

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, 16 APRIL 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 12 March 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. Extension to Delegation Scheme in Relation to Heritage Partnership Arrangements, Local Development Orders and Urgent Works Notices (Listed Buildings) – report of Director of Community Services – copy enclosed.

- ✓ 7. Heritage Partnership Arrangements – Stonyhurst College and English Heritage – Update Report – report of Director of Community Services – copy enclosed.

INFORMATION ITEMS

- ✓ 8. Samlesbury Enterprise Zone Proposed Masterplan and Local Development Orders Update – report of Director of Community Services – copy enclosed.
- ✓ 9. Appeals:
 - (a) 3/2013/0442/P – Change of use of approved garage, store and office accommodation to reinstate original dwelling at Woodfield Farm, Longsight Road, Clayton-le-Dale – appeal dismissed.
 - (b) 3/2014/0394/P – Single storey extension to the south elevation at Stoneroyd, Haugh Avenue, Simonstone – appeal allowed with conditions.
 - (c) 3/2014/0258/P – Conservation area consent proposed ground floor rear extension to a dwelling to create improved living space at 1 Main Street, Bolton-by-Bowland – appeal dismissed.
 - (d) 3/2013/0722/P – Erection of one 500kw wind turbine with a tip height of 67.9m and all associated works at Englands Head Farm, Paythorne – appeal dismissed. Application for costs – refused.
 - (e) 3/2014/0838/P – Two storey side extension at Beech House, Alston Lane, Alston – appeal allowed with conditions.
 - (f) 3/2014/0235/P – Erection of a two storey rear extension to provide family room and en-suite at first floor level, 20 Chapel Hill, Longridge – appeal allowed with conditions.
- 10. Reports from Representatives on Outside Bodies (if any).

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

DECISION ITEMS

- ✓ 11. Building Control Fees and Charges – report of Chief Executive – copy enclosed.

INDEX OF APPLICATIONS BEING CONSIDERED MEETING DATE 16 APRIL 2015						
<u>Application No:</u>	<u>Page:</u>		<u>Officer:</u>	<u>Recommendation:</u>	<u>Site:</u>	
A APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS:						
3/2014/0749/P	1		CS	AC	Stydd Nursery Stoneygate Lane Ribchester	
3/2014/1061/P	10		JM	AC	Old Whalley Nurseries Clitheroe Road Barrow	
3/2014/1092/P	17		CS	AC	Hawkshaw Farm Longsight Road Clayton-le-Dale	
3/2014/1094/P	26		CS	AC	Hawkshaw Farm Longsight Road Clayton-le-Dale	
3/2014/1115/P	31		JM	AC	Land at Parsonage Avenue Ribchester	
3/2015/0029/P	35		SK	AC	Land at Hazelmere Pimlico Road Clitheroe	
3/2015/0079/P	42		AD	AC	East View Hallgate Hill Newton-in-Bowland	
3/2015/0101/P	48		SK	AC	Land off Middle Lodge Road Barrow	
B APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR APPROVAL:						
				NONE		
C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL:						
				NONE		
D APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED						
3/2014/0618/P	56		JM	DEFER	Land off Chatburn Road Chatburn	
E APPLICATIONS IN 'OTHER' CATEGORIES:						
				NONE		

LEGEND

AC Approved Conditionally
R Refused
M/A Minded to Approve

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

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, 16 APRIL 2015
title: PLANNING APPLICATIONS
submitted by: DIRECTOR OF COMMUNITY SERVICES

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION NO: 3/2014/0749/P (GRID REF: SD 365223 435944)
PROPOSED CHANGE OF USE FROM NURSERY TO MIXED USE COMPRISING NURSERY
AND RESTAURANT AT STYDD NURSERY, STONEYGATE LANE, RIBCHESTER

PARISH COUNCIL: The Parish Council OBJECTS to this application for the following reasons:

1. This is the fourth application relating to this site. Two have concerned individual businesses operating from the site while the third proposed modifications to the access and layout of the car park. Other applications are outstanding in relation to the residential caravan on site, new toilets and the use of the wedding marquee about which the owner makes great play.

The Parish Council is disappointed that, despite the efforts of Borough Planning Officers, the owner and agent continue to approach planning issues at the site in a piecemeal fashion. The Parish Council believes that it would be more appropriate for this application (3/2014/0749/P) to be withdrawn and resubmitted to include all the remaining unauthorised businesses, buildings and uses. A refusal of this application might result in this course of action being followed.

One issue that is of great concern to the Parish Council is that of traffic movement on Stoneygate Lane. This shows little sign of abating. Permission has been granted by the Borough Council under reference 3/2014/0633/P for a scheme providing adequate car parking spaces and improvements to the site access. The conditions attached to that permission require the immediate construction of a visibility splay together with a tarmac strip of 10m depth to prevent loose material being deposited on to Stoneygate Lane; the presence of a staff member when 25 of the 31 car parking spaces are occupied; and the creation of a notice to the effect that, should the car park be full, then prospective patrons should not park on Stoneygate Lane.

Apart from some additional aggregate being applied to the car park, these conditions have not so far been met and, given the history of prevarication at this site, there is doubt that the conditions will ever be satisfied.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

The County Surveyor refers to the previous permission 3/2014/0633 for the modification of the existing access and layout of the existing car park. He has no objections to this current application subject, firstly, to the imposition of a condition to require the implementation of the previously approved alterations to the access and parking layout within a period of 6 months. The County Surveyor also recommends the imposition of similar conditions (relating to visibility splay improvements; hard surfacing for the first 10m of the access; and the submission for approval and subsequent implementation of a car park management plan) to those imposed on the previous permission, 3/2014/0633/P, but amended to state specific time frames for the submission/implementation of the various requirements.

ADDITIONAL
REPRESENTATIONS:

One letter has been received from a nearby resident who makes comments/objections to the application that are summarised as follows:

1. There are positive aspects to the proposed development in that it provides local employment and amenity and there is no objection to small scale development on the site and associated increases in car volume.
2. The current situation, however, is unsatisfactory for reasons relating to traffic generation and sewage treatment.
3. The supporting information in the application is somewhat misleading as it gives the impression that the application seeks to regularise a long standing restaurant when the reality is that there have been a few attempts to run a low key café at the site but, until recently nothing that was anywhere near the scale of the current restaurant operation. The previous café use was also largely unpublicised whereas the current restaurant is very widely publicised.
4. There are existing traffic problems on Stonegate Lane in terms of the volume and frequent excessive speeds of traffic. Stydd Nursery is one of the most significant sources of traffic generation on the lane. Even at off-peak times it is common to see in the region of 20 cars parked on the lane overflowing from the car park on the site.

5. If permission is to be granted then the applicant should be required to provide adequate car parking and to contribute towards traffic calming measures on the lane such as sleeping policemen, additional notices and enforcement.
6. A toilet block has recently been constructed on the site which is discharging to a small tributary of Duddel Brook. This is unsightly and damaging to the local ecology. This is completely unacceptable and inadequate and is a problem that must be resolved if permission is to be granted in respect of this current application. Sewage from the site either needs to be routed to the foul sewer or have satisfactory treatment or be stored in a sealed system.
7. Overall, if the two issues cannot be adequately resolved, the application should be refused.

Proposal

In this particular case, it is considered appropriate to describe the application within the context of the history of the site.

The site has historically been a nursery but, in recent years, has diversified by the introduction of a number of individual businesses that are not specifically related to the nursery use.

An individual planning permission (3/2014/0265/P) has recently been granted for the erection of a wooden shed to be used as a beauty salon. That permission, therefore, effectively authorised one of the existing 'non-nursery related' businesses at the site. Permission has also recently been granted for the removal of an existing polytunnel and the erection of a single storey shed to be used for the sale of plants and as an information centre (3/2014/0202/P). That permission authorised a development relating to another individual business at the site, but one which could be regarded as being within the historic nursery use of the site.

There are, however, a number of other businesses operating from the site, and structures that have been erected all without the benefit of planning permission. The most substantial of those uses is the Glasshouse Restaurant. This has become so successful that the existing car park cannot cope with the demand at busy times, thereby resulting in cars being parked inappropriately on Stoneygate Lane to the detriment of highway safety.

The Local Planning Authority (LPA) advised the applicant and his agent that the Glasshouse had become so successful (and was being advertised in such a manner) that it was a use in its own right (that therefore required planning permission) as opposed to the historic café ancillary to the nursery use. In view of the highway safety problems that the restaurant was causing, the LPA further advised the applicant/agent that the matter would be best addressed through the submission of a single application to request retrospective permission for all of the existing uses and structures etc on the site and to also request permission for a scheme of alterations and extensions to the existing access and parking provision.

Notwithstanding that advice, the applicant chose in July and August 2014 to submit two separate applications. The first, 3/2014/0633/P sought permission for a scheme of extensions and alterations to the access and parking provision. The second, 3/2014/0749/P is the application to which this report relates. This second application was not validated until 13 February 2015 when satisfactory plans were received from the agent (but also due to attempts by the LPA to persuade the applicant and agent that it would be more appropriate to deal with a single application relating to all the unauthorised uses/structures etc at the site).

The LPA also considered that it would be appropriate to determine application 3/2014/0633 and an amended, more comprehensive version of 3/2014/0749 at the same time. However, as the restaurant use continued to be operated with less than ideal access and parking provision, it was considered appropriate to make a decision on application 3/2014/0633 in advance of the determination of the (at that time still invalid) application 3/2014/0749.

That application was therefore approved under delegated powers on 16 January 2015 subject to a number of conditions including the following:

3. Prior to the first use of the access and car park following the alterations hereby permitted, a visibility splay should be formed at the junction of the site access on to Stoneygate Lane that has dimensions of 2.4m x 15m to the north of the access and 2.4m x 25m to the south of the access. Thereafter, notwithstanding the provisions of the Town and Country Planning Permitted Development Order 2008 (as amended) no building, wall, fence, hedge, tree, shrub or other device shall be erected, planted or allowed to remain within the visibility splay.
4. Prior to the first use of the access and car park following the alterations hereby permitted, the access shall have been given a tarmac finish for the first 10m of its length measured from the edge of the carriageway of Stoneygate Lane. Therefore, this section of the access shall be retained in this manner in perpetuity.
5. Prior to the first use of the access and car park following the alterations hereby permitted, a car park management plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include measures that would result in the more efficient use of the customer parking spaces and measures to prevent inappropriate and unsafe parking on Stoneygate Lane when the car park is full. The measures shall include the employment of a member of staff who will assist and advise customers at all times when in excess of 25 of the 31 customer parking spaces are in use. The measures shall also include the use of appropriate signs at the site entrance advising potential customers when the car park is full and advising them that, for highway safety reasons, they should not park on Stoneygate Lane. Precise details of such signs shall be submitted for the Council's written approval under the requirements of this condition.

All measures that are subsequently approved in writing by the Local Planning Authority shall be operated at all times when the individual businesses at this site are open for operation.

All of the above conditions were imposed for highway safety reasons and particularly to ensure that the operation of the businesses on this site do not result in excessive parking on Stoneygate Lane.

The following advisory note was also included on the notice of planning permission 3/2014/0633.

- The standard condition No 1 of this permission requires the development to commence no later than the expiration of 3 years with the beginning of the date of the permission. The development hereby permitted, however, seeks to address highway safety concerns caused by the parking of vehicles on the public highway by customers of the various businesses at this site, some of which are operating without the benefit of planning permission. All unauthorised businesses are liable to the instigation of enforcement action by the Local Planning Authority; and the applicant is advised that detriment to highway safety is a sustainable reason for an Enforcement Notice to be served. The applicant is therefore advised that the improvements to the access and parking spaces hereby permitted should be carried out as soon as possible. The applicant is finally advised, however, that, even with the implementation of the approved improvements to the access and parking spaces, there is still the possibility that enforcement action could be taken against any or all of the unauthorised businesses at this site should the Local Planning Authority consider there to be expediency for such action.

Notwithstanding the advice in the above Note, the applicant/agent maintained their stance that they did not wish to make the application more comprehensive. As the LPA can only advise, but cannot insist on the content of a planning application, this application falls to be considered on the basis of the description as stated at the beginning of this report. It seeks retrospective permission only for the retention of the Glasshouse Restaurant (with all other existing unauthorised uses and structures remaining unauthorised and liable to Enforcement Action should the LPA consider such action to be appropriate).

In the submitted application documentation it is stated that the requested opening hours for the Restaurant are 1000 hours to 1600 hours Wednesday to Sunday (with no opening on Monday and Tuesday) with additional opening hours of 1830 hours to 2030 hours on Fridays and Saturdays during the months of June, July and August.

Site Location

The application relates to the site known as Stydd Nurseries that is situated on the east side of Stoneygate Lane in an open countryside location north of Ribchester. There are a number of scattered dwellings in the vicinity of the site with the larger housing development at Chesterbrook and Eastegate located approximately 150m to the south of the site.

As outlined in red on amended plans received by the Local Planning Authority on 31 March 2015, the site comprises the existing access with visibility; the upper and lower parking areas; the Glasshouse Restaurant to which this application specifically relates; and other buildings and businesses that are all within the area that, historically, has permission for nursery use.

The amended plan also shows outlined in blue (land also within the applicant's ownership) an area of land to the south of the application site. As part of a previously submitted application (3/2005/0090) permission was sought for the change of use of the land that is outlined in blue on this current application from agricultural to nursery. That application was withdrawn, and there have been no subsequent applications requesting permission for the same change of use. The land outlined in blue on the submitted plans does not therefore benefit from any permission for nursery use.

Relevant History

3/2001/0742/P – Proposed change of use of building from nursery office/sales and storage building to nursery office/sales and residential. Refused.

3/2005/0090/P – Proposed change of use of agricultural land for extension to nursery, extensions and alterations to existing buildings for use as coffee shop and sales area, alterations to existing access, extension to car park and resurfacing, and relocation of polytunnel. Application withdrawn by the applicant.

3/2006/0011/P – Proposed replacement plant house on the site of a derelict building. Approved with conditions.

3/2014/0202/P – Proposed removal of an existing polytunnel and the erection of a single storey shed to be used for the sale of plants and as an information centre. Approved subject to conditions.

3/2014/0265/P – Proposed erection of a wooden shed to be used as a beauty salon. Approved subject to conditions.

3/2014/0633/P – Proposed modifications to access and layout of existing car park. Approved subject to conditions.

Relevant Policies

Ribble Valley Core Strategy (Adopted Version)

Key Statement DS2 – Presumption in Favour of Sustainable Development.

Key Statement EC3 – Visitor Economy.

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMG3 – Transport and Mobility.

Policy DME2 – Landscape and Townscape Protection.

Policy DMB1 – Supporting Business Growth and the Local Economy.

Policy DMB3 – Recreation and Tourism Development.

Environmental, AONB, Human Rights and Other Issues

Notwithstanding the preference of the LPA (and also the Parish Council) that the application should include reference to other unauthorised uses at this site, the LPA has a duty to consider the application in the form that has been submitted by the applicant/agent. The application must therefore be considered against the relevant policies of the Development Plan that now comprises the adopted Core Strategy

The application seeks permission for the retention of an existing restaurant within an existing nursery in order to create a mixed use comprising nursery and restaurant. The restaurant is within an existing glazed building and would remain within that building. No permission is sought for any extensions to the building or for any additional detached buildings to be used for restaurant purposes. The associated alterations to the access and car parking have already been considered in relation to a previous application and were found to be acceptable in relation to the matters of highway safety and visual amenity.

In relation to the consideration of visual amenity, the proposal does not therefore contravene the requirements of Policies DMG1 or DME2.

In relation to the consideration of highway safety, the County Surveyor has confirmed that, subject to appropriate conditions, he has no objections to the application. With regards to highway related matters, the proposal does not therefore contravene the requirements of Policies DMG1 or DMG2.

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

The Glasshouse Restaurant already appears to be a popular attraction. Whilst it could not be argued that it enhances the local environment, as previously stated, it does not detract from it, and it does provide employment opportunities. Overall, I consider that, in principle, the restaurant is in keeping with the general intentions of Key Statement EC3.

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

For reason already explained, it is considered that the retention of the restaurant would not contravene the requirements of Policy DMB1.

Policy DMB3 states that “planning permission will be granted for development proposals that extend the range of tourism and visitor facilities in the borough subject to compliance with a number of criteria as follows:

1. The proposal must not conflict with other policies of this plan.
2. The proposal must be physically well related to an existing settlement or village or to an existing group of buildings, except where the proposed facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or development sites available.
3. The development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design.
4. The proposal should be well related to the existing highway network. It should not generate additional traffic movements of a scale and type likely to cause undue problems or disturbance. Where possible the proposal should be well related to the public transport network.
5. The site should be large enough to accommodate the necessary car parking, service areas and appropriate landscaped areas.

6. The proposal must take into account the nature conservation impacts using suitable survey information and where possible seen to incorporate any important existing associations within the development. Failing this, adequate mitigation will be sought.”

I comment in respect of those criteria as follows:

1. The proposal does not conflict with any other policies in the Core Strategy.
2. The site is outside but, in my opinion, well related to the settlement of Ribchester and is within a site that historically has permission for a nursery use (ie an attraction for locals, tourists and visitors).
3. For reasons previously stated this requirement is not contravened.
4. & 5. For reasons previously stated, and as confirmed by the Lancashire County Council Highways Department, these requirements are satisfied.
6. For reasons previously stated, the requirements are not contravened.

As stated above, the retention of the existing restaurant would not, in my opinion, contravene the requirements of the relevant Key Statements or Policies of the recently adopted Local Plan. The main consideration in the determination of this application relates to the matter of highway safety. The County Surveyor, however, is satisfied that, through the imposition and enforcement of appropriate conditions, the retention of the restaurant will not be detrimental to highway safety. I therefore recommend that permission be granted subject to the conditions and notes contained in the recommendation below.

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

1. This permission relates to the retention of the existing restaurant within the building shown on Drawing Number CAL2014 008 006 (amended plan received by the Local Planning Authority on 13 February 2015) within the existing nursery site as outlined in red on the plans referenced ‘Location Plan Scale 1:1250’ and ‘Block Plan Scale 1:500’ (amended plans received by the Local Planning Authority on 31 March 2015). No permission is implied or granted for any other non-nursery related businesses or structures within the application site.

REASON: For the avoidance of doubt as the application only sought retrospective permission for the restaurant and not for any of the other businesses or structures within the application site.

2. Within six months of the date of this permission, the access into the site shall be modified and the car parking spaces shall be laid out and marked out on site as shown on the submitted 1:500 Scale Block Plan (amended plan received by the Local Planning Authority on 31 March 2015) and as previously granted planning permission on 16 January 2015 under reference 3/2014/0665/P.

REASON: To ensure the implementation of the access and car parking improvements within a reasonable timescale in the interests of highway safety and to comply with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

3. Within two months of the date of this permission, a visibility splay should be formed at the junction of the site access on to Stoneygate Lane that has dimensions of 2.4m x 15m to the north of the access and 2.4m x 25m to the south of the access. Thereafter, notwithstanding the provisions of the Town and Country Planning Permitted Development Order 2008 (as amended) no building, wall, fence, hedge, tree, shrub or other device shall be erected, planted or allowed to remain within the visibility splay.

REASON: In the interests of highway safety and to comply with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

4. Within two months of the date of this permission, the access shall have been given a tarmac finish for the first 10m of its length measured from the edge of the carriageway of Stoneygate Lane. Therefore, this section of the access shall be retained in this manner in perpetuity.

REASON: To prevent loose materials from being deposited on the public highway in the interests of highway safety and to comply with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

5. Within one month of the date of this permission, a car park management plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include measures that would result in the more efficient use of the customer parking spaces and measures to prevent inappropriate and unsafe parking on Stoneygate Lane when the car park is full. The measures shall include the employment of a member of staff who will assist and advise customers at all times when in excess of 25 of the 31 customer parking spaces are in use. The measures shall also include the use of appropriate signs at the site entrance advising potential customers when the car park is full and advising them that, for highway safety reasons, they should not park on Stoneygate Lane. Precise details of such signs shall be submitted for the Council's written approval under the requirements of this condition.

All measures that are subsequently approved in writing by the Local Planning Authority shall be operated at all times when the individual businesses at this site are open for operation.

REASON: In order to ensure that the operation of the Glasshouse Restaurant does not result in excessive parking on Stoneygate Lane in the interests of highway safety and to comply with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

6. The restaurant use hereby permitted shall be restricted to between 1000 hours to 1600 hours Wednesday to Sunday (with no opening on Monday and Tuesday) and between 1830 hours to 2030 hours on Fridays and Saturdays during the months of June, July and August.

REASON: To comply with the terms of the application and in the interests of the amenities of nearby residents and highway safety as required by Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

NOTE

The applicant is advised that this permission only authorises the continued operation of the Glasshouse Restaurant subject to strict compliance with the conditions that have been imposed on the Permission. There are, however, other unauthorised businesses operating from this site that remain liable to the possibility of Enforcement Action should the Local Planning Authority

consider there to be expediency for such action. The applicant is also advised that the Council would need to give consideration to the instigation of Enforcement Action in the event of any non-compliance with the conditions that are imposed on this planning permission.

APPLICATION NO: 3/2014/1061/P (GRID REF: SD 373365 436446)
ERECTION OF 8 BUNGALOWS FOR THE OVER 55'S AT OLD WHALLEY NURSERIES,
CLITHEROE ROAD, BARROW BB7 9AQ

PARISH COUNCIL: Defer technical matters to Ribble Valley Borough Council officers but the previous comments by this Council on the previous application regarding affordable homes still stands which recognised the demand for affordable housing and over 55's.

LCC (HIGHWAYS): In principle they have no objections to the proposed development but request various conditions relating to the following:

1. Any new estate road access will be constructed in accordance with Lancashire County Council specification.
2. Before the site is brought into operation, vehicle washing facilities shall be made available.
3. No development commences until the scheme for construction of site access and off-site highway works have been approved in consultation with the highway authority.
4. Any new development approved or occupied or open for trading until the off-site highway works have been constructed and approved in accordance with a submitted scheme that has been agreed by the Council.
5. The highway authority also advises that any garage should be 6m x 3m and the garage door needs to be 5.5m or more from footway. If not a vertical rolling shutter door is required.
6. They also require a 2m wide footway for pedestrian use and visibility sight lines for a 40mph speed limit should be 102m and 81m. The layout indicates sight lines to be 2.4m x 90m which is considered acceptable. Adequate parking provision is provided within the site.

LANCASHIRE CONSTABULARY: Make suggestions regarding a secure by design elements to be incorporated within the scheme.

LCC (ARCHAEOLOGICAL):	No significant archaeological implications.
UNITED UTILITIES:	No objections subject to technical conditions in relation to foul water and surface water.
ADDITIONAL REPRESENTATIONS:	One letter of objection which raises concern about the impact of accumulative development in the area and traffic congestion.

Proposal

This application seeks detailed consent for 8 bungalows designed as provided for the over 55's. The bungalows are arranged around a cul-de-sac layout off Clitheroe Road and all have minimum of 2 off-street parking and are 3 bedroom bungalows proposed to be built to lifetime homes standards. The bungalows are built with a hipped roof arrangement with a separate protecting bay arrangement for the lounge and a gabled arrangement for the attached garage. Although the buildings materials are reconstituted stone and render and concrete tiles I consider that this would still be the subject of a planning condition and I am of the opinion that blue slate roof is more appropriate in this location.

Each bungalow measures approximately 12m x 12m with a maximum height to the ridge of approximately 6m and an eaves height of approximately 2.5m. They have an external chimney on the gable elevations of the dwellings.

Access to the cul-de-sac is off Clitheroe Road adjacent to the car park of The Eagle public house.

Site Location

The site lies outside the settlement boundary of Barrow and is regarded as the open countryside. It is situated opposite The Eagle at Barrow and is adjacent to Pendle Garage and is the former Old Whalley Nurseries. There is an existing hardstanding and a defunct greenhouse in close proximity. Access is off Clitheroe Road, Whalley.

Relevant History

3/2011/0784/P – Outline residential development for 6 units incorporating 4, 5 bedroom houses and 2, 1 bedroom bungalows. Approved with condition.

Relevant Policies

- Policy DMG1 – General Considerations.
- Policy DMG2 – Strategic Considerations.
- Policy DMG3 – Transport and Mobility.
- Policy DME2 – Landscape and Townscape Protection.
- Policy DME3 – Site and Species Protection and Conservation.
- Policy DMH3 – Dwellings in the Open Countryside and AONB.
- Policy DMH1 – Affordable Housing Criteria.

National Planning Policy Framework (NPPF).

Environmental, AONB, Human Rights and Other Issues

The matters to be considered in the determination of this application relate to the principle of the development in Policy terms; the impact of the development in visual terms; effects upon ecology and trees; the impact on neighbour residential amenities; highway safety and whether or not there is a regeneration benefit resulting from the development.

Principle of the Development

Principle

Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework adopted in 2012 (NPPF) is one such material consideration and whilst it does not change the legal status of the development plan, it promotes a presumption in favour of sustainable development. Paragraph 14 of the NPPF states that for decision making, this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

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

The Council is required to maintain a 5 year supply of housing land to ensure land supply is not a barrier to housing growth. Objectively assessed housing need identifies 280 units are required to be delivered in the Borough per year – these are minimum targets.

Using the 31st of December monitoring figures (Housing Land Availability Schedule January 2015), the Council can demonstrate a 5.54 year supply of housing land with an annual requirement of 280 units using the Sedgfield methodology.

Members will be aware that the principle for residential development was granted in 2011 for 6 units of which 4 were to be dwellings and 2 bungalows. This consent is still extant and was issued in November 2012. Since the consent the Core Strategy has now been adopted and must be given significant consideration in the determination of this proposal. In relation to this development although it is outside the settlement for both Barrow and Whalley, it is within close proximity of development currently undertaken in Barrow and it is a reasonable distance approximately 1.5 miles from one of the principal settlements in Whalley.

In accordance with Key Statement DS1 the total number of houses to be located outside of the 32 defined settlements over the plan period is zero and therefore the introduction of additional housing in such a location would be seen as contrary to Key Statement DS1. Policy DMG2

requires that developments within Tier 2 villages are outside of the defined settlement such as this location must meet at least 1 of the following considerations:

1. Development should be central to the local economy to the social wellbeing of the area.
2. The development is needed for the purpose of forestry or agriculture.
3. The development is for local needs housing which meets an identified need and is secured as such.
4. The development is for small-scale tourism or recreation appropriate to the area.
5. The development is a small-scale uses appropriate to rural area where local need or benefit can be demonstrated.
6. The development is compatible with the Enterprise Zone designation.

It is self-evident that most of these criteria do not apply to the site and the only possible consideration would be whether or not the proposal meets an identified local need.

Although the site is not within a Tier 1 or Tier 2 settlement it is recognised that the site is closely related to the settlement of Barrow which is a Tier 1 settlement. Within the Key Statement DS1 it does take into account that development that has recognised regeneration benefits is for identified local needs will be considered in all the various settlements.

In order to consider this application in that context, the applicant has indicated that the proposal which is for 8 bungalows of lifetime homes specification that this is fulfilling a specific local or borough wide need. The Council's Strategic Housing Officer which has been confirmed by the Council's Head of Regeneration Housing and Policy that they are supportive of the proposal as it considers that there would be significant benefit for the development of 8 bungalows, although they are all market dwellings due to the limited supply of this housetype within the borough. The Head of Regeneration and Housing and Policy has acknowledged that there are some regeneration benefits of the scheme associated with the scheme.

In relation to regeneration benefits the applicant has submitted a statement following a request in support of this application to conclude and consider that there are the following benefits:

Environmental Benefit – This previously developed land and its dereliction detracts from the visual amenities of the area. If the scheme is improved it would represent a visual benefit.

Economic Benefit – To consider that the provision of the housing would contribute to a range of economic benefits including:

- construction benefits, regeneration and support for a number of temporary jobs;
- construction related expenditure;
- local household expenditure as a result of the development;
- income or local authority revenue expected as a result of new homes bonus.

Relating to social benefit I consider that development would deliver a number of housing benefits by facilitating housing delivery and meeting identified specialist housing need. The

Head of Regeneration and Housing has recognised that these benefits need to be given careful consideration in the determination of this scheme and that these are positive contributions.

Affordable Housing

Members will be aware that recent Central Government Guidance has reduced the ability for Local Planning Authorities to request contributions to Affordable Housing in some instances and regrettably the location and size of this development prevents the Council from requesting a contribution. However, mindful of the restriction I asked whether or not they would be willing to enter into an agreement to secure such a benefit and the applicant has indicated a willingness for a planning condition to be imposed to ensure a local connection clause for a 12 week period of time. This would allow the property to be initially marketed for that period of time for people with a local connection to the borough.

Highway Safety

The County Surveyor has no objection to the proposal and is satisfied that the visibility splay and junction to the site is adequate. Furthermore there is sufficient parking facilities within the site.

Residential Amenity

In respect of potential impact on residential amenity I do not consider there to be any impact.

Appearance and Visual Amenity

I am satisfied that the resultant development would not detract from the locality and relates sufficient well to the adjacent built form. The proposed bungalows would by virtue of their height would not have any significant impact to the street scene or detract from the character of the area. I do consider that the materials need to be specified and that rather than the grey concrete tile suggested that blue slate be more appropriate. This can be imposed by the normal planning conditions.

Conclusion/Recommendation

It is recognised that the proposal would result in a further increase in residential development above and beyond that envisaged for the open countryside within policies in the adopted Core Strategy. However, it is relevant to have regard to the extant consent and that this would only lead to a further increase of 2 residential units on the same footprint of a site envisaged for 6 units. The benefits associated with possible regeneration which would also incorporate the social benefit of introduction of bungalows to fulfil an established housing need is also a material consideration in this instance. It is also relevant to have regard to its location on the edge of a Tier 1 settlement and reasonably well located to a principal settlement is also a relevant consideration.

Having regard to all these matters which includes the advice from the Head of Regeneration and Housing I am mindful to recommend approval subject to the following conditions.

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

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

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

2. This permission shall relate to the development as shown on drawing no. 14-097 1000 rev A, 14-097 1005 rev A, 14-097 1001 rev A, 14-097 1010, 14-097 1012 , 14-097 1011 14-097 1013 and 14-097 1014 .

REASON: For the avoidance of doubt and to clarify which plans are relevant and to ensure that the development is carried out in accordance with the approved plans.

3. Precise specifications or samples of walling, roofing and window/door framing materials including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

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

4. The development hereby permitted shall not be commenced until full details of the proposed landscaping have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, their maturity at the time of planting, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform.

The approved landscaping scheme shall be implemented in the first planting season prior to commencement of the development unless otherwise agreed by the Local Planning Authority, whether in whole or part and shall be maintained thereafter for a period of not less than 15 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policies DMG1, EN2 and DME3 of Ribble Valley Core Strategy (Adoption Version).

5. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To prevent the increased risk of flooding, both on and off site. In accordance with Policies EN2, EN4, DME2 and DME3 Ribble Valley Core Strategy (Adoption Version).

6. Notwithstanding the details shown on the submitted plans, the proposed driveway/hard surfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.

REASON: In the interests of Highway Safety and to prevent flooding. In accordance with Policies EN2, EN4, DME2 and DME3 of the Ribble Valley Core Strategy (Adoption Version).

7. No phase of development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority for that phase. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant material;
- Storage of plant materials used in the construction of development;
- The erection and maintenance of security hoardings;
- Wheel washing facilities;
- A management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
- Details of the storage of potential ground and water contaminants
- A scheme for protecting trees;
- A scheme for recycling/disposing of waste resulting from construction work; and
- A scheme to control noise during the construction phase.

REASON: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adoption Version).

8. The new estate road shall be constructed in accordance with the Lancashire county Council specification for Construction of Estate Roads to at least a base course level before any development takes place within the site.

REASON: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative and to comply with Policy DMG1 of the Core Strategy Adopted version.

9. Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

REASON: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users and to comply with Policy DMG1 of the Core Strategy Adopted version.

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

REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to comply with Policy DMG1 of the Core Strategy Adopted version.

11. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 9 has been constructed and completed in accordance with the scheme details.

REASON: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works and to comply with Policy DMG1 of the Core Strategy Adopted version.

12. Within a period of 12 weeks from the commencement of the initial marketing of the dwellings hereby permitted, the marketing of the dwellings shall be restricted to those with a local connection clause, which shall have been submitted to and agreed by the Local Planning Authority and during that 12 week period no dwelling shall be sold or let to any person not complying with the clause.

REASON: In order that the LPA can secure benefits to the borough and secure residential properties to a local connection clause.

13. No development shall take place until a scheme to secure at least 10% of the energy requirements of the development hereby permitted from renewable or low carbon energy sources, with a timetable for implementation, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and retained thereafter at all times in accordance with the approved scheme. Any solar panels installed as part of this scheme shall be removed after a period of 25 years from the date of electricity first being generated.

REASON: To allow the energy needs of the development to be partially generated on site to reduce reliance on the grid in accordance with Key Statements EN2 and EN3 and Policies DMG1 and DME5 of the Ribble Valley Core Strategy (Adopted Version) and the National Planning Policy Framework.

APPLICATION NO: 3/2014/1092/P (GRID REF: SD 365462 432631)
RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF AN AGRICULTURAL STORAGE BUILDING TO SCARE KINGDOM AND VISITOR ATTRACTION, RETENTION OF TEMPORARY STORAGE CONTAINER BUILDING AND CAR PARKING AT HAWKSHAW FARM, LONGSIGHT ROAD, CLAYTON-LE-DALE

PARISH COUNCIL: Clayton-le-Dale Parish Council have not made any representations in relation to this application.

Mellor Parish Council comments that this retrospective planning application has excessive noise issues impacting on a number of residents in the Parish of Mellor and that there are also serious concerns about the nature and type of content that is involved in the Scare Kingdom attraction, all of which is

covered in a document submitted by a number of nearby residents. Mellor Parish Council therefore asks that it be put on record that the objections contained in the document submitted on behalf of 16 Mellor residents is strongly support by Mellor Parish Council.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

The proposal would operate outside the hours of operation of the main uses of the site and as a result there would be minimal highway implications arising from the proposal. However when he visited the site there were two advertising boards within the sightlines of the site access to the A59. Irrespective of whether planning permission is required, the County Surveyor stated that these signs should be removed as soon as possible as they are obstructing visibility for emerging vehicles. Subject to the removal of those advertising boards, the County Surveyor raised no objection to the proposal on highway grounds.

ADDITIONAL
REPRESENTATIONS:

One letter has been received from residents living in Longsight Road who express **no objection** to the application stating specifically that they are never disturbed by noise from events at Hawkshaw Farm.

Three individual letters and a 14 page letter signed by 16 persons from 8 addresses at Birley Fold have also been received. These letters, that are on file and available for inspection by Members, contain objections to the proposal that are summarised as follows:

1. The application contains inaccurate information. The building has been used for Scare Kingdom performances immediately following its construction. It has never been used for its approved agricultural purpose.
2. The states size of the building on the application form is larger than the building for which permission was granted.
3. Noise nuisance. Residents object strongly to the levels of noise coming from this attraction. The noise levels are extremely loud and are of a disturbing nature. Typically, the noise consists of a combination of horror suspense type music combined with human and terror screams, and animal noises can be clearly heard. It is not a continuous steady noise but is strongly impulsive and irregular with heavy bass levels. Residents have carried out their own monitoring and have provided a table that they consider shows the levels to be very high such that the application should be refused based on unreasonable disturbance to local residents.

4. The loud noises could also be harmful to local wildlife including a small population of deer that might be dispersed as a result of the noise.
5. Highway safety. The access from the site onto the A59 has restricted visibility especially due to signs being erected within the visibility splay. The A59 is a busy road that has a national speed limit and, as such, it is more probable that an accident will occur with a greater volume of traffic entering and exiting the site.
6. Inadequate facilities. The building to which the application relates was constructed as an agricultural building that was built for storage purposes. The current use emits very loud noises including screams, shouts and music. Any other establishment would require some level of noise insulation in the form of noise absorption and noise barriers. This building does not contain such features.
7. Ex-rated content. On occasions some residents have been woken in the middle of the night by “actors” screaming obscenities at the top of their voices. The residents strongly object to this vulgar, offensive and debasing behaviour.
8. Seasonal use. The application states that the activity would operate on a seasonal basis and that it would operate for a short period, however, no opening days are declared in the application that would allow reasonable assessment with regards to, but not limited, to the impact upon the residents.

Proposal

In this particular case, it is considered appropriate to describe the application within the context of the recent planning history of Hawkshaw Farm.

Hawkshaw Farm is a 135 acre dairy farm that is owned and farmed by the applicant has his family. In addition to the farm at the home, there is an additional 250 acres of rented land which is farmed as part of the business. The business comprises 200 dairy cattle with all replacements being reared on the farm so that at any one time there are 350 head of cattle present on the holding.

A proportion of the milk produced at the farm is used to make ice cream, an enterprise that began in 2001 and has continued to grow on an annual basis to the current situation where the farm and ice cream making enterprise employs 7 full-time staff.

From the basis formed by the ice cream making enterprise, a visitor centre attraction has been developed at the farm over recent years. This is a family attraction and is the subject of planning application 3/2014/1094/P a report relating to which is also on this agenda.

Another diversified enterprise was the introduction of the maize maze in 2007. This enterprise was a success with many people visiting more than once. In more recent years the maze was opened at nights with a Halloween theme to extend the lifespan of the attraction. This represented the introduction of Halloween themed events that have become popular at Hawkshaw Farm. The Scare Kingdom events have also been a feature for several years with new staging and themes introduced each year. For 2014 one of the agricultural storage buildings (that had been granted prior approval as an agricultural building under reference 3/2013/0117/P) was fitted out as an old mansion house with many large fixtures and fittings to create the rooms. Initially the sets were removed from the agricultural building after Halloween but the most recent one was more intricate and detailed and took a large team of people many weeks to erect and decorate.

This retrospective application relates to those parts of Hawkshaw Farm to be used on a seasonal basis to operate the Scare Kingdom visitor attraction. The application seeks retrospective permission for a permanent change of use of the agricultural building to a small scale tourism use in order to enable the internal fixtures to be left in situ; and for the retention of a storage container also to be used as part of the Scare Kingdom attraction.

Site Location

Hawkshaw Farm is located on the southeast side of Longsight Road (A59). Located around the existing farmhouse is a range of traditional and modern farm buildings providing cattle housing, silage clamps, general storage and manure storage. The existing agricultural storage building and storage container to which this application specifically relates, are located approximately 90m to the east of the existing farmhouse.

There is a group of residential properties at Birley Fold, off Saccary Lane, the nearest of which is approximately 250m to the south of the agricultural building to which the application relates.

Relevant History

3/2006/0149/P – Farm shop and associated facilities including education rooms, parking and alterations to access. Approved with conditions.

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

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

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

3/2014/1093/P – Retrospective application for calving unit to be open to members of the public as part of the visitor attraction. Current application – not yet determined.

3/2014/1094/P – Retrospective application for a visitor centre, comprising a car park, 5 livestock shelters, 1 storage building, 1 polytunnel and 1 children's play area. Current application – report also on this agenda.

Relevant Policies

Ribble Valley Core Strategy (Adopted Version)

Key Statement DS2 – Presumption in Favour of Sustainable Development.

Key Statement EC3 – Visitor Economy.

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMG3 – Transport and Mobility.

Policy DME2 – Landscape and Townscape Protection.

Policy DMB1 – Supporting Business Growth and the Local Economy.

Policy DMB3 – Recreation and Tourism Development.

Environmental, AONB, Human Rights and Other Issues

As can be seen from the recent history stated above, the Council has previously accepted the diversification of this farm through the planning permissions relating to the shop etc and the bird of prey centre. Following the cessation of the bird of prey enterprise, a family orientated visitor centre attraction has evolved and is the subject of a separate report on this agenda. Although of a somewhat different nature, the Scare Kingdom is also a visitor experience that has also evolved over recent years from the initial Maize Maze experience. Scare Kingdom actually features as an “Alternative Tourism Experience” in the Ribble Valley Tourism Association Stars in Tourism Awards 2015.

As a visitor attraction, this planning application falls to be considered on its planning merits against the relevant policies of the Development Plan that now comprises the adopted Core Strategy.

It is appropriate to first consider whether the retention of this experience is acceptable in principle in town planning terms; and to then consider whether it has any seriously detrimental effects in relation to detailed considerations such as visual amenity, the amenities of nearby residents and highway safety.

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

This is a new tourism facility that utilizes an existing building at an existing attraction, and it provides employment opportunities. It will also be of benefit to other businesses in the locality (and therefore to the rural economy) as visitors to the attraction are likely to also use local public houses and restaurants. Some visitors from further afield might also use local hotels and guest houses.

The detailed matters of effects upon the environment and the local community will be discussed later in this report. Overall, however, I consider that, in principle, the Scare Kingdom attraction is in keeping with the general intentions of Key Statement EC3.

Policy DMB1 states that “proposals that are intended to support business growth and the local economy will be supported in principle; and that the expansion of established firms on land

outside settlements will be allowed provided it is essential to maintain the existing source of employment and can be assimilated within the local landscape”.

The detailed matter of assimilation into the local landscape will be discussed later in this report. Overall, however, I consider that, in principle, this attraction satisfies the general intentions of Policy DMB1.

Policy DMB3 states that “planning permission will be granted for development proposals that extend the range of tourism and visitor facilities in the borough subject to compliance with a number of criteria.

The first of those criteria is that the proposal must not conflict with other policies of the plan. As explained above, it is considered that the development complies with all the policies (or elements of the policies) that relate to the principle of the development. Compliance with policies (or elements of policies) that relate to detailed considerations will be examined later in this report.

The second of these criteria requires the development to be physically well related to an existing settlement or village or to an existing group of buildings, except where the proposed facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or development sites available. This attraction is within an existing building that is within the existing group of buildings at Hawkshaw Farm, including the farmhouse and agricultural buildings as well as the buildings and structures associated with the visitor centre attraction. I therefore consider that the proposal satisfies this criterion.

The third of the criteria requires the development to not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design. This application seeks retrospective permission for a change of use of an existing agricultural building. The building is located at a farm and has the scale, design and external materials of an agricultural building (as its originally intended use was agricultural storage). The change of use element of the application therefore satisfies this criterion. Permission is also sought for the retention of a storage container. This is not in an overly prominent location and does not appear as a visually discordant feature within the context of the farm buildings complex. In my opinion, the retention of the storage container also does not contravene this criteria.

The fourth and fifth of the criteria require the proposal to be well related to the existing highway network; to not generate additional traffic movements of a scale or type likely to cause undue problems of disturbance; where possible the proposal is to be well related to public transport networks and the site to be large enough to accommodate the necessary car parking, service areas and appropriate landscaped areas. The attraction is well related to the existing highway network as the farm is located off the A59, the principal road in the borough that is also on a number of bus routes. The other requirements of this criterion will be discussed below in relation to detailed considerations.

The sixth of the criteria requires the development to take into account the nature conservation impacts using suitable survey information and where possible seen to incorporate any important existing associations within the development, or, failing this, adequate mitigation will be sought. As this proposal relates to a use within a building and the retention of an existing storage container in its existing location, it does not have any significant impacts upon nature conservation.

Policy DMB1 is a general development management policy that requires all applications to be considered in relation to the matters of design, access, amenity, environment and infrastructure.

In relation to this application, that does not involve any new-build development, there are no considerations to be made in relation to the matter of design. It also does not have any implications with regards to the matter of infrastructure.

The matter of access is one of the objections made by nearby residents. As previously stated, however, the LCC Highway Engineer (County Surveyor) considers the existing access and parking provision to be acceptable and not detrimental to highway safety, especially as the proposal would operate outside the hours of operation of the other uses at the site. He did, however, require the removal of a number of advertisement signs from within the visibility splay. These signs have already been removed by the applicant.

In relation to the consideration of access/parking/highway safety, the proposal is therefore considered to be acceptable and in compliance with requirements of Policy DMB1.

In relation to the consideration of amenity, perhaps the main objection made by nearby residents concerns alleged nuisance caused by excessive noise. One of the Council's Environmental Health Officer has given careful consideration to this matter including a number of visits to the site, following which she made a number of comments as follows:

1. As there was a lack of evidence in the form of complaints of noise nuisance made to the Environmental Health Department prior to the submission of the application, any requirement for the installation of noise mitigation measures at the site could not be justified.
2. There is the possibility that the applicant could install a noise barrier in the form, eg of evergreen hedgerows that would act as an acoustic barrier. However, without the submission of an official acoustic report to support this application, this is very difficult to judge.
3. A time restriction until 11pm would be beneficial.
4. No further external lighting should be installed without the agreement of the Council.

In a response to the neighbours' objections submitted by the applicant's agent, it is stated that "the managers of the Scare Kingdom attraction acknowledge that professional measurements of the noise need to be taken and addressed if necessary. If there is an issue with noise from within the building it would be possible to line the walls and roof with noise abating foam sheets or by using a spray foam product".

In view of the lack of evidence that such noise mitigation measures are necessary (as confirmed by the Environmental Health Officer) I consider that it would be unjustified to require their installation through a condition at this stage. A condition could, however, be imposed to require appropriate noise monitoring and the installation of noise abatement measures, if this proves to be necessary.

The application does however include the scheme of screen planting in the area between the Scare Kingdom building and Tottering Brook to the south. This would also be between the building and the dwellings to the south in Birley Fold. The scheme involves the planting of 125 trees with 3m spacings in a strip ranging in width from 10m to 15m. This would provide some

noise mitigation to the nearby residents. The submitted scheme includes details of the maintenance regime for the planting.

In the event of retrospective planning permission being granted, a condition could be imposed to require the implementation and maintenance of the planting scheme.

The applicants have also provided a breakdown of the number of days in the year that the attraction would be open and the latest entry and departure times on the different days of the week. This is summarised as follows:

- The themed nights for Halloween (24 days) and around Christmas and Valentine's Day (3 days each) and Summer Solstice (2 days) equals **32 days**.
- Weekday entry from 6pm to 9.30pm with latest departure 11pm.
- Except weekdays during Halloween week when it would be last entry 10.30pm with latest departure 12 midnight.
- Friday/Saturdays last entry 10.30pm with latest departure 12 midnight.
- Except the weekend closest to Halloween when the last entry would be 11.30pm with latest departure 1am.
- Last entry on any Sunday 9.30pm with latest departure 11pm.
- Horror Camp Live – **9 days**.
- Total **41 days**.

To enable some leeway, permission is requested by the applicants for a maximum of 50 operating days. In the event of retrospective permission being granted, conditions would be imposed as follows:

1. To require appropriate noise monitoring and installation of noise abatement measures within the building if necessary.
2. Implementation and maintenance of the submitted planting scheme.
3. Restriction of the number of events per year and specification of the latest entry and departure times.
4. No external lighting to be installed at the site without the prior written permission of the Local Planning Authority.

Subject to the imposition of such conditions, I consider that the proposal would either not have any seriously detrimental effects upon the amenities of nearby residents, or any such detriment would be satisfactorily addressed.

In relation to the matter of the environment, the use of the existing building and retention of this storage container would have minimal impact. The proposed planting scheme, however, would add to biodiversity and would improve the visual amenities of the locality (in addition to its noise mitigation benefits).

Nearby residents also objected on the grounds of ex-rated content of the attraction, but this could not form the basis of a reason for refusal of a planning application.

Overall, subject to appropriate conditions, I consider that the requested retrospective permission would not contravene the requirements of the relevant policies of the adopted Core Strategy with regards to both the principle of the development and the more detailed considerations. I therefore recommend accordingly that permission be granted subject to the conditions in the recommendation below.

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

1. This retrospective permission relates to the use of the agricultural storage building, and the retention of a storage container and car park as shown on the submitted plans referenced as follows:
 - Site Plan Drawing Number HF/SP/Scale 1:500.
 - Change of Use of Agricultural Building – Scale 1:200.
 - Retention of Storage Container – Scale 1:200.

REASON: For the avoidance of doubt and to define the development for which retrospective permission is hereby granted.

2. The Scare Kingdom attraction for which permission is hereby granted shall be operated for a maximum of 50 days in any calendar year of which not more than 9 days shall be for the horror camp live event (involving persons camping at the site overnight).

With the exception of the horror camp live event, the first entry to the attraction shall be no sooner than 6pm.

The last entry and the latest departure times shall be as follows:

- Weekdays – last entry 9.30pm, latest departure 11pm.
- Weekdays during Halloween week – last entry 10.30pm, latest departure 12 midnight.
- Fridays and Saturdays – last entry 10.30pm, latest departure 12 midnight.
- Friday and Saturdays on the weekend closest to Halloween – last entry 11.30pm, latest departure – 1am.
- All Sundays last entry 9.30pm, latest departure 11pm.

The applicants shall keep a written record of all days upon which the attraction is open and this shall be made available for inspection by the Local Planning Authority upon request.

REASON: To comply with the terms of application and in the interests of the amenities of nearby residents and to comply with Policy DMG1 of the Ribble Valley Core Strategy Adopted Version.

3. During Scare Kingdom events from May to August 2015, professional noise monitoring shall be undertaken by the applicants and the results of the monitoring shall be submitted in writing to the Local Planning Authority prior to 31 August 2015. Should the Local Planning Authority consider there to be a need for acoustic insulation within the building (in order to protect the amenities of nearby residents) then a scheme for such insulation and a timescale for its implementation shall be agreed between the applicant and the Local Planning Authority.

REASON: In the interests of the amenities of nearby residents and to comply with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

4. The scheme of landscape planting submitted with the application (involving the planting of 125 trees in a 10m – 15m wide belt between the Scare Kingdom building and Tottering Brook) shall be carried out in accordance with the submitted planting details in the next planting season (November 2015 to March 2016). The scheme shall thereafter be maintained for a period of 10 years as stated in the submitted details. This maintenance shall include the replacement of any tree that is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a tree of a similar size and species to that which was originally planted.

REASON: To comply with the terms of the application and the interests of visual amenity and the amenities of nearby residents and to comply with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

5. No external lighting shall be installed at the site without the prior written permission of the Local Planning Authority.

REASON: In the interests of the amenities of the area and to comply with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

APPLICATION NO: 3/2014/1094/P (GRID REF: SD 365462 432631)
RETROSPECTIVE APPLICATION FOR A VISITOR CENTRE COMPRISING A CAR PARK, 5 LIVESTOCK SHELTERS, 1 STORAGE BUILDING, 1 POLYTUNNEL AND 1 CHILDREN'S PLAY AREA AT HAWKSHAW FARM, LONGSIGHT ROAD, CLAYTON-LE-DALE

PARISH COUNCIL: No representations have been received.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): The access has a wide bellmouth onto the A59 which narrows down past the gate. It is unlikely that the visitor centre would result in congestion that caused a queue back onto the A59 and on that basis there is no objection to the application on highway grounds.

ADDITIONAL REPRESENTATIONS: None received.

Proposal

In this particular case, it is considered appropriate to describe the application within the context of the recent planning history of Hawkshaw Farm.

Hawkshaw Farm is a 135 acre dairy farm owned and farmed by the applicant has his family. In addition to the farm at home, there is an additional 250 acres of rented land which is farmed as part of the business. The business comprises 200 dairy cattle with all replacements being reared on the farm so that at any one time there are 350 head of cattle present on the holding.

A proportion of the milk produced at the farm has been used since 2001 for the making of ice cream and this aspect of the business has continued to grow on an annual basis such that currently the farm and ice cream making enterprise employ 7 full-time staff.

Permission was granted in 2006 for a farm shop and associated facilities including education rooms, parking and alterations to the access (3/2006/0149/P). In accordance with this permission, the farm visitor centre and café were developed and enabled people to look around the farm, purchase the ice cream and homemade cakes and also to come into contact with a range of farm animals and small animals including pigs, alpacas, sheep, cattle, goats, hens and ducks.

Permission was then granted in 2007 for the formation at the farm of a bird of prey centre comprising a selection of aviaries and a reception/office/education building (3/2007/0313/P). Amendments to the originally approved scheme was subsequently approved under reference 3/2008/0413/P. These permissions included a scheme for the widening and improvement of the site access onto the A59 and the provision of a visitors' care park. The scheme was implemented with the involvement of a Lancashire County Council Highways Engineer.

After the approved buildings had been constructed, the person involved in the bird of prey attraction pulled out of the enterprise. Visitors, however, still visited the site for the ice cream and café but also took the opportunity to see the farm animals. Gradually, as visitor numbers increased, it became impractical to allow greater numbers of people to have access to the farm buildings, so separate animal pens were created in the field round the café building. Initially these were just field pens and the animals were enclosed in these pens all summer with no shelter being provided, but since then numerous buildings have been erected without consent.

This application therefore seeks permission retrospectively for the various buildings and structures as follows:

- 2no identical livestock buildings, one housing Alpacas and the other housing pigs. The buildings each measure 7.3m x 2.9m with an eaves height of 2.2m and a ridge height of 2.45m and are constructed with a timber frame and clad with box profile steel sheets.
- A garden shed type building with dimensions of 6m x 3m with an eaves height of 2m and a ridge height of 2.5m used for storage.
- Rabbit and guinea pig pens and associated concrete pad.
- Donkey and pony shelter that measures 18.3m x 6.1m with an eaves height of 2.4m and a ridge height of 3.2m and it is set on a concrete pad.
- A timber hen and duck shed that measures 13.8m x 3m and has a mono pitched roof with a maximum height of 2.5m. It has been erected on a concrete pad.
- The children's play area that had been developed adjacent to the café and toilet buildings.
- The polytunnel over the sandpit measures 14.5m x 5m and has a maximum height of 2.5m.

The applicants have stated that the opening times for the visitor centre are between 15 March and 30 September at weekends and bank holidays with weekday opening only during school holidays and the opening hours are 9.30am to 5pm.

Site Location

Hawkshaw Farm is located on the southeast side of Longsight Road (A59). Located around the existing farmhouse is a range of traditional and modern farm buildings providing cattle housing, silage clamps, general storage and manure storage.

The visitor centre to which this application specifically relates has been developed to the northeast of the original group of buildings. The application site as outlined in red on the location plan for this application appropriately contains the access to the site, the previously approved visitors' car park and the area within which the buildings, structures, pens etc described above are located.

Relevant History

3/2006/0149/P – Farm shop and associated facilities including education rooms, parking and alterations to access. Approved with conditions.

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

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

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

3/2014/1092/P – Retrospective application for change of use to an agricultural storage building to scare kingdom visitor attraction, retention of temporary storage container building and car parking. Current application – report also on this agenda.

3/2014/1093/P – Retrospective application for calving unit to be open to members of the public as part of the visitor attraction. Current application – not yet determined.

Relevant Policies

Ribble Valley Core Strategy (Adopted Version)

Key Statement DS2 – Presumption in Favour of Sustainable Development.

Key Statement EC3 – Visitor Economy.

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DMG3 – Transport and Mobility.

Policy DME2 – Landscape and Townscape Protection.

Policy DMB1 – Supporting Business Growth and the Local Economy.

Policy DMB3 – Recreation and Tourism Development.

Environmental, AONB, Human Rights and Other Issues

As can be seen from the recent history stated above, the Council has previously accepted the diversification of this farm through the planning permissions relating to the shop etc and the bird of prey centre. These permissions involved alterations and improvements to the access into the site and the provision of a visitors' car park. These aspects of the previous permissions have been implemented.

With the cessation of the bird of prey enterprise, but with visitors still coming to the farm for ice cream etc more emphasis was given to enabling visitors to have close contact with the different species of animals kept at the farm. The buildings and structures for which this application seeks retrospective permission have been constructed in order to improve this aspect of the visitor attraction.

The application falls to be considered against the relevant policies of the Development Plan that now comprises the adopted Core Strategy.

As previously stated, improvements to the access and a visitors' car park have been provided in accordance with previous permissions for recreation/tourism developments at this farm. The County Surveyor has confirmed that he is satisfied that the existing access and parking arrangements are satisfactory to serve the visitor centre in its existing form, such that he has no objections to the application on highway safety grounds. With regards to highway related matters, the proposal does not therefore contravene the requirements of Policies DMG1 or DMG3.

The buildings and structures that comprise the visitor centre are not, in my opinion, excessively large or high and are of appropriate design and external materials for the locality. They do not therefore seriously detract from the visual amenities of the locality and in this regard they do not therefore contravene the requirements of Policies DMG1 or DME2.

As a family attraction that operates only during daytime hours and only at weekends and during school holidays, the visitor centre does not, in my opinion, have any detrimental effects upon the amenities of nearby residents. In that regard, the development satisfies the requirements of Policy DMG1.

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

The visitor centre already appears to be a popular attraction for families with children. It does not detract from the appearance of the local environment and it does provide employment opportunities. Overall, I therefore consider that, in principle, the visitor centre is in keeping with the general intentions of Key Statement EC3.

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

For reason already explained, it is considered that the visitor centre does not contravene the requirements of Policy DMB1.

Policy DMB3 states that “planning permission will be granted for development proposals that extend the range of tourism and visitor facilities in the borough subject to compliance with a number of criteria as follows:

1. The proposal must not conflict with other policies of this plan.
2. The proposal must be physically well related to an existing settlement or village or to an existing group of buildings, except where the proposed facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or development sites available.
3. The development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design.
4. The proposal should be well related to the existing highway network. It should not generate additional traffic movements of a scale and type likely to cause undue problems or disturbance. Where possible the proposal should be well related to the public transport network.
5. The site should be large enough to accommodate the necessary car parking, service areas and appropriate landscaped areas.
6. The proposal must take into account the nature conservation impacts using suitable survey information and where possible seen to incorporate any important existing associations within the development. Failing this, adequate mitigation will be sought.”

I comment in respect of those criteria as follows:

1. The proposal does not conflict with any other policies in the Core Strategy.
2. The visitor centre is well related to the existing group of buildings comprising Hawkshaw Farm and the buildings and structures to which this application relates have been constructed in order to improve the existing countryside tourist/visitor attraction at this farm.
3. For reasons previously stated this requirement is not contravened.
4. & 5. The visitor centre is well related to the existing highway network as the farm is located off the A59, the principal road in the borough. As confirmed by the Lancashire County Council Highways Department the proposal should not generate traffic movements of a scale that would be likely to cause undue problems or disturbance. The A59 is on a number of bus routes.
6. For reasons previously stated, the requirements are not contravened.

As stated above, the buildings and structures to which this application relates, that have been constructed in order to expand and enhance an existing tourist/visitor attraction would not, in my opinion, contravene the requirements of the relevant Key Statements or Policies of the recently adopted Local Plan. I therefore recommend accordingly that permission be granted subject to the conditions in the recommendation below.

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

1. This retrospective permission relates to the visitor centre and car park including the buildings and structures as shown on the submitted plans referenced as follows:
 - Site Plan – Drawing Number HF/SP – Scale 1:500.
 - Elevation 1 – Livestock shelters 1 and 2 and Polytunnel – Scale 1:100.
 - Elevation 2 – Storage and guinea pig/rabbit accommodation – Scale 1:100.
 - Elevation 3 – Pony and donkey shed – Scale 1:100.
 - Elevation 4 – Hen and duck shed – Scale 1:100.

REASON: For the avoidance of doubt and to define the development for which retrospective permission is hereby granted.

2. The use of the visitor centre to which this permission relates shall be restricted to dates between 15 March and 30 September inclusive and shall only be open at weekends and bank holidays and only on weekdays during school holidays; and the opening hours shall be restricted to between 9.30am and 5pm.

REASON: To comply with the terms of the application and in the interests of the amenities of the locality in order to comply with the requirements of Policy DMG1 of the Ribble Valley Core Strategy Adopted Version.

APPLICATION NO: 3/2014/1115/P

(GRID REF: SD 364806 435134)

VARIATION OF CONDITION NO 10 OF PLANNING CONSENT 3/2014/0624/P TO MODIFY THE REQUIREMENT OF RESTRICTING NO SURFACE WATER DISCHARGE TO PUBLIC SEWAGE SYSTEM EITHER DIRECTLY OR INDIRECTLY AT LAND AT PARSONAGE AVENUE, RIBCHESTER

PARISH COUNCIL:

Object to the proposal to vary condition 10 and they consider that the developer at the initial stages of the original application submitted a poorly considered application with the need to update and modify a flood risk report. They believe this undermines the confidence in the applications willingness to consider the issues surrounding the scheme. They do not believe that the scheme had been clearly thought through and refer to paragraph 10.16 that the believed foul sewer runs alongside railings and is now called a combined sewer that gravity feed to the sewer is to be preferred to pumped solution.

They consider that there is potential for waters to exceed 5 litres volumes per second and that the decision to dispense of a pumping station appears to leave the question of providing pumping assistance undetermined. While below ground sewage may be provided by oversized pipeworks it remains unclear where this collection of water will go. Will it be left to percolate away or will the manholes associated with the

pipework allow tankers to take up the surpluses of the disposal elsewhere. If a latter scenario is correct, who would be responsible for arranging water removal?

Consider that throughout the original document the road drainage appears to be downplayed.

UNITED UTILITIES:

No objection to the variation in condition and consider that the site must be drained on a separate systems combining just prior to connection to the public combined sewage system. Surface water drainage to the sewage system must be attenuated to a maximum discharge rate of 5 litres per second.

In a further letter of clarification they consider that the applicant has produced evidence that the surface water drainage system which uses infiltration in the form of soakaway cannot achieve the required rate of percolation to operate effectively.

They consider that the developers fully explored the hierarchy and therefore permit the site to drain to the public sewage system.

ADDITIONAL REPRESENTATIONS:

23 letters of representation have been received which raise the following concerns:

- Consider that this is a basic requirement of modern building details and that no surface water should be allowed to discharge into the sewage system as failure to do so would risk sewage being discharged into clean water systems by overloading it.
- The proposed development is not designed for flood resilience; there is no reference to future maintenance of the system and that the capacity of storage will reduce as it fills up.
- The proposed development is not designed for flood resilience, there is no reference to future maintenance of the system and that the capacity of storage will reduce as it fills up with silt leading to the likelihood of increased flooding.
- Currently the existing road network does not currently drain adequately.
- Consider that inadequate details was submitted originally and that the soakaway test and flood risk assessments were not done on the whole of the land and that where soakaway tests were done bungalows are to be built and should the Council approve the scheme without sufficient tests there may be a likelihood of further flooding. They also ask questions to the department relating to the following:

1. Was prior knowledge of a plan by developers to put water in the public sewer before the planning meeting in September?
2. Why was the condition put on in the first place?
3. Why has no soakaway test been done?
4. Can we have a written guarantee from Ribble Valley and developers that this will not increase flooding risk in the village?
5. The ABI this week has just released a national campaign calling for zero tolerance of buildings on flood plains. Will this be taken into account when the decision is made?

Proposal

This application seeks consent for variation of a planning condition imposed under application 3/2014/0624 which was a detailed application for 15 residential units to comprise 100% affordable housing at land adjacent to Parsonage Road, Ribchester. When the application was approved by Planning and Development Committee there were various planning conditions of which condition No 10 related to details of the surface water drainage scheme. Condition 10 stated "Prior to the commencement of the development, the surface water drainage scheme based on sustainable drainage principles and assessment of the hydrological and hydrogeological context (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing run-off rates unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system wither directly or indirectly. Surface water run-off shall be limited to a maximum of 5 litres per second so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off site. The drainage strategy shall demonstrate the surface water run-off generated up to and including the 100 year class climate change critical storm or nor exceed the run-off for the undeveloped site following the corresponding rainfall event. The development shall be completed in accordance with the approved scheme prior to the first occupation and shall be maintained and managed in accordance with approved details. The reason behind the condition was as a result of consultation response from United Utilities and to ensure a satisfactory means of drainage to prevent the increased risk of flooding in accordance with Core Strategy policies.

The applicant has now requested that this condition be modified with the wording "The surface water drainage scheme must be restricted to existing run-off rates unless otherwise agreed in writing by the Local Planning Authority and no surface water shall discharge to the public sewerage system either directly or indirectly. The surface water run-off shall be limited to a maximum of 5 litres per second" replaced by the following: "This site must be drained on a separate system comprising just prior to connection to the public combined sewage system. Surface water discharging to the sewage system must be attenuated to a maximum discharge rate of 5 litres per second".

Site Location

The application relates to land to the north of the unadopted road off Parsonage Avenue/Pope Cross in Ribchester.

Relevant History

3/2014/0624 – Erection of 15 affordable dwellings. Approved with conditions.

3/2014/1073 – Discharge of conditions. Partly approved.

Relevant Policies

Ribble Valley Core Strategy

Policy DMG1 – General Considerations.

Policy ENV3 – Sustainable Developments in Climate Change.

Policy DME6 – Water Management.

Environmental, AONB, Human Rights and Other Issues

As this application seeks purely to relate to the modification or variation of a condition, the principle of the development is not part of this consideration and therefore it is only relevant to have regard to whether or not the alterations to the planning condition is in accordance with the overall objective would alter the nature of the proposal. In doing so, it is critical to take into account the advice from the statutory consultation.

United Utilities have indicated they have no objection to the modified condition and consider that the developer has carried out necessary tests to support the case for the revised condition. In the consultation response from United Utilities and a follow-up email, they have clarified that irrespective of their original response, they are fully satisfied that the developer has explored alternative to the public sewer and in this instance, presented evidence to show that a surface water drainage system which uses infiltration in the form of a soakaway cannot achieve the required rate of percolation to operate effectively. They state that the developer has explored the hierarchal approach which looks at soakaway, then watercourse, then surface water and then combined sewer to permit the site to drain to the public sewage system.

I am mindful of the concerns expressed from the Parish Council and the local residents but in consideration of this application it is critical to take account of the advice of the statutory undertaker who now accept that it is correct to modify the condition.

RECOMMENDATION: That planning permission be GRANTED and that condition 10 be altered to read:

1. Prior to commencement of the development, the surface water drainage scheme based on sustainable drainage principles and assessment of hydrological and hydrogeological context (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. This site must be drained on separate systems combining just prior to connection to the public combined sewage system. Surface water discharging to the sewage system must be attenuated to a maximum discharge rate of 5 litres per second so that it will not exceed the run-off from the undeveloped site and not

increase the risk of flooding off site. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus class climate change critical storm or not exceed the run-off from the undeveloped site following the corresponding rainfall event. The development must be completed in accordance with the approved scheme prior to first occupation and shall be maintained and managed in accordance with approved details.

REASON: To ensure that a satisfactory means of drainage to prevent the risk of flooding in accordance with Policies DMG1 and DME6 of the Ribble Valley Core Strategy adopted version.

APPLICATION NO: 3/2015/0029 (GRID REF: SD 374508 442208)
PROPOSED ERECTION OF THREE DWELLINGS WITH ASSOCIATED VEHICULAR ACCESS AND LANDSCAPING AT LAND AT HAZELMERE, PIMLICO ROAD, CLITHEROE

PARISH/TOWN COUNCIL: Clitheroe Town Council have objected on the following grounds:

- Hazelmere is a building of Townscape Merit.
- Core Strategy Policy DME4 states that proposals within or affecting views into and out of, or affecting the setting of a Conservation Area will be required to conserve and, where appropriate enhance its character and appearance.
- The development will obstruct views highlighted in the previous appeal and remove part of the existing boundary wall.
- Policy EN5 of the adopted Core Strategy states that development proposals should avoid substantial harm to heritage assets.
- The Town Council believes that for the reasons outlined above because of the harm to the boundary walling and views from Pimlico Road towards Well Terrace and Pendle Hill there would be significant harm to the Conservation Area and building of Townscape Merit.
- Due to the significant harm to the designated heritage asset the development is thought to be contrary to Para.133 of the National Planning Policy Framework.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

The County Surveyor has no objection to the proposal subject to technical requirements

RVBC ENGINEERS:

No objection subject to technical requirements.

UNITED UTILITIES:

No objection to the proposals.

ADDITIONAL
REPRESENTATIONS:

35 letters of objection and a petition with 25 signatories have been received. The nature of the objections are summarised as follows:

- The proposal would have a detrimental effect on the residential amenities on the residents of Pimlico Road and the Conservation Area.
- The proposal would result in a significant loss of green space in the Conservation Area visible from Pimlico Road.
- There are no major changes within the application than that of the previously dismissed appeal in respect of the footprint of the building(s) being excessive and larger than Hazelmere.
- The extents of hard landscaping/soft landscaping compared to that of the developed footprint is disproportionate.
- The proposal represent over development.
- The proposal does not provide adequate private amenity space.
- The internal layout of the dwellings and their external appearance are not suitable for the area.
- LCC Highways comments are inadequate and do not take account of sight lines, loss of existing car parking or existing car parking restrictions in place in the vicinity.
- The new entrance will raise highway safety issues.
- The gates are not in keeping with the area.
- Development within the curtilage of Hazelmere is contrary to the recently adopted Core Strategy.
- Inadequate access for refuse collection vehicles.
- The application should have required a Bat Survey.
- The proposal does not propose any affordable housing.
- Loss of character of the Conservation Area.
- Concern has also been expressed regarding the quality of the submission and insufficient information being submitted to determine the application.

Proposal

Consent is sought for the erection of 3 dwellings within the curtilage of Hazelmere fronting Pimlico Road. The proposal takes the form of two detached buildings joined by a link canopy roof accommodating an element of parking under.

The northern-most building is two-storey in height accommodating two two-bedroomed units, an element of private amenity space is provided to the north of plot 02 with amenity space to plot 01 provided both to the north and east. This element of the proposal adopts a similar elevational proportioning and fenestrational arrangement to that found on the west elevation of Hazelmere. The main eaves and ridge will be set below that of Hazelmere allowing it to remain subservient (in terms of height) to that of the existing building. Plots 01 and 02 are setback approximately 3.4m from the west elevation of the existing building ensuring it is not afforded a

higher level of visual prominence in the street scene than that of the Building of Townscape Merit.

The southern building (Plot 03) creates provision for a two bedroom dwelling that adopts a 'dropped eaves' approach allowing it to be subservient in scale to Hazelmere and Plots 01/02. The dwelling employs exaggerated roof overhangs, chimney detailing to the primary elevation with glazed gable detailing.

Car-parking provision for four vehicles is located to the west of the proposed dwellings and under a 'link canopy' roof, with sole vehicular access being provided off Pimlico Road. The creation of the new access will require an opening to be created in the existing western boundary wall fronting Pimlico Road, it is proposed that the new access will be gated and set back from the highway by approximately 6m with the existing stone walling being extended inward to form radii giving the walling at curved appearance at the opening.

Site Location

The proposal site is located directly to the north of and within the curtilage of Hazelmere (Building of Townscape merit). The site fronts Pimlico Road and is located within the designated Clitheroe Conservation Area.

Relevant History

3/2011/0991 - Proposed erection of three dwellings with associated vehicular access and landscaping. (Refused; Appeal Dismissed)

Relevant Policies

Ribble Valley Core Strategy (Regulation 22 Submission Draft):

Key Statement DS1 - Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement DMI2 – Transport Considerations
Key Statement EN5 – Heritage Assets
Policy DMG1 – General Considerations
Policy DMG3 – Transport and Mobility
Policy DME2 – Landscape and Townscape Protection
Policy DME4 – Protecting Heritage Assets

Clitheroe Conservation Area Appraisal
National Planning Policy Framework

Conservation & Heritage

The Local Planning authority's Conservation Officer has offered the following observations:

I have considered the significance of the site in respect to the Clitheroe Conservation Area Appraisal, the Planning Inspector's concerns, the submitted Heritage Statement (NPPF paragraph 131 and 132) and consider the proposal to be harmful to the character, appearance and significance of Clitheroe Conservation Area. This is because of the loss of the important and prominent green space at the north entrance to the conservation area, the setting to a unique Clitheroe Conservation Area suburban Edwardian Villa and one of the few remaining

sites where the medieval Burgage plot morphology is still evident. The scale and detailed design of the new build dominates Hazelmere, a Building of Townscape Merit.

I maintain the view that it may be possible to develop the grounds of Hazelmere to a restricted extent and welcome the opportunity to negotiate further in this regard.

However, account has not been taken of the Planning Inspector's concerns in respect to loss of green space, extent of hard landscaping (tarmac, flags, gravel) and the dominating presence of new build. In respect to the latter, I note the Inspector's concern at the one metre greater width of new development alongside the front and most distinguished elevation of Hazelmere (alongside the important historic northern gateway into Clitheroe) and concerns as to extent of footprint "Of greatest concern, however, is the design and scale of the proposed building. Its west elevation to Pimlico Road would be about one metre wider than the frontage of Hazelmere ... The proposed building is too large for the site. It would have a larger footprint than Hazelmere".

*The dominance of new build is compounded by design detail. Hazelmere is unique in the conservation area as a brick built, square plan Edwardian Villa. However, Plot 1 and 2 undermines this unique character through close imitation (see *Building in Context: New Development in Historic Areas*, English Heritage, 2001).*

The proposal represents less than substantial harm to Clitheroe Conservation Area as a whole.

Environmental, AONB, Human Rights and Other Issues

Layout & Design

It is recognised that the application site falls within the designated Clitheroe Conservation Area and is located directly within the curtilage of Hazelmere, a building of identified Townscape Merit.

It is accepted, cumulatively, that the footprint of the proposed development would exceed that of the existing property. However the proposed buildings are afforded a significant setback from the west elevation of Hazelmere with a separations distance of approximately 4.5m from the aforementioned property, whilst it is accepted that the proposal will result in a loss of open space within the area, it is considered that the plot layout/orientation and setback from Pimlico Road preserves an element of 'openness' albeit to the western extents of the site.

The external appearance of plots 01/02 to the northern extents of the site makes reference to and responds positively to the elevational detailing and proportioning of Hazelmere. Plot 03 is orientated so that a primary gable directly addresses Pimlico Road to the west, acting as a clear visual break between the elevational language of Hazelmere and that of Plots 01 and 02.

It is therefore considered that the overall scale, design and layout of the proposal responds well to the immediate context and whilst being located in close proximity to a building of Townscape Merit, would not result in significant harm to the character aforementioned property or that of the designated Clitheroe Conservation Area.

Residential Amenity

Given the orientation of the proposal and separation distances between adjacent/neighbouring properties it is not considered that the proposal would have a detrimental impact upon the residential amenities of existing or future occupiers.

Highways

The submitted details propose the creation of a vehicular access off Pimlico Road which will require alterations to the existing western boundary wall. It is proposed that the access will be gated, being set back from the highway by approximately 6m, this will allow for the provision of vehicles to wait off of the highway whilst the gates are opened/closed. The County Surveyor has raised no objections to the proposal.

A number of representations have been received stating that the creation of the access will result in a loss of current on-street parking provision. Whilst it is accepted that this is the case I do not consider, given the sites proximity to the Town centre, that the loss of on-street car-parking should be considered as a reason for refusal. I therefore consider that the proposal would have no significant detrimental impact upon the safe operation of the immediate or wider highways network.

Landscaping & Trees

The applicant has submitted an Arboricultural Constraints Appraisal identifying that the existing trees will be retained on site with tree protection measures to be implemented during the course of the construction phase of the development and that no-dig construction will be implemented where ground works are within root protection areas.

Conclusion

In assessing the application I am mindful of the previous inspector's decision to dismiss the previous appeal. I have noted from the inspectors report that views eastward across the site to Pendle Hill are available from multiple areas in the immediate vicinity and that the loss of this view would not be a reason to withhold planning permission.

I have also noted that the inspector has raised concerns regarding the level of development that was proposed in that it exceeded the foot print of Hazelmere and that the original proposal would have resulted in a wholly hard landscaped plot. Whilst I accept that the footprint of the development proposed is larger than that of Hazelmere I consider that the overall scale, articulation and massing of the proposed development would ensure it would remain visually subservient to the Building of Townscape Merit, I also consider that the setback of the proposed dwellings and retention of open green space to the plot frontages ensures that the previous inspectors concerns have to some extent been addressed.

I also note that the inspector concluded that *'of greatest concern, however, is the design and scale of the proposed building'*. In assessing the current application I am mindful that the submission has omitted the overtly contemporary language and mono-pitch roof form of its predecessor and it is considered that the design approach adopted, is more reflective of the immediate context and would respond positively to both Hazelmere and the Clitheroe Conservation Area.

Therefore, having carefully assessed the proposal as submitted and having regard to all matters raised that I recommend that the application be approved.

RECOMMENDATION: That planning permission be granted subject to the following conditions:

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

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on the submitted drawings:

Proposed West Streetscene: 3804 1-06A
Proposed Siteplan & Elevation: 3804 1-04C
Proposed Elevations: 3804 1-02D
Proposed Plans: 3804 1-03A

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

3. Prior to the commencement of the development section details at a scale of not less than 1:20 of each elevation shall have been submitted to and approved by the Local Planning Authority. For the avoidance of doubt the sections shall clearly detail all eaves, guttering/rain water goods, soffit/overhangs, window/door reveals and the proposed window/door framing profiles and materials. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality in accordance with Key Statement EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy (Adopted Version).

4. Notwithstanding the submitted details, prior to the commencement of the development, section details and elevations at a scale of not less than 1:20 of the proposed refuse storage structures, boundary treatments, gates, fencing and walling and shall have been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality in accordance with Key Statement EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy (Adopted Version).

5. Prior to the commencement of the development, details of existing and proposed land levels, including slab levels, shall have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details unless agreed in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority can ensure that the development responds appropriately to the topography of the site and in the interests of the appearance

of the locality in accordance with Key Statement EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy (Adopted Version).

6. Precise specifications or samples of all external surfaces (including details and extents of surfacing) of the development hereby permitted shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Key Statement EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy (Adopted Version).

7. The proposed first floor window to the east elevation (as indicated on drawing 3804-1/02D) shall be fitted with obscure glazing (which shall have an obscurity rating of not less than 4 on the Pilkington glass obscurity rating or equivalent scale) and shall be non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window shall remain in that manner in perpetuity at all times unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect existing and future residential amenity in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

8. No development shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

1. The parking of vehicles of site operatives and visitors
2. The loading and unloading of plant and materials
3. The storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding
5. Wheel washing facilities
6. Measures to control the emission of dust and dirt during construction and demolition.
7. The highway routing of plant and material deliveries to and from the site.
8. Measures to limit noise disturbance during construction & demolition
9. A scheme for the recycling/disposing of materials/waste resulting from demolition and construction

REASON: To protect existing residential amenity from noise and disturbance and to ensure the safe operation of the immediate highway during the construction phase in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

9. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified in the arboricultural Constraints Appraisal (December 2014) shall be protected in accordance with the BS5837 2012(Trees in Relation to Demolition, Design & Construction) The root protection/exclusion zone shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

No tree pruning shall be implemented without prior written consent, which will only be granted when the local authority is satisfied that it is necessary is in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to ensure that trees identified (T1/T2/T3) that may be affected by development are protected against the adverse effects of the development in accordance with Policies DMG1 and DME1 of the Ribble Valley Core Strategy (Adopted Version).

10. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:
- (a) A Desk Study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases.
 - (b) If the Desk Study identifies potential contamination and ground gases, a detailed Site Investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under Part IIA of the Environmental Protection Act 1990, focusing primarily on risks to human health and controlled waters. The investigation shall address implications of the health and safety of site workers, of nearby occupied building structures, on services and landscaping schemes and on wider environmental receptors including ecological systems and property. The sampling and analytical strategy shall be submitted to and approved in writing by the LPA prior to the site investigation survey.
 - (c) If the site investigation indicates remediation is necessary, a Remediation Statement detailing the recommendations and remedial measures to be implemented within the site shall be submitted to and approved in writing by the LPA. The remediation shall be carried out in accordance with the agreed statement and on completion of the development/remedial works, the developer shall submit a Verification Report to the LPA for approval in writing that certifies that all works were completed in accordance with the agreed Remediation Statement prior to the first occupation of the development.

REASON: To prevent pollution of ground and surface waters both on and off site and to ensure the site is suitable for its end use in accordance with Policies EN2, EN4, DME2 and DME3 of the Ribble Valley Core Strategy (Adopted Version).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, amending or re-enacting that Order) any future extensions or external alterations to the building including the insertion of any new openings to the external surface of the building (including any roof plane) and any development within the curtilage shall not be carried out without the formal written consent of the Local Planning Authority.

REASON: To ensure that subsequent alterations preserve the character and appearance of the area in accordance with Key Statement EN5 and Policies DMG1 and DME4 of the Ribble Valley Core Strategy (Adopted Version).

APPLICATION NO: 3/2015/0079/P (GRID REF: SD 369707 450419)
PROPOSED STRUCTURAL WORKS TO EXISTING DWELLING TO PREVENT BUILDING FALLING INTO FURTHER DISREPAIR AT EAST VIEW, HALLGATE HILL, NEWTON-IN-BOWLAND

PARISH COUNCIL: No comments received.

HISTORIC ENGLAND:	It is not necessary for this application to be notified to Historic England.
HISTORIC AMENITY SOCIETIES:	Consulted, no representations received.
ADDITIONAL REPRESENTATIONS:	None received.

Proposal

Listed building consent is sought for structural repair works comprising the installation of 20mm diameter rods spanning the width of the building (from roadside north east gable elevation to south west gable elevation) and a steel frame installed across a ground floor window recess to the south west elevation between the external corners of the Kitchen Store and Garage.

Three rods are proposed at both 'below ground floor ceiling' and 'above first floor ceiling' levels and are to run parallel to existing timber beams. 250mm diameter pattress plates are proposed to either end of the rods which will be visible at the roadside elevation (all) and the south west elevation ('below ground floor ceiling' plates hidden within garage extension). The submission identifies that the rods will tie both gable ends of the building together to improve structural stability.

The submission identifies that the proposed structural work will remove the need for undue rebuilding work and large disturbance of important historic fabric to the gable end.

It is also proposed to re-render the roadside north east gable (existing render is cement based) using a traditional 3:1 mix (sharp stone coursed sand/differing aggregates: Hydraulic lime). The submission states that repointing is to address water ingress identified by the applicant and to be undertaken so as to be sympathetic to the existing building and allow the historic fabric to 'breathe'.

Site Location

East View is a Grade II listed (16 November 1954) late C18 house prominently sited within Newton Conservation Area. Newton is within the Forest of Bowland Area of Outstanding Natural Beauty.

The list description is typically brief and refers to the exterior (front south-east facing and roadside gable elevations) only. "*Pebbledashed rubble with sandstone dressings ... A symmetrical composition*" is identified in respect to the front elevation. The roadside gable elevation has a 'slobbered' render coat ie a render where stone faces are left exposed.

East View is within the setting of Crag House (Grade II), The Old Reading Room (Grade II), Lowlands Cottage (Grade II), Parker's Arms (Grade II) and Newton Hall (Grade II*).

The Newton Conservation Area Appraisal (The Conservation Studio consultants 2005; subject to public consultation) identifies:

- (i) An Important View (with East View prominent) from the Parker's Arms and Newton Hall to the north (Townscape Appraisal Map);

- (ii) *“The architectural and historical interest of the conservation area’s buildings, of which a third (17 out of 54) are listed; the attractive grouping of buildings within the conservation area; the historic appearance of the village, in which most of the buildings are at least 150 years old and the homogeneity of local stone used for most of the buildings and boundary walls”* (Summary of Special Interest);
- (iii) *“Newton is a classic example of a ‘green village’, built around a ‘Y’ shaped green with ribbon development along each of the branches of the ‘Y’ ... late 18th century cottages have encroached upon the westward and eastward arms of the green”* (General Character and Plan Form);
- (iv) *“The current form of the village reflects expansion at three periods: in the late 17th century ... in the late 18th century, when weavers cottages, barns and farmhouses were built all around the green”* (General Character and Plan Form);
- (v) *“Several buildings are rendered, or have projecting window and door surrounds, suggesting that they might once have been rendered. Others are slobbered, with a thin render coat that leaves the faces of some of the more prominent building stones exposed”* (Architectural Qualities);
- (vi) *“Potential threats to the architectural coherence of Newton could be posed by the intrusion of satellite dishes and burglar alarms sited on the front elevations of historic buildings, roof lights in prominent roof slopes of traditional buildings, and highly visible ventilation shafts, cowls or rainwater goods”* (Threats to the Newton Conservation Area).

Relevant History

None.

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.

Newton Conservation Area Appraisal.

Environmental, AONB, Human Rights and Other Issues

A Committee decision is required on this application because an owner identified in the ‘Certificate of Ownership – Certificate B’ is a Member of the Borough Council.

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 its features of special architectural and historic interest. The preservation of the setting of other listed buildings and the preservation of the character and appearance of Newton Conservation Area are also important considerations.

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.

Section 72 of the Act requires that in the exercise of planning functions *special attention* shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

A number of recent legal cases have examined the weighting of these duties 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.

The National Planning Policy Guidance states:

"Distinctiveness is what often makes a place special and valued. It relies on physical aspects such as:

*building forms;
details and materials;
style and vernacular"*.

'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).

"The removal of hard renders may cause more damage to the significance of the building than retention" (paragraph 151).

“Where it is proposed to remove more modern coverings that are harmful to the significance or the integrity of the building, appropriate materials will need to be introduced to ensure an authentic and/or suitably detailed finish” (paragraph 164).

“the fabric will always be an important part of the asset’s significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion, together with the use of appropriate materials and methods of repair” (paragraph 179).

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

“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” (Paragraph 91).

The Newton Conservation Area Management Guidance (The Conservation Studio consultants, 2005) states:

“ Renders: The use of an impervious Portland cement render (and/or application of an impervious paint) in place of a traditional lime-based covering restricts evaporation. On buildings pre-dating about 1800, the original render is likely to have been of ordinary (non-hydraulic) lime or natural hydraulic lime that has a weak chemical set. After that time, the introduction of eminently hydraulic limes began a trend which culminated in the widespread use of cement. Lime-based renders provide a different aesthetic effect to cement-based renders. Although a range of finishes exists with each, the latter has a more uniform appearance, and corners and details are sharper and more defined. Weathering characteristics also differ. Cement renders often fail in patches and detach from the wall, whereas lime renders gradually erode back in a more even manner.

On traditionally constructed buildings replacement renders should generally be a soft and porous lime render without the addition of cement. It is important that the render is applied by someone familiar with lime-based materials. A traditional limewash will normally be the most appropriate finish as the high water permeability will allow the walls to 'breathe'.

Cement based or other waterproof and hard gloss paints should not be used on surfaces covered with traditional render ...

Slobbered masonry: Local traditions such as 'slobbering' i.e. the uneven rendering of a rubblestone wall surface are part of the vernacular tradition of building and should be respected and therefore not painted or removed".

'Energy Efficiency and Historic Buildings: Application of Part L of the Building Regulations to Historic and Traditionally Constructed Buildings' (English Heritage, 2011) states:

"Where walls need to transpire, new materials intended to form barriers to unwanted moisture or water vapour can impede the very processes which help a historic wall to survive in good condition.

Commonplace examples include:

- *hard external rendering, intended to keep the rain out, which also stops moisture evaporating and causes the wall to become damper; when cracked, it also traps rainwater, making things even worse".*

In my opinion, the proposed structural works are acceptable. They obviate the need for wall reconstruction and are limited to what is reasonably necessary to ensure the proper preservation of the listed building. In reaching this conclusion, I am mindful that the patters plates and steel frame will be visually intrusive (HEPPG paragraph 150) but overall the proposed method of repair will result in limited loss of historic fabric and significance (NPPF paragraph 131 and 132; HEPPG paragraph 149; 'Conservation Principles' paragraph 91, 118 and 119). For these reasons, I also consider the proposed structural works to have an acceptable impact upon the character and appearance of Newton Conservation Area and the setting of other listed buildings.

In my opinion and mindful of the applicant's identification of water ingress, the proposed removal of existing cement-based render and re-rendering in a traditional lime mortar is acceptable in principle. The attachment of conditions is suggested to ensure the removal of existing render without undue harm to historic fabric (see HEPPG paragraph 151) and the use of traditional render forms (HEPPG paragraph 164; Newton Conservation Area Management Guidance).

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 condition(s):

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

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

2. Precise specifications, in the form of a method statement, detailing the means by which the existing render will be removed shall have been submitted to and approved by the Local Planning Authority before the commencement of this element of the works.

Where render removal results in the loss of historic fabric, work shall cease to these areas pending further advice from the local planning authority's conservation officer.

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

3. Precise specifications of proposed re-rendering shall have been submitted to and approved by the Local Planning Authority before its 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 Newton Conservation Area.

4. Precise specifications of the appearance of proposed pattress plates (including their surface finish) shall have been submitted to and approved by the Local Planning Authority before their use in the proposed works.

The agreed surface finish shall be implemented within one month of pattress plate installation and retained as such in perpetuity.

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

APPLICATION NO: 3/2015/0101/P (GRID REF: SD 374006 438180)
SUBSTITUTION OF 16 HOUSE-TYPES APPROVED UNDER PLANNING PERMISSION
3/2013/0771 AND 3/2014/0944 TOGETHER WITH THE ADDITION OF 3 HOUSE-TYPES.
LAND OFF MIDDLE LODGE ROAD, BARROW, BB7 9WD

PARISH COUNCIL: No response received.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR): No response received.

ADDITIONAL
REPRESENTATIONS: No letters of representation have been received in respect of the current application.

Site Location

The proposal site is located to the south of the Printworks off Ribble Valley Enterprise Park, Hey Road, the A59 is located approximately 68m to the east of the development site with properties fronting Whiteacre Lane to the south backing onto the site. The site is also bounded to the west by properties on Ash Close and Birch Grove also backing onto the site.

Proposal

The application seeks full consent for the substitution of 16 house types including the addition of three units as originally approved under consent Ref: 3/2013/0771 for the erection 102 dwellings (20 are proposed affordable housing) with associated landscaping, public open space and highways works at land off Middle Lodge Road Barrow. This will result in a total number of 105 dwellings being developed on site.

The development will be served from Middle Lodge Road with a main vehicular pedestrian route running north to south serving a cul-de-sac arrangement with elements of courtyard style housing located to the western extents of the site.

The approved proposal will provide an element of public open space to the southeast extents of the site in the form of an informal route through an existing area of tree-planting/woodland. The previously approved proposal also makes provision for the erection of two two-storey apartment blocks to the northeast extents of the site each accommodating 6 x 2 bedroom apartments all of which being affordable in nature.

The details relating to the current submission proposes house type substitutions for plots that are mainly located to the south east of the development, three plots directly to the north of Willow drive, with the remainder being within the central portion of the site.

Relevant History

- 3/2014/0944: Substitution of house-types for 13 detached dwellings approved under planning permission 3/2013/0771. (Approved with conditions)
- 3/2013/0771: Proposed residential development of 102 No. Dwellings (Including 20 no. affordable units). (Approved with conditions)
- 3/2012/0158: Outline application for the erection of 73 open market detached dwellings and 31 social housing properties. (Refused - Appeal Allowed)

Relevant Policies

Ribble Valley Core Strategy (Adopted version)

- Key Statement DS1 – Development Strategy
- Key Statement DS2 – Sustainable Development
- Policy DMG1 – General Considerations.
- Policy DMG2 – Strategic Considerations.
- Policy DMG3 – Transport & Mobility
- Policy DME2 – Landscape and Townscape Protection.
- Policy DME3 – Site and Species Protection and Conservation.
- Policy DMH3 – Dwellings in the Open Countryside
- Policy DMH1 – Affordable Housing Criteria

National Planning Policy Framework (NPPF).

Environmental, AONB, Human Rights and Other Issues

The matters to be considered in the determination of this application relate to the principle of the development in policy terms; the impact of the development in visual terms; the effects upon ecology and trees (where relevant); the impact on neighbouring residential amenities; highway safety; and the matter of financial contributions requested by Lancashire County Council.

Principle of Development

Members will note that the principle of development has been established as acceptable though the previous full consent (3/2013/0771) and that of the outline application allowed at appeal (3/2012/0158).

The current submission seeks to increase the overall numbers on site by 3 resulting in a total of 105 units on site this will increase the number of dwellings originally approved at outline stage by 1 dwelling (Ref: 3/2012/0158 104 dwellings approved). It should be noted that the applicant submitted a full application and not a reserved matters application therefore there is no procedural conflict with the outline consent granted in terms of an increase in numbers.

It is noted that the most recent Housing Monitoring (December 2014) for the Borough has identified that there is a zero residual need for additional dwellings within Barrow. However given the residual numbers apportioned to each settlement are considered a 'minimum target' to achieve sustainable development throughout the Borough, the harm resultant, if any, of any potential over-supply of housing must therefore be considered.

Given that the original outline consent granted allowed for the development of up to 104 units, and that the current application would result in a total of 105 units I do not consider the increase in numbers and level of over-supply to be of such a level that it would cause harm to the Development Strategy for the Borough or result in an unsustainable form of development.

It is therefore considered that there are no reasons, in respect of the principle of development, to withhold the granting of planning consent.

Contributions/Legal Agreement

The applicant has put forward a supplemental S.106 legal agreement, discussions are on-going on this matter but it is recommended that planning permission be granted with a condition attached that will ensure no development takes place unless and until a suitable mechanism has been entered into and completed, to deliver the planning obligations pursuant to the grant of Planning Permission reference 3/2013/0771 which will ensure continuity between the current application and the original consent to which it relates.

Highways safety

The County Surveyor has no further comments to make in respect of the application insofar that it does not result in any additional highways impact or significant deviation from the previously approved development.

Residential Amenity

In respect of potential impact upon residential amenity, given the proposed relationship to adjoining/nearby dwellings and that the plots in question are located wholly within the central portion or northern extents of development site, consider that the proposal, as submitted, would not result in a detrimental impact upon the residential amenities of existing/neighbouring occupiers.

I am therefore mindful of the relationship between the proposed dwellings and the existing properties/uses within the area and given the layout and spatial relationships as detailed on the submitted plans, consider the scheme acceptable.

Layout

The proposal maintains the previously approved layout which adopts a clear hierarchy of a primary route that serves individual cul-de-sac's and an element of courtyard style housing.

The internal layout of the development proposes a mixture of parking being accommodated behind the building line, on front driveway arrangement and within integral garaging on a number of the house types.

Appearance & Visual Amenity

In respect of the appearance of the proposed dwellings, I consider that the overall scale and design of the properties represents an appropriate response to the immediate context and will be read well in the context of the existing development within the vicinity.

The house types proposed are generally considered to be reflective of the approach adopted throughout the remainder of the site in terms of external appearance. The house type substitution introduces a number of 2.5 storey dwellings, but given the plot locations and distances from existing properties do not consider that these will result in any additional impact upon residential amenity.

I am therefore mindful of the design and appearance of the proposed dwellings in relation to the wider and immediate and consider the proposed housing-types acceptable.

Conclusions/Recommendation

It is considered that the plot/house type substitutions raise no significant concerns in respect of conflict with adopted policy. The modest increase in the number of units on site, when compared to the numbers approved under the original outline consent, would not result in any significant strategic implications for the Borough or significant harm to the Development Strategy for the Borough. It is additionally considered that the proposal would have no additional detrimental impact on nearby residential amenity nor would it have an adverse visual impact upon the immediate or wider context.

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

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

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on the submitted drawings:

Planning Layout: MLR_BB_PA03_01_A
Housetype 309 – Brick Floorplans & Elevations
Housetype 313 – Brick Floorplans & Elevations
Housetype 356 – Brick Floorplans & Elevations
Housetype 356 – Render Floorplans & Elevations
Housetype 406 – Render Floorplans & Elevations
Housetype 408 – Brick Floorplans & Elevations
Housetype 413 – Brick Floorplans & Elevations
Housetype 419 – Brick Floorplans & Elevations
Housetype 432 – Render Floorplans & Elevations
Housetype 450 – Brick Floorplans & Elevations
Housetype 453 – Render Floorplans & Elevations
Housetype 455 – Brick Floorplans & Elevations
Housetype 550 – Brick Floorplans & Elevations

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

3. Precise specifications or samples of walling, roofing and window/door framing materials including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

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

4. No development shall take place until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites for that phase have been submitted to, and approved in writing by the Local Planning Authority. The details shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated. The artificial bird/bat boxes shall be incorporated into those individual dwellings/buildings during the actual construction of those individual dwellings/buildings identified on the submitted plan before each such dwelling/building is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

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

5. Notwithstanding the submitted details no development approved by this permission shall be commenced until design details and specifications of the internal streetscape and its associated lighting, street furniture, walls, fencing, boundary treatments and details of any

surface materials to be used including their colour and texture has been submitted to and approved in writing by the Local Planning Authority. The works shall then be completed in accordance with approved details.

REASON: In the interests of the visual amenities of the area in accordance with Policy Policies DMG1 of the Ribble Valley Core Strategy (Adopted Version).

6. No development shall take place until details of the public open space, woodland track and any associated play equipment/surfacing at the southeast extents of the development site have been submitted to and approved in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority may ensure that the details are appropriate to the locality in accordance with Policies DMG1, DMG2 and DME4 of the Ribble Valley Core Strategy (Adopted Version), ensuring a satisfactory standard of appearance and given its location.

7. The development hereby permitted shall not be commenced until full details of the proposed landscaping have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, their maturity at the time of planting, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform.

The approved landscaping scheme shall be implemented in the first planting season prior to commencement of the development unless otherwise agreed by the Local Planning Authority, whether in whole or part and shall be maintained thereafter for a period of not less than 15 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policies DMG1, EN2 and DME3 of Ribble Valley Core Strategy (Adopted Version).

8. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To prevent the increased risk of flooding, both on and off site. In accordance with Policies EN2, EN4, DME2 and DME3 Ribble Valley Core Strategy (Adopted Version).

9. Notwithstanding the details shown on the submitted plans, the proposed driveway/hard surfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.

REASON: In the interests of Highway Safety and to prevent flooding. In accordance with Policies EN2, EN4, DME2 and DME3 of the Ribble Valley Core Strategy (Adopted Version).

10. No phase of development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority for that phase. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant material;
- Storage of plant materials used in the construction of development;
- The erection and maintenance of security hoardings;
- Wheel washing facilities;
- A management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
- Details of the storage of potential ground and water contaminants
- A scheme for protecting trees;
- A scheme for recycling/disposing of waste resulting from construction work; and
- A scheme to control noise during the construction phase.

REASON: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

11. The new estate road shall be constructed in accordance with the Lancashire county Council specification for Construction of Estate Roads to at least a base course level before any development takes place within the site.

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

12. Prior to any phase of the development being occupied a Framework Travel Plan for the whole development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, prior to the commencement of development on any phase or portion of the development, a separate Travel Plan (or up-dated information for the Framework Travel Plan) for each phase shall also be submitted to and approved in writing by the Planning Authority. The Travel Plan shall be implemented, audited and updated within the timescale set out in the approved plan.

REASON: To ensure a multi-modal transport provision for the development and reduce the traffic impact on the local road network, in the interests of highway safety and to comply with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

13. Prior to the commencement of the development, a written scheme of archaeological investigation relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. Each scheme will outline (if required) a programme of archaeological work which is to be implemented within the phase. The development of the phase shall be carried out in accordance with the approved scheme.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological importance associated with the site in accordance with Policies EN5, DME3 and DME4 of the Ribble Valley Core Strategy (Adopted Version).

14. No development shall take place unless and until a suitable mechanism has been entered into and completed, to deliver the planning obligations pursuant to the grant of Planning Permission reference 3/2013/0771.

REASON: In order that the Local Planning Authority may ensure that the appropriate planning obligations are secured in accordance policies DMI1 and DMH1 of the Ribble Valley Core Strategy (Adopted Version).

NOTES

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Ribble Valley District Highways Office, Lancashire County Council, Riddings Lane, Whalley BB7 9RW (tel. 0845 0530011) and quote the planning application number.
2. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this suspected contamination can be dealt with and obtained written approval from the Local planning Authority. The remediation strategy shall be implemented as approved.

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

APPLICATION NO: 3/2014/0618/P (GRID REF: SD 376579 444018)
ERECTION OF 10 DWELLINGS AT LAND OFF CHATBURN OLD ROAD, CHATBURN

PARISH COUNCIL: Following observations to make:

1. Chatburn cannot identify the need for houses of this size and price and that the provision of two cars per house is inadequate for houses of this size.
2. Affordable housing – it is the developers intention to buy three houses in Chatburn to rent as affordable housing. This does not satisfy the Borough Council's policy that 30% of new builds must be affordable and will not increase the current housing stock of affordable housing in the village. There cannot be any justification plan for removal of affordable homes from this proposed development site. A condition, should the application be approved be imposed that prevents development commencing until three properties are purchase in Chatburn.
3. In relation to the Chatburn Old Road junction, I consider the planning statement is false and that there has been a material change in circumstance since the previous application. The fact that three smaller affordable houses have been replaced by three large 4/5 bedroom homes will create more traffic. LCC raise a number of additional requirements which were not required in relation to the previous application. The Parish Council totally agrees with LCC that before any development of the site takes place, additional requirements for road safety on Chatburn Old Road should be implemented.
4. The Council have requested that LCC reduce the speed limit to 20mph and they are mindful of speeding traffic along Ribble Lane. Furthermore they have requested an updated independent speed survey and that no development should take place until this survey has been carried out.
5. While the Parish Council agrees with LCC highways, view that pedestrian control markings are needed in addition of this safety feature could cause serious parking problems.
6. Also concern regarding the movement of the 'stop' sign out into Ribble Lane is dangerous.

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

No objection on highway grounds as long as the improvements to the highway network suggested are implemented. These improvements relate to the following:

1. Improvements at the junction of Ribble Lane with Chatburn Old Road as per the approved application under 3/2011/0025.
2. Ask for the construction of a turning head on Chatburn Old Road before the end of the road near the quarry. This will require agreement under Section 278 and some of the developer's land will be required to create an appropriate turning head and subsequently this land will need to be dedicated as public highway.
3. The road leading up to the proposed estate road is unlit and I would suggest new street signing columns at least to the new access.
4. There is no footway along Chatburn Old Road and I do not intend to ask for one along the property road frontage. However I consider there will be a benefit in marking the edge of the carriageway and providing a space for pedestrians up to the public right of way. This would allow for a 5.5m carriageway width and a minimum of 1.2m wide space for pedestrians.
5. Did previously ask for barriers to be erected on the highway near the end of the public highway on Chatburn Old Road, however may be unnecessary but would need to be reviewed upon receipt of plans.

These works are to be paid for by the developer under the Section 278 Agreement. Following further discussion accepted that as a compromise it would only be necessary to secure the junction improvements previously required by the Inspector are and the provision of the street lighting(2 lamps) which can be written into the S278 required for the junction improvements.

LCC (MINERALS):

This application means the change of position of some properties moving close to Lanehead Quarry. However, the County Council agree that the future quarrying operation in this location could probably be undertaken without causing any major issues relating to breaches of permitted development rights on noise, air quality and blasting. There may be a likelihood of a greater number of complaints or objections as the properties are moving nearer to the quarry. Since planning application 3/2011/0025, the County Council has recently given resolution to grant planning permission to deepen Lanehead Quarry. At that inquiry the Inspector considered that there

would be no indirect sterilisation arising from the appeal proposal and that it may be possible for that conclusion to change if charge weights were to be further lowered due to the proximity of the houses. In such circumstances, the Borough Council would need to weigh these comments in the overall planning balance including the need for housing and the availability of larger other sites.

UNITED UTILITIES: In accordance with National Planning Policy Framework and building regulations, the site should be drained on a separate system with foul water draining to the public sewer and surface water drainage in a sustainable way. United Utilities have no objection to the proposal providing conditions are imposed which relate to foul water and surface water.

LCC (EDUCATION): At the time of preparing this report, requested an education requirement of £36,253 for secondary school places and no requirement for primary school places. Following reconsultation advised no need for any contribution.

ELECTRICITY NORTH WEST: Consider the application and believe it could have an impact on our infrastructure. The applicant should be advised that great care should be taken when working close to electrical apparatus and any personnel working in the vicinity. It should also be advised that should there be a requirement to divert the apparatus because of the proposed work, the cost of such a diversion will be borne by the applicant.

ADDITIONAL REPRESENTATIONS: At the time of preparing this report eight letters of objection have been received. Members are asked to examine the file for full details but they can be summarised as follows:

1. This is a stand along application from the previous one and the decision on this shall not be affected by the previous approval.
2. The increased bedroom numbers will mean that the highway junction improvements are more appropriate for the previous scheme and not adequate for this submission.
3. The junction on to Ribble Lane cannot safely accommodate the resultant traffic.
4. The proposal is contrary to Policies G4 and G5 of the Districtwide Local Plan.
5. The site is a habitat for wildlife and will result in environmental damage.
6. There is no need for 4 bedroom houses in Chatburn.

7. Potential sterilisation of a mineral reserve.

Site Location

The site is a greenfield site that lies outside the existing settlement limit of Chatburn and is designated open countryside. To the north of the site lies Lane Head Quarry; to the east residential properties on Chatburn Old Road; to the south properties that front onto Crowtrees Brow. There is a public footpath leading from Crowtrees Brow to Chatburn Old Road.

Within the site are trees and hedgerow and the land is of undulating in nature.

Proposal

This application seeks detailed consent for the erection of 10 dwellings and offers a financial contribution towards affordable housing provision. The dwellings would be accessed off Chatburn Old Road with a single access point and a cul-de-sac arrangement. The dwellings comprise a mixture of four and five bedroom units some with integral garages and others with detached double garages. One unit would be a 3 storey split level dwelling and all units are designed for the open market. In relation to the height of the units; the maximum height to the ridge is approximately 9.3m. The eaves height is approximately 5.25m on all of the units. There is a mixture of design type and the units will be constructed of a range of materials incorporating limestone render and a blue slate roof. All of the units have both front and rear gardens.

Relevant History

3/2011/0025/P – Outline planning permission for residential development (10 dwellings). Refused. Allowed on appeal.

Relevant Policies

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development.

Key Statement H1 – Housing Provision.

Key Statement ENV4 – Biodiversity and Geodiversity.

Key Statement H3 – Affordable Housing.

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME1 – Protecting Trees and Woodlands.

Policy DME2 – Landscape and Townscape Protection.

Joint Lancashire Mineral and Waste Development Framework.

Core Strategy DPD.

Environmental, AONB, Human Rights and Other Issues

The matters to be considered in the determination of this application relate to the principle of the development in Policy terms; the impact of the development in visual terms; effects upon ecology and trees; the impact on neighbour residential amenities; highway safety, impact on

mineral resources and whether or not there is a regeneration benefit resulting from the development.

Members will be aware that the principle for residential development was granted on appeal for 10 dwellings with 3 of the units to be affordable in April 2013 and was the subject of a 3 day Public Inquiry. Many of the issues such as highways and mineral sterilisation were discussed at length at the Inquiry and the Inspectorate concluded in favour of the development. It is appropriate to conclude that since the Adoption of the Core Strategy there are no significant changes in relation to the principle. One significant change relates to the ability to request on site affordable units as recent Guidance issued by Central Government on a site of this size and having regard to its location now only requires off site financial contribution which is what is being offered by the applicant in this instance.

Principle of the Development

Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework adopted in 2012 (NPPF) is one such material consideration and whilst it does not change the legal status of the development plan, it promotes a presumption in favour of sustainable development. Paragraph 14 of the NPPF states that for decision making, this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

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

Key Statement DS1 Development Strategy of the Adopted Core Strategy identifies Chatburn as a Tier 1 settlement and is therefore regarded as one of the more sustainable settlements within the borough. This site as it already has the benefit of planning permission would have been classed as a commitment due to the extant consent. The Core strategy also had a residual number of 18 houses identified for Chatburn.

The Council is required to maintain a 5 year supply of housing land to ensure land supply is not a barrier to housing growth. Objectively assessed housing need identifies 280 units are required to be delivered in the Borough per year – these are minimum targets.

Using the 31 December monitoring figures (Housing Land Availability Schedule January 2015), the Council can demonstrate a 5.54 year supply of housing land with an annual requirement of 280 units using the Sedgfield methodology.

On the basis of the existing consent and its location I am satisfied that the principle of the development is acceptable.

Minerals

The comments of the LCC Minerals are noted and although they have some concerns they remain of the opinion that having regard to the previous consent this development could be accommodated without an adverse impact on the operation of the adjacent quarrying enterprise. A noise assessment has been submitted with this application and I am of the opinion that based on the mitigation measures incorporated in the report, advice of LCC Minerals and having regard to the previous decision made by the Inspectorate the scheme is acceptable.

Highway Safety and Accessibility

Following reconsultation and based on appropriate conditions the County Surveyor has no objection to the proposal despite the concerns expressed by the local residents.

Landscape and Visual Impact

The site is a greenfield site but is still closely related to the main settlement boundary. The principle has been established in the outline consent and I am satisfied that this application would not have a significant impact on the wider landscape. There are some trees to be removed as part of the application but this is partly mitigated by the new planting and landscaped area. A planning condition will also secure additional planting off site.

It is considered that the context of the site and the surrounding topography/features would ensure the visual impact of the development would be largely localized.

Flood Risk and Drainage

United Utilities have raised no objection subject to conditions relating to foul and surface waters. As such, the proposal is therefore considered to be acceptable in respect of drainage and flood risk in accordance with Policy G1 of the Districtwide Local Plan, Key Statements EN2 and EN3 and Policies DMG1 and DME6 of the emerging Core Strategy.

Residential Amenity

In relation to the siting and design of the houses there are no significant amenity considerations. The main amenity impact relates to the concern of additional traffic to the locality and highway safety concerns. It is evident that there is no objection from LCC highways and that this was also carefully considered by the Planning Inspector at the Planning Inquiry and it was considered acceptable. Although the house types have changed and there could be a marginal increase in traffic generation I do not consider this to be a significant change.

Energy and Sustainability

One of the core planning principles of the NPPF is to support the transition to a low carbon future in a changing climate. Paragraph 93 clarifies that this is central to the economic, social and environmental dimensions of sustainable development - planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability

and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.

To secure a sustainable form of development and in particular to contribute to the social and environmental roles, it is recommended that a condition be attached to the permission to require at least 10% of the energy needs of the development to be provided from renewable or low carbon energy sources in accordance with Key Statement EN3 and Policy DME 5 of the Adopted Core Strategy.

Infrastructure, Services and Developer Contributions

The proposal would not require any financial contribution to education or highways but there is an off-site financial contribution towards affordable housing. At time of preparing this report the exact figure has not been agreed but it this will be based on a formulae which has been agreed by the Strategic Housing Officer and will be incorporated in the Section 106 Agreement.. It is hoped that this figure will be available prior to Committee.

Appearance and Visual Amenity

I am satisfied that the resultant development would not detract from the locality and relates sufficient well to the adjacent built form. The proposed dwellings, given their location would not have any significant impact to the street scene or detract from the character of the area.

Conclusion/Recommendation

The proposal would contribute to the provision of housing and affordable housing in the Borough to meet objectively assessed housing need. Whilst the development of agricultural land to provide housing would inevitably change the character of the area, the topography of the area is such that the visual impact of the proposal would be largely localised.

It is not considered that the proposal, as submitted, would result in significant harm to the character and appearance or visual amenities of the immediate area and the visual impact would not be so significant as to outweigh the benefits associated with the proposal. I therefore recommend accordingly.

RECOMMENDATION: That the application be DEFERRED AND DELEGATED to the Director of Community Services for approval following the satisfactory completion of a legal agreement in the terms described in the developer contributions section of this report and subject to within 3 months from the date of this Committee meeting or delegated to the Director of Community Services in conjunction with the Chairperson and Vice Chairperson of Planning and Development Committee should exceptional circumstances exist beyond the period of 3 months and subject to the following conditions:

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

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

2. This permission shall relate to the development as shown on drawing no. Jac/605/1615/06 rev A, Jac/605/161503a, Jac/605/1615/01 rev A, Jac/605/1615/04 rev A, Jac/605/1615/05 Jac/605/1615/02 Jac/605/1615/07.

REASON: For the avoidance of doubt and to clarify which plans are relevant and to ensure that the development is carried out in accordance with the approved plans.

3. Precise specifications or samples of walling, roofing and window/door framing materials including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

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

4. No development shall take place until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites for that phase have been submitted to, and approved in writing by the Local Planning Authority. The details shall be submitted on a dwelling/building dependent bird/bat species development site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated. The artificial bird/bat boxes shall be incorporated into those individual dwellings/buildings during the actual construction of those individual dwellings/buildings identified on the submitted plan before each such dwelling/building is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

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

5. The development hereby permitted shall not be commenced until full details of the proposed landscaping have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, their maturity at the time of planting, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform.

The approved landscaping scheme shall be implemented in the first planting season prior to commencement of the development unless otherwise agreed by the Local Planning Authority, whether in whole or part and shall be maintained thereafter for a period of not less than 15 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policies DMG1, EN2 and DME3 of Ribble Valley Core Strategy (Adoption Version).

6. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage

systems. The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To prevent the increased risk of flooding, both on and off site. In accordance with Policies EN2, EN4, DME2 and DME3 Ribble Valley Core Strategy (Adoption Version).

7. Notwithstanding the details shown on the submitted plans, the proposed driveway/hard surfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.

REASON: In the interests of Highway Safety and to prevent flooding. In accordance with Policies EN2, EN4, DME2 and DME3 of the Ribble Valley Core Strategy (Adoption Version).

8. No part of development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority for that phase. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant material;
- Storage of plant materials used in the construction of development;
- The erection and maintenance of security hoardings;
- Wheel washing facilities;
- A management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
- Details of the storage of potential ground and water contaminants
- A scheme for protecting trees;
- A scheme for recycling/disposing of waste resulting from construction work; and
- A scheme to control noise during the construction phase.

REASON: In the interests of protecting residential amenity from noise and disturbance in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adoption Version).

9. The new estate road shall be constructed in accordance with the Lancashire county Council specification for Construction of Estate Roads to at least a base course level before any development takes place within the site.

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

10. No development shall take place unless and until a suitable mechanism has been entered into and completed, to deliver the planning obligations pursuant to the grant of Planning Permission reference 3/2013/0771.

REASON: In order that the Local Planning Authority may ensure that the appropriate planning obligations are secured in accordance policies DMI1 and DMH1 of the Ribble Valley Core Strategy (Adoption Version).

11. No development shall take place until a scheme to secure at least 10% of the energy requirements of the development hereby permitted from renewable or low carbon energy sources, with a timetable for implementation, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and retained thereafter at all times in accordance with the approved scheme. Any solar panels installed as part of this scheme shall be removed after a period of 25 years from the date of electricity first being generated.

REASON: To allow the energy needs of the development to be partially generated on site to reduce reliance on the grid in accordance with Key Statements EN2 and EN3 and Policies DMG1 and DME5 of the Ribble Valley Core Strategy (Adopted Version) and the National Planning Policy Framework.

12. Prior to commencement of development precise details of the junction improvements at Ribble lane and Chatburn Old Road shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be occupied until the junction improvements have been implemented in full.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adoption Version).The applicant is advised that this should relate to plans D1350-04 Rev C submitted under 3/2011/0025.

13. No part of the development approved by this permission shall be occupied until a scheme for the off-site highway works, including timescales for implementation for each phase, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of highway safety and to mitigate the impacts of the development in accordance with Policies EN2, DMG1, DMI2 and DMG3 of the Ribble Valley Core Strategy (Adopted Version).

14. This permission shall comply with the Noise Assessment report dated 23/05/14 and in particular the mitigation measures in Paragraph 11.1.1 and these shall be carried and remain in that manner prior to occupation of any of the dwellings hereby approved.

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

NOTE:

The applicant is advised that the off-site highway works are likely to be the subject of a Section 278 Highway agreement.

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

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

APPLICATIONS APPROVED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2012/0911/P	Proposed two-storey extension to rear of existing house	Houghton Farm Cottage Osbaldeston Lane Osbaldeston
3/2014/0415/P (LBC)	Bird control of adding wires and/or small metal spikes on lodges, parapets and roofs with minimal drilling into masonry	Barclays Bank plc Castle Street Clitheroe
3/2014/1026/P	Agricultural livestock building	Law Farm Trapp Lane, Simonstone
3/2014/1120/P	Discharge of condition 2 – external materials, 3 – details of tree protection, 4 – details of access, parking and manoeuvring and 5 – development to be carried out in accordance with the stated plans, of planning permission APP/T/2350/A/14/2222117	20 Brookside Old Langho
3/2015/0030/P	Proposed erection of single storey side extension to western gable elevation, erection of a single storey partially underground and partially over ground private swimming pool building with associated underground link	Giles Farm Four Acre Lane Thornley
3/2015/0061/P	Discharge of condition 9 (Archaeological Record) of planning permission 3/2012/0777/P	Kellets Farm Greenmoor Lane Knowle Green
3/2015/0063/P	Non-material amendments to planning permission 3/2012/0219/P. Removal of curtain walling to north east elevation to be replaced with cladding and brickwork; removal of curtain walling and high level windows to south west elevation to be replaced with cladding and brickwork; and the introduction of a row of windows to the south east (front) elevation	Altham Pumping Station Burnley Road Simonstone
3/2015/0073/P	Discharge of condition 3 (materials) from planning permission 3/2011/0833/P	Preston's Yard Longridge Road, Chipping
3/2015/0125/P	Discharge of conditions 3 (materials) 4 (window details) 5 (timing of roofing works) 6 (bat boxes) of planning permission 3/2014/1054/P	Beck Top Clough Lane Simonstone
3/2015/0143/P	Erection of front porch	84 Branch Road Mellor Brook

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2015/0151/P	Non-material amendment to planning permission 3/2014/0941/P. Amended roof pitch to the SW elevation (retaining existing/approved ridge level) amended window arrangement to bathroom/circulation area, amended window arrangement to bedroom (NE elevation)	Lee Carter House Castlegate Clitheroe
3/2015/1055/P	Change of use from Sui Generis (Nail and Beauty Salon) to Class A3 (Café and Restaurant)	1 Victoria Street Clitheroe

APPLICATIONS REFUSED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
3/2014/0226/P	Works and a change of use to the grade II listed Kirk Mill to create a hotel (18 bed) and bar/restaurant. Works comprising partial demolition and extension of Kirk Mill including demolition of the later addition to the east of the Mill and erection of a new extension built on the same footprint in traditional stone to match the existing Mill; and removal of further modern alterations to the façade to restore the historic character of the building	Kirk Mill Malt Kiln Brow Chipping	Harmful to Kirk Mill and Kirk House (Grade II listed) and Kirk Mill Conservation Area. Historic fabric, plan form, design, setting. NPPF; Core Strategy DME4, DMG1, DMB2 and DMB3
3/2014/0810/P	Conversion of barn, with planning permission for two residential units (3/2012/0778/P), into one residential dwelling including provision of domestic garage.	Billingtons Farm Mile Lane Longridge	EN2 and EN5 and Policies DMG1, DME4, DMH3 and DMH4 – harmful to character and appearance of buildings and visual amenities of the countryside. DMG1 – detrimental to residential amenity.
3/2015/0088/P	Proposed first floor side extension, two storey rear extension, and erection of a front porch.	19 Crescent Clitheroe	Pagefield Policies DMG1 and DMH5 – Scale and massing detrimental to visual amenity
Cont/			Policies DMG1 and DMH5 – Harmful to

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>	<u>Reasons for Refusal</u>
Cont...			amenities of neighbours – over-bearing, oppressive, loss of light/ overshadowing, privacy and outlook. Policy DMG1 – Insufficient off street parking provided.

APPLICATIONS FINALLY DISPOSED

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2011/0649/P	Re-development of residual part of former Mullards/Phillips site (4.8 ha) as business park including fort vale special projects building. Total floor area not to exceed 19,250m2. Associated access and highways works (all other matters reserved)	Fort Vale Engineering Simonstone Lane Simonstone
3/2012/0785/P	Outline application for demolition and part demolition of the existing hospital and enabling residential development including access parking open space and related infrastructure	Clitheroe Hospital Chatburn Road Clitheroe

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>
3/2015/0118/P	Extension of existing agricultural building to the north east and south west gables for storage of feed and milk tank	Cockshutts Farm Main Street Pendleton
3/2015/0173/P	A road 95m long x 5m wide	3km north of Dunsop Bridge at Calder Moor Dunsop Bridge
3/2015/0175/P	A road 85m long x 5m wide	1.5km north of Dunsop Bridge at Staple Oak Dunsop Bridge

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2012/0785/P	Outline application for demolition/part demolition of the existing hospital and enabling residential re-development including associated access, parking, open space and related infrastructure	Cl Hospital Chatburn Road Clitheroe

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2014/1007/P	Change of use of barn to dwelling	Startifants Farm Longridge Road Chipping
3/2014/1127/P	Discharge of condition 3 – materials of planning consent 3/2012/-359	Land adjacent Woodfold Park Further Lane, Mellor
3/2015/0005/P	Variation of condition 7 of planning consent 3/2012/0359 to read 'the stable building and menage hereby permitted shall be for commercial use limited to a remedial farrier and shall not be used in connection with livery stables or riding school'	Land adjacent Woodfold Park Further Lane Mellor
3/2015/0051/P	Change of use from dwelling (C3) to bed and breakfast establishment (C1)	Dale Head Farm Dale Head Slaidburn

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
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	Section 106 Signed, Decision Notice issued
3/2014/0779	Land off Dale View Billington	16/10/14	18	With Applicants Solicitor
3/2014/0188	Victoria Mill Watt Street Sabden	13/11/14	40	With Planning, applicant seeking to renegotiate contributions so may need to go back to Committee
3/2014/0742	Land off Pimlico Road, Clitheroe	15/1/15	19	With LCC
3/2015/0010	Land off Longsight Road, Langho	12/3/15	18	With Legal
3/2015/0065	Land to North of Dilworth Lane Longridge	12/3/15	195	Section 106 Signed, Decision issued 31/3/15

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Time from First Going to Committee to Decision</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2014/0597	Land off Waddington Road, Clitheroe	16/10/14 15/1/15	20 weeks	275	Decision 6/3/15
3/2012/0785	Clitheroe Hospital Chatburn Road Clitheroe	6/12/12		57	Finally disposed of 19/3/14

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Time from First Going to Committee to Decision</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2011/0649	Calder Vale Park Simonstone	15/3/12			Finally disposed of 24/3/15

APPEALS UPDATE

<u>Application No</u>	<u>Date Received</u>	<u>Applicant Proposal/Site</u>	<u>Type of Appeal</u>	<u>Date of Inquiry/Hearing</u>	<u>Progress</u>
3/2013/0722 U	16/05/14	Englands Head Farm Paythorne	WR		Appeal dismissed 18/03/15 Costs application refused 18/03/15
3/2014/0394 R	23/07/14	Stoneroyd Haugh Ave Simonstone	HH		Appeal Allowed 11/03/15
3/2014/0235 R	29/07/14	20 Chapel Hill Longridge	HH		Appeal Allowed 28/03/15
3/2014/0258 R	01/08/14	1 Main Street Bolton by Bowland	HH		Appeal dismissed 17/03/15
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
3/2014/0550	01/10/14	Bradyll House Franklin Hill Old Langho	WR		Awaiting decision
3/2013/0442 R	05/11/14	Woodfield Farm Longsight Road Clayton le Dale	WR		Appeal dismissed 11/02/15
3/2014/0705 R	06/01/15	Meadows Farm Worston	HH		Appeal dismissed 05/02/15
3/2014/0793 R	21/01/15	Talbot Fold Barn Talbot Bridge Bashall Eaves	WR		Awaiting decision
3/2014/0592 R	14/01/15	The Moorcock Inn, Slaidburn Road, Waddington	WR		Awaiting decision
3/2014/0634 R	24/12/14	11 Lower Lane Longridge	HH		Appeal dismissed 05/02/15
3/2014/0838 R	22/01/15	Beech House Alston Lane Alston	HH		Appeal allowed 19/03/15

<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>
3/2014/0438 R	16/01/15 but extension given until 6/02/15	Land east of Chipping Lane Longridge	Inquiry	20/10/15 6 days	Awaiting Inquiry date
3/2014/0517 R	09/02/15	Land to the north of Dilworth Lane Longridge	Inquiry		Awaiting Inquiry date
3/2014/0827 R	12/02/15	39 Clitheroe Rd Whalley	WR		Awaiting decision
3/2014/0312 R	03/03/15	Time House Knowle Green	WR		Notification and Questionnaire sent. Statement due 07/04/15
3/2014/0679 R	13/03/15	Mill Cottage Victoria Terrace Mellor Brook	WR		Notification and Questionnaire sent. Statement due 17/04/15
3/2014/0887 R	12/03/15	Bent House Tosside	WR		Notification and Questionnaire sent. Statement due 16/04/15
3/2014/0684 R	12/03/15	Meadcroft Clitheroe Road Whalley	WR		Notification and Questionnaire sent. Statement due 16/04/15
3/2014/0409 R	12/03/15	Eatoughs Farm	WR		Notification and Questionnaire sent. Statement due 16/04/15

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 16 APRIL 2015
 title: EXTENSION TO THE DELEGATION SCHEME IN RELATION TO HERITAGE PARTNERSHIP ARRANGEMENTS, LOCAL DEVELOPMENT ORDERS, AND URGENT WORKS NOTICE (LISTED BUILDINGS)
 submitted by: DIRECTOR OF COMMUNITY SERVICES
 principal author: JOHN MACHOLC – HEAD OF PLANNING SERVICES

1 PURPOSE

- 1.1 To request minor changes to the scheme of delegation in relation to the establishment of Heritage Partnership arrangements and Local Development Orders and Urgent Works Notice (Listed Buildings and Conservation Areas) within the borough.
- 1.2 Members may be aware that there have been some recent revisions to the delegation scheme with the most recent reports on the 18 July 2013 and 10 October 2013, which requested delegation on household prior determinations schemes and finally disposed of applications.
- 1.3 Relevance to the Council's ambitions and priorities:
- Council Ambitions - }
 - Community Objectives - } To be a well-managed Council providing efficient services based on identified customer need.
 - Corporate Priorities - }
 - Other Considerations - }

2 BACKGROUND

- 2.1 Members will be aware that the Council, in connection with the BAe Enterprise Zone has designated a Local Development Order for part of the site and also is working with Stonyhurst College and English Heritage to implement a Heritage Partnership Agreement.
- 2.2 Although delegation has been given to the Director of Community Services in relation to the implementation of the Local Development Order and Heritage Partnership Agreement, I consider it would be beneficial to ratify these changes in the delegation scheme. In relation to the Heritage Partnership Agreement, this would include determination of consented works applications and Certificate of Lawfulness proposed works.
- 2.3 In relation to urgent works on listed buildings, and in Conservation Areas it is sometimes necessary to carry out urgent repair work and in view of the possible consequences of any delay that would be likely in seeking Committee approval, it is considered that this decision should be authorised to the Director of Community Services.

3 ISSUES

- 3.1 In assessing the revisions proposed, I do not consider this would have a significant detrimental impact on the planning process and key applications would still need to be determined by the Planning and Development Committee.

4 RISK ASSESSMENT

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

- Resources – any changes could be met with existing staffing and it may also free up some Member and officer time.
- 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 Endorse the minor alterations to the delegation scheme to include reference to:

- Urgent Works Notice (Listed Buildings and Conservation Areas).
- Local Development Order applications in relation to BAe.
- Heritage Partnership Agreement applications in relation to Stonyhurst College.

JOHN MACHOLC
HEAD OF PLANNING SERVICES

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

1. Current Delegation Scheme – October 2013.
2. Planning and Development report – September 2013 – Heritage Partnership Agreement.

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

P&D/JM/EL/160415

DELEGATION SCHEME

16 APRIL 2015



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

- RIBBLE VALLEY BOROUGH COUNCIL
- PLANNING AND DEVELOPMENT COMMITTEE
- SCHEME OF DELEGATION OF DEVELOPMENT CONTROL AND COUNTRYSIDE MATTERS
- LAST REVIEWED 10th October 2013

This note is designed to clarify when applications received by the Council in relation to planning, countryside and some other related matters will be decided by the Planning and Development Committee and when those decisions will be delegated to officers of the Council. Many of the delegated items date from the inception of Ribble Valley Borough Council. Where dates are known for later additions they are given. Details of planning decisions made under delegated powers will be reported to Committee for information.

From time to time legislative changes may rename or make minor amendments to some of the listed delegated items. Whilst the scheme of delegation will be amended to reflect these changes, there may be periods where the clear intention must be respected even if precise wording or legislative reference has changed.

These powers are delegated to the Director of Community Services.

1. GENERAL DEVELOPMENT CONTROL

- (a) Determination as to whether applications are county matters or district matters under Schedule 1 of the Town and Country Planning Act 1990.
- (b) The statutory or the discretionary need to advertise various types of applications.
- (c) What statutory or other consultations/notifications are required?

2. APPLICATIONS FOR A CERTIFICATE OF LAWFULNESS AND DISCHARGE OF CONDITIONS

2.1 There are two types of application for a Lawful Development Certificate.

These are:

- (a) Determination of applications for a Certificate of Lawfulness of existing use or development under Section 191 of the Town and Country Planning Act 1990.

(b) Determination of applications for a Certificate of Lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990.

2.2 Applications for the discharge of conditions placed on planning approvals.

2.3 Since all these types of application relate to issues of fact, both refusals and approvals are delegated to the Director of Community Services. **These applications remain delegated even if representations are received.**

3. DETERMINATION OF PLANNING APPLICATIONS

3.1 Applications submitted on behalf of family members of Councillors and officers should be placed before the Planning and Development Committee even if they fall within the categories below.

Approvals

3.2 The following types of planning application are delegated to the Director of Community Services providing fewer than 10 objections from separate addresses are received by the date of consultation closure. The total of these includes statutory consultees.

- Applications for up to 9 new dwellings (6/12/12).
- Substitute dwellings on existing plots within an existing housing estate.
- Applications for new access points wither on classified or unclassified roads.
- Applications for a change of use (26/5/94).
- All new build commercial premises including agricultural developments irrespective of the size.
- Proposals for new shop fronts on existing shops.
- Applications for consent to display advertisements.
- Applications for agricultural buildings irrespective of size.
- Proposals to reinforce existing overhead power lines.
- Applications for listed building consent.
- Applications for conservation area consent (11/4/90 and 30/04/09).
- All applications about which the observations of the Council are requested (23/4/98 and 18/12/08).
- Renewals of previously approved schemes (23/4/98).
- Renewals of temporary consents (15/6/99).
- Applications for temporary buildings (15/6/99).
- Reserved matters applications.
- Modification of conditions and minor alterations to Section 106 Agreements. (24/05/12).
- Minor material amendments (14/1/10).
- Non material amendments (14/11/10).
- Ancillary development within the curtilage of a dwelling house (for example, domestic garages, conservatories, porches, greenhouses and means of enclosure etc).
- Extensions to dwellings.
- Revocation requests relating to Section 106 Agreements (24/05/12).

Refusals

- 3.3 Planning applications falling into these categories can be refused under delegated powers without prior reference to the Chairman (or if unavailable the Vice Chairman) of Planning and Development Committee.
- Household extensions and curtilage buildings.
 - Listed buildings.
 - New housing clearly contrary to Policy (To be interpreted by Case Officer in conjunction with Head of Planning Services 24/05/12).
 - Applications raising design issues.
 - Advertisement proposals.
 - Buildings in the open countryside.
 - Change of uses that do not generate significant employment issues.
 - Reserved matters.
 - Staff, member and close family proposals.

Such delegated refusals can be issued with registered objectors.

Section 106 Agreements

- 3.4 Negotiations leading to the satisfactory completion of Section 106 Agreements will be delegated to officers unless Committee have formally requested further involvement at the time of the original decision.

Non determination appeals

- 3.5 Delegated to the Head of Planning Services and Director of Community Services in conjunction with the Chairman and Vice Chairman of the Planning and Development Committee, to determine the appropriate reasons for refusal in any non-determination appeals if it is not possible to take a full report to Committee due to the need to meet the necessary appeal deadlines.

4. PRIOR NOTIFICATIONS

- 4.1 Proposals for all prior notification proposals which currently include agricultural buildings, demolition work, telecommunications apparatus and householder extensions within certain size and locational thresholds, may benefit from permitted development rights. The developers are however required to serve a prior notification upon the Council. (July 2013).

This gives the local authority the opportunity to assess whether planning consent is required and also to seek technical alterations if appropriate. The Council has a limited time to respond; but as failure to issue a decision results in an automatic approval, these items need to be delegated regardless of the decision reached.

- 4.2 Authorise the Director of Community Services in the determination of Local Development Orders applications at BAe Samlesbury (16/4/15).

5 HERITAGE PARTNERSHIP AGREEMENTS

Proposals for Consented Work applications, Certificate of Lawfulness of Proposed Works and amendments and additions to any Heritage Partnership Agreements (16/4/15).

6. ENFORCEMENT

6.1 In all cases where there is a breach of planning control, the Director of Community Services is authorised to take the necessary action to regularise the situation, including the service of notice on untidy sites.

7. BUILDING PRESERVATION NOTICES/URGENT REPAIRS

7.1 In the case of an unlisted building that is of Special Architectural or Historic interest and is in danger of demolition or alteration, the Director of Community Services is authorised to serve a building preservation notice. (This is sometimes known as spot listing).

7.2 Authorise the Director of Community Services in relation to Urgent Works Notice (Listed Buildings and Conservation Areas) (16.4.15).

8. TREE PRESERVATION AND COUNTRYSIDE

(a) The Director of Community Services is authorised to make provisional tree preservation orders where necessary because of the immediate threat to tree involved.

(b) Decisions on applications for work on protected trees.

(c) Confirmation of tree preservation orders when no objections have been received.

(d) Decisions on notifications under the Hedgerow Regulations.

(e) Confirmation of public rights of way diversion orders.

(f) Responses to Lancashire County Council on the consultation stage of footpath diversion orders in liaison with Committee Chairman (or if unavailable the Vice Chairman) and ward member(s).

8. OTHER MATTERS

8.1 Decisions on whether an application is needed for consent to demolish a building.

8.2 Decisions on whether an environmental impact assessment is required for any specific proposal and determination of scoping and screening requests.

8.3 The attachment of appropriate conditions to approvals following overturns of officer refusal recommendations to Committee (8/3/01).

8.4 Decisions whether or not to use consultants to prepare and present an appeal case is delegated but only following discussions with the Chairman (or if unavailable the Vice Chairman) of the Planning and Development Committee.

8.5 Delegation to the Director of Community Services or Head of Planning Services to decide to take applications to Planning and Development Committee even if they fall within the Delegated procedure, if it is deemed appropriate.

- 8.6 Determine applications as finally disposed of (10/10/13).
- 9. COUNCILLORS POWER TO REQUIRE A PLANNING APPLICATION TO BE DETERMINED BY COMMITTEE
- 9.1 The ward councillor will have the right to require that any application or revocation request appearing on the weekly list to be presented to Planning and Development Committee for decision, providing that such an instruction is received by the Director of Community Services in writing within 14 days of the 'received week ending' of the relevant list.

- 2.3 Since then significant work has been carried out on behalf of Stonyhurst College working closely with both English Heritage and the Council, with both the Design and Conservation Officer and the Head of Planning Services heavily involved with the details. Part of the output of the work has been a re-designation of the buildings within the Stonyhurst College, which has resulted in some parts of the complex being designated Grade 1, some Grade 2* and others a Grade 2. A new listing record was updated on the 14 January 2015. Work has also been carried out on the revisions to the Conservation Management Plan.
- 2.4 Recently the Head of Planning Services and the Design and Conservation Officer met with all other interested parties to discuss the Draft Heritage Partnership Agreement and its contents. As a result it is hoped that the document will be ready for formal consultation this summer with an aim to adopt the document later this year. This is likely to be the first HPA in the North West and one of the first in England.
- 2.5 In order to facilitate the successful implementation of the HPA, it is essential that any Consented Works applications, Certificate of Lawfulness of Proposed Works and future contents of the HPA are Delegated to the Director of Community Services and the Head of Planning Services.

3 ISSUES

- 3.1 Committee have previously authorised the Head of Planning Services to enter into a Heritage Partnership Agreement and it will still be necessary for the final details of any HPA to be subject to a formal consultation exercise. It is worth reminding Members that any significant development would still require listed building consent.
- 3.2 It is difficult to assess the resource implications but I would anticipate over time there would be a resource saving to all parties. One example for the Council would be in relation to a reduction in the costs of advertising the applications.
- 3.3 One of the important benefits of a Heritage Partnership Arrangement is that it could give stakeholders certainty and clarity over future works and establish whether or not listed building consent is required. I consider that this would be of significant benefit for the stakeholder but it should be noted that Heritage Partnership Agreements would be subject to review and would be monitored to see whether or not they are effective and if necessary be amended.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications
- Resources – Members have been previously advised that initially there would be a requirement for a significant resource in relation to the Design and Conservation Officer and Head of Planning Services in the creation and successful implementation and this has been the case. However, it is hoped that once the consultation exercise has been undertaken there will be less resource implications.
 - Technical, Environmental and Legal – No implications identified.
 - Political – No implications identified.

- Reputation – The successful implementation of one of the first HPA could have a positive reputation.
- Equality & Diversity – No implications identified.

5 RECOMMENDED THAT COMMITTEE

- 5.1 Continue to authorise the Head of Planning Services to work with English Heritage and Stonyhurst College to draw up a Heritage Partnership Agreement in relation to the Stonyhurst College campus site.
- 5.2 Endorse the minor alterations to the Delegation scheme dated 10 October 2013 to include reference to all Heritage Partnership Applications and authorise changes to the HPA to the Director of Community Services and the Head of Planning Services.

JOHN MACHOLC
HEAD OF PLANNING SERVICES

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

Enterprise and Regulatory Reform Act 2013
P&D Committee Report 26 September 2013 Heritage Partnership Arrangement
Delegation Scheme 10 October 2013.

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

REF: JM/EL/260913/P&D

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 16 April 2015
title: SAMLESBURY ENTERPRISE ZONE PROPOSED MASTERPLAN AND LOCAL DEVELOPMENT ORDERS UPDATE
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: JOHN MACHOLC – HEAD OF PLANNING SERVICES

1 PURPOSE

1.1 To update Planning and Development Committee of the ongoing work in relation to the proposed Masterplan and Local Development Order at Samlesbury and request authorisation for the eventual submission of the final document to the Secretary of State.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions – To support economic growth and delivery of employment land throughout the borough.
- Community Objectives – To support a vibrant economy.
- Corporate Priorities – To be a well run and efficient Council.
- Other Considerations – None.

2 BACKGROUND

2.1 In Autumn 2011 the Chancellor of the Exchequer granted Enterprise Zone status to Lancashire on BAE Systems Samlesbury and Warton sites, which together form the Company's Warton unit.

2.2 Committee will be aware that the Lancashire Advanced Engineering and Manufacturing Enterprise Zone (Samlesbury) LDO No 1 was adopted by Ribble Valley Borough Council on the 27 March 2012. This related to 16.2 hectares of land defined as Parcel A and included land within the boundaries of both South Ribble and Ribble Valley.

2.3 The Lancashire Advanced Engineering and Manufacturing Enterprise Zone (Samlesbury) LDO No 2) which was the subject of a statutory consultation process and was adopted by Ribble Valley Borough Council on the 7 February 2014. This is now active for a period of 10 years and has replaced the previous LDO.

2.4 One of the conditions imposed in both LDO's was that the Order should comply with the principles of any adopted Master plan for the site. The Master Plan was approved by Planning and Development committee on the 26 September 2013 when it was resolved to endorse the consultation procedure in relation to the proposed Masterplan and accept the strategic principles of the document and that the agreement of the final version of the Masterplan be deferred and delegated to the Director of Community Services and the Head of Planning Services in conjunction with the Chairman and Vice Chairman of Planning and Development Committee.

- 2.5 Following public consultation and working closely with both LPA's and LCC a revised Masterplan has been submitted. The main changes relate to dealing with ecological matters and it is anticipated that the document will soon be adopted by South Ribble and under the agreed delegation scheme has been adopted by this authority. In accordance with The LDO and Masterplan document a draft design principles document has now been submitted. I am satisfied that the principles contained within the document allow for sufficient control and follow good practice in relation to materials, landscaping and built form.
- 2.6 Since the adoption of the LDO' s until recently the only applications that have been submitted and approved relate to minor works:
- 3/2014/1048 - Car Park and ancillary works.
 - 3/2014/1049 - Construction of fenced-off area for a contractors compound. Within the compound is proposed a storage building for site landscaping equipment and a hard standing area for road clearing equipment.
 - 3/2014/1050 - Construction of new security fence approx. 2000m long. Construction of two new BAE site entrances at the 3A and 3B site locations and the east end of the site. The entrances include a security reception building, two gate houses, road and car park alterations. New footways will be created with turnstiles and pass gate access to maintain security. The construction works include drainage and lighting modification.
- 2.7 A recent application has been submitted for a new training facility and ancillary works and has been registered under 3/2015/0196. The building itself and the vast majority of the ancillary works falls within the boundary of South Ribble. At the time of writing this report this has yet to be determined but subject to submission of additional details I have no objection to the scheme and would be of the opinion to confirm that it is in compliance with the LDO.

3 CONCLUSION

- 3.1 Committee note the report and be advised that as delegation exists to the Director of Community Services in relation to the Master Plan and LDO applications that he will continue to provide update reports as appropriate.

JOHN MACHOLC
HEAD OF PLANNING SERVICES

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

1. Lancashire Advanced Engineering and Manufacturing Enterprise Zone (Samlesbury) LDO No 1.
2. The Lancashire Advanced Engineering and Manufacturing Enterprise Zone (Samlesbury) LDO No 2.
3. The Lancashire Advanced Engineering and Manufacturing Enterprise Zone Masterplan Samlesbury Site Revised Jan 2015

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