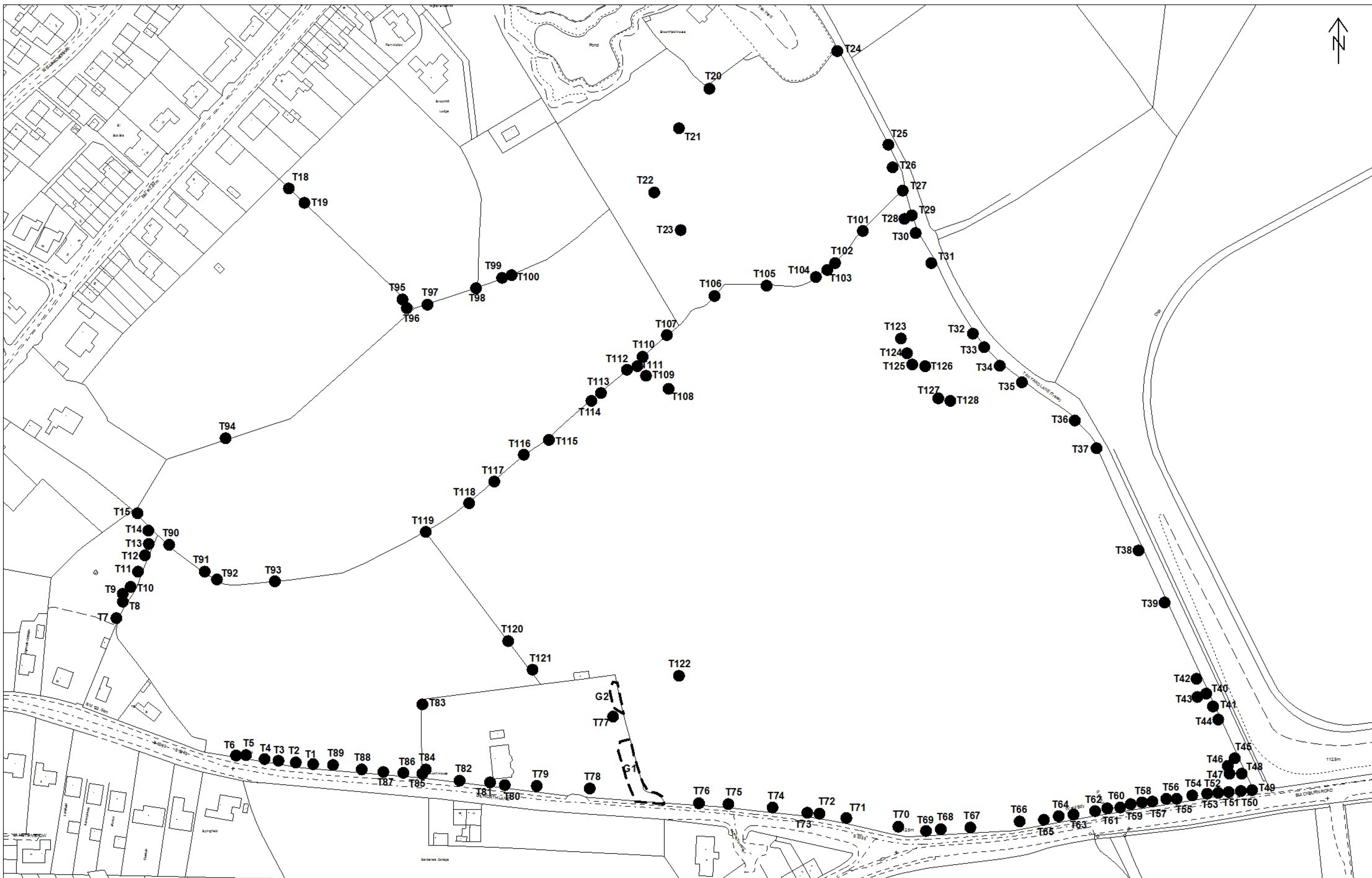
JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

See attached copy of the Modified Map and Order, and copies of both formal objections.

For further information please ask for Phil Johnson, extension 4505.

REF: PJP&D/12-02-15



**Tree Preservation Order**

Town and Country Planning Act 1990

The Dilworth Lane, Longridge Tree Preservation Order 2014 No. 4

The Ribble Valley Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

1. This Order may be cited as the Dilworth Lane, Longridge Tree Preservation Order 2014 No. 4.

**Interpretation**

2.— (1) In this Order “the authority” means the Ribble Valley Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 23<sup>rd</sup> day of October 2014.

The Common Seal of the Ribble Valley Borough Council

was affixed to this Order in the presence of—

..... THE MAYOR

..... CHIEF EXECUTIVE

CONFIRMATION OF ORDER

This Order was confirmed by the Ribble Valley Borough Council, subject to the modifications indicated by the inclusion of a modified Schedule and a modified Map, on the [xx] day of [insert month and year]

Signed on behalf of the Ribble Valley Borough Council

.....

Mr John Heap, Director of Community Services

Authorised by the Council to sign in that behalf

## SCHEDULE

### Specification of trees

#### Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Alder	Along the roadside at Dilworth Lane, opposite Croft Way
T2	Ash	Along the roadside at Dilworth Lane, opposite Croft Way
T3	Sycamore	Along the roadside at Dilworth Lane, opposite Croft Way
T4	Ash	Along the roadside at Dilworth Lane, close to Croft Way
T5	Sycamore	Along the roadside at Dilworth Lane
T6	Lime	Along the roadside at Dilworth Lane
T7	Oak	To the rear of 28 Dilworth Lane
T8	Holly	To the rear of 28 Dilworth Lane
T9	Birch	To the rear of 28 Dilworth Lane
T10	Sycamore	To the rear of 28 Dilworth Lane
T11	Sycamore	To the rear of 28 Dilworth Lane
T12	Sycamore	To the rear of 28 Dilworth Lane
T13	Sycamore	To the rear of 28 Dilworth Lane
T14	Horse Chestnut	To the rear of 28 Dilworth Lane
T15	Sycamore	Within development site North of Dilworth Lane close to the rear boundary of 28 Dilworth Lane
<del>T16</del>	Yew <b>OMITTED FROM CONFIRMED ORDER</b>	<del>To the rear of 54 Higher Road</del>
<del>T17</del>	Beech <b>OMITTED FROM CONFIRMED ORDER</b>	<del>To the side of 54 Higher Road</del>
T18	Ash	Within development site North of Dilworth Lane
T19	Ash	Within development site North of Dilworth Lane
T20	Sycamore	Within development site North of Dilworth Lane close to the boundary with Broomfield House

T21	Oak	Within development site North of Dilworth Lane close to grounds of Broomfield House
T22	Hawthorn	Within development site North of Dilworth Lane
T23	Hawthorn	Within development site North of Dilworth Lane
T24	Holly	Within development site North of Dilworth Lane, adjacent bridleway
T25	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T26	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T27	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T28	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T29	Alder	Within development site North of Dilworth Lane, adjacent bridleway
T30	Ash	Within development site North of Dilworth Lane, adjacent bridleway
T31	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T32	Oak	Within development site North of Dilworth Lane, adjacent bridleway
T33	Oak	Within development site North of Dilworth Lane, adjacent bridleway
T34	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T35	Ash	Within development site North of Dilworth Lane, adjacent bridleway
T36	Ash	Within development site North of Dilworth Lane, adjacent bridleway
T37	Alder	Within development site North of Dilworth Lane, adjacent bridleway
T38	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T39	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway

T40	Ash	Within development site North of Dilworth Lane, adjacent bridleway
T41	Ash	Within development site North of Dilworth Lane, adjacent bridleway
T42	Lime	Within development site North of Dilworth Lane, adjacent bridleway
T43	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T44	Lime	Within development site North of Dilworth Lane, adjacent bridleway
T45	Lime	Within development site North of Dilworth Lane, adjacent bridleway
T46	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T47	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T48	Sycamore	Within development site North of Dilworth Lane, adjacent bridleway
T49	Sycamore	Corner of bridleway and Blackburn Road (A6243)
T50	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T51	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T52	Lime	East end of development site adjacent to Blackburn Road (A6243)
T53	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T54	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T55	Ash	East end of development site adjacent to Blackburn Road (A6243)
T56	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T57	Horse Chestnut	East end of development site adjacent to Blackburn Road (A6243)
T58	Sycamore	East end of development site adjacent to Blackburn Road (A6243)

T59	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T60	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T61	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T62	Lime	East end of development site adjacent to Blackburn Road (A6243)
T63	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T64	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T65	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T66	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T67	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T68	Sycamore	East end of development site adjacent to Blackburn Road (A6243)
T69	Lime	Adjacent to Blackburn Road (A6243) opposite Lower Lane
T70	Sycamore	Adjacent to Blackburn Road (A6243) opposite Lower Lane
T71	Lime	Adjacent to Dilworth Lane near junction with Blackburn Road and Lower Lane
T72	Alder	Adjacent to Dilworth Lane opposite Dilworth Court
T73	Sycamore	Adjacent to Dilworth Lane opposite Dilworth Court
T74	Oak	Adjacent to Dilworth Lane opposite Dilworth Court
T75	Sycamore	Adjacent to Dilworth Lane opposite Dilworth Court
T76	Sycamore	Adjacent to Dilworth Lane, opposite No. 41
T77	Sycamore	Eastern part of the garden of Dilworth House, Dilworth Lane
T78	Beech	Adjacent driveway of Dilworth House, Dilworth Lane



T79	Lime	Grounds of Dilworth House opposite 41 Dilworth Lane
T80	Beech	Adjacent to Dilworth House, within the garden, Dilworth Lane
T81	Beech	Adjacent to Dilworth House, within the garden, Dilworth Lane
T82	Beech	Grounds of Dilworth House opposite 39 Dilworth Lane
T83	Beech	North West corner of garden area of Dilworth House, Dilworth Lane
T84	Alder	South West corner of garden area of Dilworth House, Dilworth Lane
T85	Beech	South West corner of garden area of Dilworth House, Dilworth Lane
T86	Alder	Close to the western boundary of Dilworth House within the development site North of Dilworth Lane
T87	Alder	Close to the western boundary of Dilworth House within the development site North of Dilworth Lane
T88	Oak	Within the development site North of Dilworth Lane opposite Croft Way
T89	Alder	Within the development site North of Dilworth Lane opposite Croft Way
T90	Sycamore	Within the central area of the development site North of Dilworth Lane
T91	Sycamore	Within the central area of the development site North of Dilworth Lane
T92	Sycamore	Within the central area of the development site North of Dilworth Lane
T93	Sycamore	Within the central area of the development site North of Dilworth Lane
T94	Sycamore	Within the central area of the development site North of Dilworth Lane
T95	Scots Pine	Within the central area of the development site North of Dilworth Lane
T96	Scots Pine	Within the central area of the development site North of Dilworth Lane

T97	Hawthorn	Within the central area of the development site North of Dilworth Lane
T98	Ash	Within the central area of the development site North of Dilworth Lane
T99	Ash	Within the central area of the development site North of Dilworth Lane
T100	Ash	Within the central area of the development site North of Dilworth Lane
T101	Alder	Within the central area of the development site North of Dilworth Lane
T102	Alder	Within the central area of the development site North of Dilworth Lane
T103	Holly	Within the central area of the development site North of Dilworth Lane
T104	Alder	Within the central area of the development site North of Dilworth Lane
T105	Ash	Within the central area of the development site North of Dilworth Lane
T106	Ash	Within the central area of the development site North of Dilworth Lane
T107	Ash	Within the central area of the development site North of Dilworth Lane
T108	Ash	Within the central area of the development site North of Dilworth Lane
T109	Oak	Within the central area of the development site North of Dilworth Lane
T110	Oak	Within the central area of the development site North of Dilworth Lane
T111	Ash	Within the central area of the development site North of Dilworth Lane
T112	Ash	Within the central area of the development site North of Dilworth Lane
T113	Oak	Within the central area of the development site North of Dilworth Lane
T114	Sycamore	Within the central area of the development site North of Dilworth Lane
T115	Alder	Within the central area of the development site North of Dilworth Lane

T116	Alder	Within the central area of the development site North of Dilworth Lane
T117	Ash	Within the central area of the development site North of Dilworth Lane
T118	Ash	Within the central area of the development site North of Dilworth Lane
T119	Ash	Within the central area of the development site North of Dilworth Lane
T120	Sycamore	Within the central area of the development site North of Dilworth Lane
T121	Ash	Within the central area of the development site North of Dilworth Lane
T122	Oak	Within the central area of the development site North of Dilworth Lane
T123	Ash	Within the eastern area of the development site North of Dilworth Lane
T124	Ash	Within the eastern area of the development site North of Dilworth Lane
T125	Ash	Within the eastern area of the development site North of Dilworth Lane
T126	Alder	Within the eastern area of the development site North of Dilworth Lane
T127	Alder	Within the eastern area of the development site North of Dilworth Lane
T128	Alder	Within the eastern area of the development site North of Dilworth Lane

**Trees specified by reference to an area**

(within a dotted black line on the map)

-NONE-

## Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
G1	3 Sycamore, 1 Beech, 1 Oak, 1 Lime	Eastern boundary of Dilworth House, Dilworth Lane
G2	5 Holly	Eastern boundary of Dilworth House, Dilworth Lane

## Woodlands

(within a continuous black line on the map)

-NONE-



## Tree Preservation Order at Dilworth Lane, Longridge 2014 No. 4

### Objection to Making of Order

Genesis Centre  
Birchwood Science Park  
Warrington  
WA3 7BH

T: 01925 844004  
F: 01925 844002  
E: [tep@tep.uk.com](mailto:tep@tep.uk.com)  
W: [www.tep.uk.com](http://www.tep.uk.com)



Offices in Warrington, Gateshead, Market Harborough, London, Kent and Cornwall

Tree Preservation Order at Dilworth Lane, Longridge 2014 No. 4

Objection to Making of Order

Document Reference: 4859.004

November 2014

Prepared by: Francis Hesketh MICFor

TEP  
Genesis Centre  
Birchwood Science Park  
Warrington  
WA3 7BH  
Tel: 01925 844004  
Fax: 01925 844002

Prepared for

Mr T. Croft  
Crofts (Longridge) Ltd  
Hollin Hall Farm  
Tanyard  
Longridge  
Preston  
PR3 3TA

4859.004 TPO Objection

Written by:	Checked by:	Approved by:
FBH	TP	FBH



<b>CONTENTS</b>		<b>PAGE</b>
1.0	Formal Objection.....	1
2.0	Sources of Information.....	2
3.0	No Expediency.....	4
	Ownership and Stewardship of Trees.....	4
	Felling Licence Controls.....	4
	Planning Process.....	5
4.0	Lack of Amenity Value of Trees.....	6

<b>TABLES</b>		<b>PAGE</b>
	Table 1: Trees included in the Order located on Mr Croft's land.....	1
	Table 2: Trees included in the Order that are of low value.....	1

## 1.0 Formal Objection

- 1.1 Ribble Valley Borough Council ("The Council") made Tree Preservation Order Dilworth Lane, Longridge 2014 No 4 ("The Order") on 23rd October 2014. Many of the trees included in the Order are on land belonging to Mr T. Croft of Crofts (Longridge) Ltd, Hollin Hall Farm, Tanyard, Longridge, Preston, PR3 3TA.
- 1.2 In accordance with Regulation 6 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012 ("The Regulations"), this document is an objection by Mr Croft to the making of the Order.
- 1.3 The grounds of objection are as follows:
- 1.4 Firstly, it is not expedient to make the Order. The reason given by the Council when making the Order is the risk to the trees from a planning application to build housing on the land. This document shows that a) Mr Croft is a responsible landowner and has no intention of carrying out any tree felling, b) the planning process has worked, and can continue to work, to protect the trees and c) there are other controls which would prevent significant felling of mature trees.
- 1.5 While the objection on grounds of lack of expediency applies to the Order in totality, Mr Croft makes a specific objection to the making of the Order on trees on his land, namely trees in Table 1.
- 1.6 Secondly, several of the trees included in the Order are of little value and therefore it cannot be in the interests of amenity to apply the Order to them. These are trees are listed in Table 2.
- 1.7 If confirmed, the Order would impose an unnecessary and unfair administrative burden on Mr Croft, who has demonstrated a long history of responsible stewardship of the trees.

**Table 1: Trees included in the Order located on Mr Croft's land**

TPO Reference Number
T1; T2; T3; T4; T5; T6; T27; T28; T29; T30; T31; T32; T33; T34; T35; T36; T37; T38; T39; T40; T41; T42; T43; T44; T45; T46; T47; T48; T49; T50; T51; T52; T53; T54; T55; T56; T57; T58; T59; T60; T61; T62; T63; T64; T65; T66; T67; T68; T69; T70; T71; T72; T73; T74; T75; T76; T86; T87; T88; T89; T90; T91; T92; T93; T101; T102; T103; T104; T105; T106; T107; T108; T109; T110; T111; T112; T113; T114; T115; T116; T117; T118; T119; T120; T121; T122 T123; T124; T125; T126; T127; T128

**Table 2: Trees included in the Order that are of low value**

TPO Reference Number
T1; T4; T27; T29; T38; T39; T43; T44; T45; T46; T47; T48; T53; T64; T73; T93; T104; T112; T114; T121;



## 2.0 Sources of Information

- 2.1 An extract from the Land Registry showing the land owned by Mr Croft in pink is reproduced below.



- 2.2 Trees in Table 1 are on this land and the objection relates to these trees.
- 2.3 Outline Planning Application Reference 3/2014/0517 was made by Taylor Wimpey in respect of the land. This application was accompanied by a Tree Survey in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations. The tree survey (by Trevor Bridge Associates) is document reference MG/4536/TSR 'B'/OCT14, and includes a schedule of all trees including their Value categorisation using BS 5837 criteria. This objection refers to the Survey.
- 2.4 This Tree Survey was carried out in consultation with Council Officers, who accepted its findings, as was reported to the Planning Committee dealing with the application. This objection refers to the Officers Report to Committee.

Objection to Making of Order

---

- 2.5 At the Planning Committee meeting of 16th October 2014, Francis Hesketh MICFor, a Director of TEP made representations that the Order was not expedient given that planning and felling licence controls were capable of protecting the trees, and given the long history of responsible ownership of Mr Croft.
- 2.6 In response, Mr Philip Johnson, Countryside Officer for the Council, noted that the reason for making the Order was due to the uncertainty caused by the planning application and also stated that felling licence controls would not apply. This specific point is addressed later.

## 3.0 No Expediency

### Ownership and Stewardship of Trees

- 3.1 The land has been in the family ownership since the 1920's and Mr Croft has owned and managed the land for 52 years. He has not removed any significant trees, nor has he caused any trees to die.
- 3.2 Study of historic aerial photography shows that tree cover has remained consistent. For example, a Google Earth image from December 2000 shows that the same trees were present on the land as are present now.
- 3.3 The Council has indicated that the trees are considered to be at risk due to the planning application to build houses on the land. It is evident that Mr Croft has behaved responsibly throughout the planning application process and has not interfered with the trees to facilitate prospects of future development. Therefore the making of the Order is disproportionate to the actual risk.
- 3.4 If there were to be a change of ownership, or if Mr Croft had recently removed trees, then that might be a reasonable time for the Council to consider it expedient to make the Order. However, these circumstances do not apply, so the making of the Order is not expedient.

### Felling Licence Controls

- 3.5 Under the Forestry Act 1967, any person wishing to fell growing trees must apply to the Forestry Commission for permission unless the work is covered by an exemption. Such permission is usually only granted provided that replacement planting is secured.
- 3.6 The mature trees on Mr Croft's land typically have timber volumes of between 0.8 and 2.8 m<sup>3</sup>. This calculation is made on the basis of the dimensions reported in the Tree Survey, accepted by the Council. For example TPO tree T51 is referenced in the Tree Survey as Tree T67, with a diameter at breast height of 0.5 m and a height of 17 m. Using a simplified model based on a 13 m saleable stem with a mid-diameter of 0.38 m this has a timber volume of 1.5 m<sup>3</sup>.
- 3.7 On this basis, it would only be possible to fell approximately 3 mature trees without requiring a felling licence. If a felling licence application were to be made, at that stage, the Council may feel it expedient to make an Order.
- 3.8 On this specific point, Mr Johnson advised the Council's Planning Committee, before they debated the making of the Order, that Felling Licence controls would not be effective. This advice was incorrect and Council members should have been advised that Mr Hesketh's advice that a person "*could only cut down a handful of the mature trees on the site before needing a Felling Licence*" was factually correct.

### Planning Process

- 3.9 Trees are a material consideration in the planning process. The Council Officers were diligent in applying tree protection principles during the planning application, with the result that they negotiated a development layout and point of access that would have minimal impact on the tree stock.
- 3.10 The Officer's report to Committee provides an appraisal of the situation regarding trees. It states that the countryside officer has determined the particular trees of amenity value to be worthy of protection. The masterplan submitted with the application (albeit indicative as the application was in outline) shows that the overwhelming majority of these trees would be retained. Only some trees would necessarily be felled to accommodate the site vehicular access, and in this regard the officer reports that *"the proposal has been designed to minimise as far as practicable, the loss of trees along the frontage of the site"*.
- 3.11 If the Council is intent on making a TPO due to the planning application, it would be common sense to make it either at the time of Reserved Matters approvals (or if land changes ownership prior to that). At time of Reserved Matters applications the Council can ensure tree protection and retention during construction, and can therefore apply the Order only to such trees.
- 3.12 This TPO, in its current form, is effectively a blanket TPO covering the majority of trees on the site, including 36 trees which Council officers have agreed are of "Low value" (20 of which are owned by Mr Croft). It doesn't make sense to confirm the TPO now, because the Council will need to amend the TPO every time there is a Reserved Matters approval.
- 3.13 In short, the planning process has done its job of protecting trees of value, and in the circumstances there is no expediency for the making of the Order.
- 3.14 TEP has been involved in numerous residential planning applications on sites with mature trees, and it is unusual for a TPO to be applied unless there is a clear threat to trees e.g. due to an irresponsible or absentee land owner, or due to an insensitive planning layout being aggressively promoted by a developer. Neither of these situations apply in this case, therefore there is no expediency.

## 4.0 Lack of Amenity Value of Trees

- 4.1 The Tree Survey report submitted with the planning application was carried out in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations. It includes a schedule of all trees including their Value categorisation using BS5837 criteria, defined below.
- 4.2 Category A – Trees of high quality with an estimated life expectancy of at least 40 years. Trees that are particularly good examples of their species and/or those that have visual importance or significant conservation or other value.
- 4.3 Category B – Trees of moderate quality with an estimated remaining life expectancy of at least 20 years. Trees that do not qualify as Category A due to impaired condition and/or those that collectively have higher value than they would as individuals; also trees with material conservation or other value.
- 4.4 Category C – Trees of low quality with an estimated life expectancy of at least 10 years. Trees that have very limited merit or of such impaired condition that they do not qualify in higher categories or offering transient or temporary landscape benefits.
- 4.5 Category U – Trees that cannot be realistically be retained as living trees longer than 10 years. Trees that have a serious, irremediable structural defect, are dead or showing signs of irreversible decline, or are infected with pathogens of significance to the health and/or safety of other trees.
- 4.6 The Council officers agreed that the Tree Survey was accurate.
- 4.7 On this basis, it would only be appropriate to consider making an Order in respect of Category A and B trees. The purpose of a TPO is “in the interests of amenity”, and therefore it cannot be appropriate to make an Order in respect of a Category C tree, unless a special justification is provided.
- 4.8 No such special justifications are made in the Order.
- 4.9 Therefore Mr Croft objects to the making of the Order in respect of the following trees on his land, which are BS 5837:2012 Category C:  
T1; T4; T27; T29; T38; T39; T43; T44; T45; T46; T47; T48; T53; T64; T73; T93; T104; T112; T114; T121;
- 4.10 This objection is in addition to and separate from, his general objection (on grounds of expediency) to the making of the Order on all trees on his land.

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

Agenda Item No.

meeting date: 12 FEBRUARY 2015  
title: HOUSING LAND AVAILABILITY  
submitted by: DIRECTOR OF COMMUNITY SERVICES  
principal author: JOANNE MACHOLC, SENIOR PLANNING OFFICER

### 1 PURPOSE

1.1 To provide Members with information on the results of the most recent Housing Land Availability Survey, which has a base date of 31 December 2014, and to outline amendments to the methodology for calculating the supply position.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - The information in this report relates to the delivery of housing which is a key theme of the recently adopted Core Strategy.
- Corporate Priorities - This information is relevant to the adopted Core Strategy which is a spatial expression corporate priorities
- Other Considerations - Councils have a duty to update housing supply annually.

### 2 INFORMATION

2.1 The Council has a duty to ensure a 5 year supply of deliverable housing land (NPPF paragraph 47). The issue of five year supply continues to be a key matter in the determination of planning applications and appeals.

2.2 Housing land surveys are conducted on a regular basis and reports produced which monitor housing development across the Borough and set out the latest supply position in relation to the relevant strategic requirement. On occasion updates are produced in the interim to inform major appeals.

2.3 From adoption of the Core Strategy, housing monitoring is to be undertaken half yearly. The most relevant date to be monitored is at 31<sup>st</sup> March which represents the end of the monitoring year for the purposes of producing a Monitoring Report (previously referred to as Annual Monitoring Reports). The latest published position is at 30<sup>th</sup> June 2014 so the 31<sup>st</sup> December survey provides information for the last six months. The next report will have a base date of 31<sup>st</sup> March and thereafter six monthly. This frequency is considered to provide best efficiencies in relation to the increasingly intensive monitoring role. It is noted that NPPF envisages annual updates.

2.4 The Survey provides information on the number of dwellings completed, information on sites with planning permission and their development status. It enables the Council to create a picture of construction trends and activity rates together with base line evidence on the amount of land that is available to be brought forward.

2.5 Outputs from the survey show that 1023 dwellings have been constructed since April 2008 (i.e. a 6.75 year period). In the monitoring year 2014-2015 to date (1 April – 31 December), 288 have been built. The activity in the current year represents a significant increase on previous years.

2.6 The supply position at 31 December 2014 can be summarised as:

	<u>No. dwellings</u>
• Units with full planning permission – not started	372
• Units with outline planning permission – not started	1803
• Sites commenced, units remaining but not started	335
• Units under construction	225
• Conversions - not started	88
• Conversions –under construction	45
• Affordable Housing Sites (not started)	892
<b>TOTAL</b>	<b>3760</b>

(note: planning permissions granted since 31 December are not included)

2.7 In addition, at 31 December, 387 dwellings were the subject of planning applications awaiting the completion of Section 106 Agreements. They are not included in the table above as the sites do not yet have planning permission. However given that development of these sites has been agreed in principle they are generally included in the supply. The Council has put in place measures to monitor progress on the completion of Agreements and their inclusion in the supply is regularly reviewed.

2.8 The relevant strategic housing requirement is set out in the Core Strategy which was adopted on 16<sup>th</sup> December 2014. H1 of the Core Strategy sets out a housing requirement of 5600 dwellings for the plan period 2008 to 2028. This equates to an annual average completion rate of at least 280 per year. Therefore the figure of 280 per year is used for monitoring purposes.

In addition to endorsing the overall housing requirement, the Inspector also considered in his report, based on the April 2014 Housing Land Availability Schedule that the Council could demonstrate a five year supply of housing. This was despite representations to the contrary. This endorsed the Council’s approach to calculating housing supply, based on the Sedgfield method (as resolved in October 2013 - Minute 369). Therefore the Council will continue to use this method. In addition the Inspector considered that, “Moreover, the exclusion of windfall sites suggests that the present five year land supply may be a conservative estimate ....”

2.9 Sites with planning permission are normally considered deliverable in terms of the NPPF. Some work has been undertaken on deliverability and related issues have been discussed at various appeals. As a result some sites are considered undeliverable in

the five year period and are excluded from the supply. The attached calculations include allowances for such sites (set out in Appendix 1). They are kept under review.

- 2.10 Some large sites are deliverable but due to their scale will not be fully developed in the five year period. In such cases only those elements considered deliverable in the five year period are included in the calculations. The remainder will be delivered in subsequent years. There are two such sites in the latest survey: Land at Higher Standen Farm and part Littlemoor Farm; and Land to the south and west of Whalley Road, Barrow as detailed in Appendix 1. The inspector explicitly considered the contribution of both sites in relation to housing land supply and considered that an allowance of 300 each was “broadly reasonable”. A further large site, Land off Waddington Road, is subject of a resolution to grant planning permission at 31<sup>st</sup> December 2014 but the Section 106 was unsigned at that point. An estimate is made for the contribution the site will make to housing delivery in five years.
- 2.11 Following the Inspector’s Report, consideration has been given to the inclusion of a windfall allowance based on definitions and advice in NPPF. This would not normally include residential gardens and, at this stage has been restricted to brownfield sites. Only the Principal settlements of Clitheroe, Longridge and Whalley and the nine Tier One settlements were considered as the development strategy (DS1) of the Core Strategy does not envisage significant new housing outside these settlements except in specific circumstances. Development rates were considered for development that has taken place or is under construction in them since 2008. Development outside the boundaries of these settlements or in relation to other settlements or open countryside is not included. Furthermore in order that any allowance is not skewed by a single large development, threshold of 10 dwellings in the Principal Settlements and 5 dwellings for the Tier One settlements were applied. The analysis shows that an average of about 23 dwellings a year has come forward in such circumstances. It is considered that this is a reasonable and realistic estimate of windfall to include in the supply (equating to 115 dwellings over the five year period). This will be kept under review especially in relation to greenfield sites and what contribution they make to supply.
- 2.12 The calculations continue to apply a 10% allowance for slippage. However this is to be kept under review as information on delivery becomes available in relation to actual development in the Ribble Valley context and specific sites. An immediate consideration is whether the 10% discount should apply to sites which are already under construction. It does not apply to dwellings which are actually under construction but it does apply to dwellings not commenced on sites under construction. 335 dwellings are not started on such sites. One site is already not included in the supply (Land at Dale View Billington) so 23 units are discounted. Of the remaining 312, 307 are on six large sites where development is in progress with some dwellings already completed and/or under construction. All are highly likely to be developed in 5 years. There are no further applications which seek a reduction in the number of dwellings and indeed an application has been considered on one of the sites to increase the number of dwellings by an additional three. On this basis, it is not necessary to apply the 10% discount.
- 2.13 Appendix 1 shows the calculation of the five year requirement. The five year requirement is for 2547 dwellings (equivalent to 510 per year). The identified supply including allowances is 2826 dwellings. On this basis there is a 5.54 year supply.



- 2.14 The Housing Land Availability Schedule January 2015 will be made available on the Council's website and a copy placed in the Members Room.
- 2.15 The Council will continue to keep matters under review and undertake regular monitoring of the housing land situation.

### 3 RISK ASSESSMENT

3.1 The approval of this report may have the following implications

- Resources – the monitoring of housing land is undertaken within existing resources. Six monthly monitoring brings significant efficiencies to resource requirements.
- Technical, Environmental and Legal – the monitoring of housing land at least annually is a requirement of NPPF (para. 47)
- Political – the housing land position is a key consideration in the determination of applications and appeals
- Reputation – Regular updating and publishing of the housing land position demonstrates that the Council is fulfilling its duties.
- Equality & Diversity – no direct implications

### 4 RECOMMENDED THAT COMMITTEE

- 4.1 That the housing land position at 31 December 2014 is noted and that minor amendments to the methodology in relation to inclusion of a windfall allowance and the application of the 10% allowance for slippage are endorsed.
- 4.2 That authority is delegated to the Head of Planning Services in consultation with the Chairman of Planning and Development to make further adjustments to the calculations in the future as may be relevant in the light of further monitoring and analysis of trends.

JOANNE MACHOLC  
SENIOR PLANNING OFFICER

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

#### BACKGROUND PAPERS

Housing Land Availability Schedule January 2015 (available on the website)  
NPPF

For further information please ask for Joanne Macholc, extension 3200.

REF: JM/120215/P&D/EL

**Housing Land Position at 31<sup>st</sup> December 2014****Annualised requirement**

The Core Strategy was adopted on 16<sup>th</sup> December 2014. Policy H1 sets an overall requirement of 5600 dwellings for the plan period 2008 – 2028 which equates to 280 dwellings per year. The 5 year requirement is calculated as follows:

A	Planned provision 2008 - 2028	5600
B	Annual equivalent	280
C	Five year requirement (Bx5)	1400
D	Plus 20% buffer – NPPF para. 47 (B+C)	1680
E	Completions 1/4/2008 – 31/12/2014 (6.75 years)	1023
F	Shortfall [(6.75x B)-E]	867
G	Total five year requirement (D+F)	2547
H	Annual requirement (G÷5)	510

**Identified supply at 31<sup>st</sup> December 2014**

Sites subject to Section 106 Agreements	387
Sites with planning permission not started:	
Sites with full permission	372
Sites with outline permission	1803
Conversions not started	88
Affordable Units not started	892
	<i>Sub total:</i>
	3542
Less sites not deliverable	48
Less dwellings on large sites deliverable beyond 5 year period	1069
	<i>Sub total:</i>
	2425
Less 10% slippage	243
Less a further 31 dwellings in relation to Lawsonsteads (remainder of site with outline permission)	31
	<i>Sub total:</i>
	2151
Plus sites under construction (225 + 45) less 22	248
Plus Dwellings not started on sites under construction (335 less 23 dwellings at Land off Dale View)	312
Plus windfall allowance	115
	<b>TOTAL</b>
	2826

**Supply** = 2826 ÷ 510  
= 5.54 years

**Deductions from the supply**

Sites with planning permission are usually considered deliverable in accordance with NPPF. The following sites have planning permission but are not considered deliverable and are excluded from the 5 year supply:

<b>Sites with planning permission</b>	<b>Total no.</b>	<b>Market units</b>	<b>Affordable Units</b>	<b>Development status</b>
Land off Dale View	23	23	0	Site under construction but 23 remain
Victoria Mill, Sabden*	30	7	23	Not started
Victoria St Garage, Clitheroe	9	9	0	Not started
Pack Horse Garage	9	9	0	Not started
<b>total</b>	<b>71</b>	<b>48</b>	<b>23</b>	

\* site at Victoria Mill has pp for 70 dwellings and is included in the overall figures. However the council has resolved to approve a further scheme for 40 dwellings which is subject to a section 106 agreement which is likely to be implemented in favour of the scheme for 70. Therefore 30 deducted.

A further site at Lawsonsteads has an extant outline planning permission for 206 dwellings. It has been indicated that the number of dwellings in the reserved matters application is likely to be about 155. This amounts to a reduction of 51 dwellings. Since the 10% slippage allowance would equate to a deduction of about 20 dwellings, a further 31 dwellings are deducted from the calculation to fully reflect this. Future surveys will pick up any variations.

**Small sites/conversions under construction**

A total of 22 units to be deducted.

**Large sites**

The Council considers that the following sites are deliverable but due to the scale, will not be fully developed in the five year period. The following allowances are made in the calculations:

<b>Site</b>	<b>Reference</b>	<b>Status at 31/12/2014</b>	<b>Total dwelling capacity</b>	<b>Allowance in 5 year period</b>	<b>Remainder deliverable beyond 5 years</b>
land at Higher Standen Farm & part Littlemoor Farm	3/2012/0942	Approved 17/4/14	1040	300	740
Land to the south and west of Barrow and west of Whalley Road, Barrow	3/2012/0630	Outline planning permission granted on appeal 20/2/2014	504	300	204
Land off Waddington Road, Clitheroe	3/2014/0597	Unsigned Section 106	275	150	125
<b>TOTAL</b>			<b>1819</b>	<b>750</b>	<b>1069</b>

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

Agenda Item No. 10

meeting date: 12 FEBRUARY 2015  
 title: NEW GOVERNMENT POLICY / SECTION 106 AGREEMENTS  
 submitted by: DIRECTOR OF COMMUNITY SERVICES  
 principal author: JOHN MACHOLC

### 1 PURPOSE

1.1 To inform Members of the change in government policy in respect to Section 106 contributions for small scale developments which became effective on 28 November 2014.

1.2 To advise Members of the possible impact of this change on the implementation of the appropriate policies within the adopted Core Strategy.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - } To be a well managed Council providing efficient services and this would include delivery of affordable housing and infrastructure improvements utilising funds where appropriate.
- Corporate Priorities - }
- Other Considerations - }

### 2 BACKGROUND

2.1 Section 106 Contributions

On 28 November 2014 Brandon Lewis, the Minister of State for Communities and Local Government, announced changes to government policy in respect of planning applications (Section 106 Agreements or Unilateral Undertakings). The Ministerial Statement is established as national guidance and is a significant material consideration in decision making. Following the statement, it has resulted in amendments to the National Planning Practice Guidance (NPPG) as follows.

- Contributions for affordable housing and tariff style planning applications should not be sought for development of 10 units or less and which have a maximum to combined gross floor space of no more than 1000m<sup>2</sup>.
- Tariff style contributions are defined as planning obligations contributing to pooled funding pots intended to provide common types of infrastructure such as open space, recreation facilities, education facilities.
- Local planning authorities may choose to apply a lower threshold of 5 units or less to developments in designated rural areas being areas as defined under Section 157 of the Housing Act 1985 and also includes National Parks and Areas of Outstanding Natural Beauty. No affordable housing or tariff style contribution should then be sought from these developments. Only in cases of the lower threshold Councils should only seek contributions from developments of between 6-10 units as a

financial contribution and not on site. Any payments made should also be commuted until after completion of units within developments.

- Authorities can still seek obligations for site specific infrastructure such as improvements to road access or a specific project.
- 2.2 It is made clear that the Government announcement on 28 November 2014 equates to the introduction of government policy and this has now been placed in Planning Practice Guidance which accompanies the NPPF. It is therefore the government's intention that this policy can, and should be given the same weight as the NPPF when making planning decisions. It is vital to give weight to the policy and assess whether or not the Core Strategy is in accordance with the policy.
- 2.3 In relation to the threshold the Council has adopted a lower threshold of 5 Units for the purpose of the Core Strategy.
- 2.4 The list of rural areas for Ribble Valley would include the parishes of Bolton-by-Bowland, Bashall Eaves, Chatburn, Clayton-le-Dale, Dinckley, Dutton, Gisburn, Great Mitton, Horton, Hothersall, Little Mitton, Mearley, Middop, Newsholme, Osbaldeston, Paythorne, Ramsgreave, Read, Ribchester, Rimington, Salesbury, Simonstone, Waddington, West Bradford, Wiswell and Worston. The borough is also subject to an Area of Outstanding Natural Beauty which would therefore include numerous other parishes such as Chipping, Slaidburn and other rural areas. These would all then form part of the lower threshold criteria should the Council continue to apply such a policy.
- 2.5 It should be noted that some of the parishes that are excluded from this designation, would include amongst others, Wilpshire, Langho, Billington, Mellor and Mellor Brook and the main settlements of Clitheroe, Longridge and Whalley.
- 2.6 In relation to the lower threshold designation of 5 units or less it is important to note that the Council could not seek Affordable Housing contribution or a tariff style contributions. The consequence is that if an appropriate scheme came forward and was compliant with policies in the Core Strategy these sites would market houses.
- 2.7 It is evident that some current planning applications that in the past the Council could have required an element of affordable housing, is no longer being offered by the developers, which confirms that it will make it more difficult for the Council to meet its affordable housing requirements throughout the borough.

### 3 ISSUES

- 3.1 It is clear that this change in guidance and also the forthcoming restriction on the number of pooled Section 106 Agreements, which will come into force from April 2015, would have an impact on the ability to resource affordable housing within the borough. It would also potentially have significant financial implications, and on the assessments on the planning balance of any planning application if it is no longer possible to insist on an element of affordable housing within a development proposal nor request contributions for infrastructure schemes such as education and recreation improvements.
- 3.2 The pooled contributions will be restricted to up to five developments where infrastructure is not funded by CIL (Community Infrastructure Levy). This comes into

force in April this year and so as the Council has not yet an adopted CIL in place, this could seriously impact on the amount of contributions that could be sought.

- 3.3 Guidance within the PPG received on 28 November 2014 also states that where the lower threshold is applied, Local Planning Authorities should only seek affordable housing contributions from developments of between 6-10 units as financial contributions and not affordable housing units on site. Although the policy within the Core Strategy (Key Statement H3: Affordable Housing) allows for consideration of a financial contribution in certain circumstances, the guidance would only permit contributions rather than new build units on site.
- 3.4 This change to guidance is recent and it is clear that many L.P.A.'s are concerned about the impact of the changes. Recently two Berkshire Councils (Reading and West Berkshire) have applied for a judicial review over the new planning guidance that removes housing obligations from small scale residential developments. The Councils are concerned that the changes would miss out on contributions for community improvements including highways, education and the provision of affordable housing.

#### 4 **CONCLUSION**

- 4.1 Committee note this report and the changes in legislation and be aware of the changes to the provision of affordable housing and specifically the limit for only five developments where infrastructure is not funded by CIL (Community Infrastructure Levy). Furthermore they should be aware of the likely inability to secure contributions for community and infrastructure improvements such as education and sports provision.

JOHN MACHOLC  
HEAD OF PLANNING SERVICES

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

#### BACKGROUND PAPERS

Ministerial Statement from Brandon Lewis dated 28 November 2014.

Revisions to Planning Practice Guidance – 28 November 2014.

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

REF: JM/EL/120215/P&D