

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

Agenda Item No

meeting date: THURSDAY, 13 OCTOBER 2016
 title: PLANNING APPLICATIONS
 submitted by: DIRECTOR OF COMMUNITY SERVICES

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION REF: 3/2016/0672/P
 GRID REF: SD) 365531 43212

DEVELOPMENT DESCRIPTION:

ERECTION OF A ROOF OVER CATTLE YARD BETWEEN EXISTING BUILDINGS



3/2016/0672 Hawkshaw Farm, Longsight Road, Clayton le Dale, BB2 7JA

Scale 1:2500

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CONSULTATION RESPONSES/REPRESENTATIONS MADE:

PARISH COUNCIL:

No comments received.

ENVIRONMENT DIRECTORATE (FOOTPATH OFFICER):

No comments received.

ADDITIONAL REPRESENTATIONS:

No comments received.

1. Site Description and Surrounding Area

- 1.1 The application relates to Hawkshaw Farm on Longsight Road in Clayton-le-Dale. Hawkshaw Farm has a diverse use, comprising of the traditional farming activity (dairy farming and ice cream making) as well as being a popular visitor attraction with an associated café/shop. This application specifically relates to the farming practices at the site.
- 1.2 Hawkshaw Farm lies within the open countryside and is accessed directly off the A59. There are residential dwellings within the farmstead of Hawkshaw Farm, but outside of the application site the nearest neighbouring residential properties are Hawkshaw on the opposite side of the A59 (250m west of the application site) and Birley Fold Farm 320m to the south east.
- 1.3 The existing farm yard currently consists of a large number of agricultural buildings and the submitted application states that the farm has 200 dairy cows, as well as another 200 heifers and young stock.

2. Proposed Development for which consent is sought

- 2.1 The application seeks consent to erect a covered area that would be situated between three existing buildings, and the slurry pit, within the farm yard of Hawkshaw Farm. The area to be covered is currently used as a loafing and feeding area when transferring cows between buildings.
- 2.2 The area to be covered measures approximately 20m x 16m and would be covered by a pitched fibre cement roof (supported by a steel frame). In terms of height the covered area would measure 7.5m high to the ridge. The covered area would be enclosed by the existing building and would be accessed via an existing gate.

3. Relevant History

- 3.1 3/2016/0317 - *To erect a replacement livestock building and adjacent machinery store – granted*

4. Relevant Policies

Ribble Valley Core Strategy (Adopted Version)

Key Statement EN2 – Landscape
Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DME2 – Landscape and Townscape Protection

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Principle of Development and Need**

5.1.1 The supporting documentation states the area between the existing buildings would be used in the same way as it currently is, however the proposed covering would provide better shelter for cattle in conjunction with the farming activities that currently take place at this site.

5.1.2 Paragraph 28 of the NPPF encourages LPAs to “promote the development and diversification of agricultural and other land-based rural businesses”. In view of this, the principle of the development is acceptable subject to its compliance with other policies in the Core Strategy.

5.2 **Relationship with Neighbouring Uses**

5.2.1 The nearest residential properties are the farm dwellings within the application site, however outside of the application site the nearest neighbouring property is Hawkshaw some 250m to the west on the opposite side of the A59. The proposed covered area would be surrounded/enclosed by existing farm buildings, and would therefore not be seen except from within the existing farmyard area itself.

5.2.2 As detailed above, the proposal would not alter how the farm operates, it simply seeks to provide shelter for cattle and therefore the proposal would not have any adverse impact upon neighbouring land uses.

5.3 **Visual Amenity/External Appearance**

5.3.1 The covered area would be enclosed by existing farm buildings and both the submitted application forms and plans state that the roof would be constructed in grey fibre cement sheets to match the existing roofing used on the adjacent buildings.

5.3.2 The proposed development would therefore be of a common agricultural design, would not be out of keeping with other buildings on this active farm and would not have any negative visual impact upon the open countryside.

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

6.1 The proposed covered area is required to enable the continued and improved operations at this working farm, and for the reasons detailed above would not have any undue impact upon the amenity of nearby land uses/residents, or the visual quality of the area. The application is therefore recommended for approval.

RECOMMENDATION: Grant permission subject to the following conditions:

Commencement of Development

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.

Drawings and Plans

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

Location Plan and Site Boundary (scale 1:5000)

Location Plan (scale 1:1250)

Site Plan

Plan View

Proposed Elevations

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.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0672

APPLICATION REF: 3/2016/0673/P
GRID REF: SD 365771 432311

DEVELOPMENT DESCRIPTION

ERECTION OF STABLE BLOCK TO ACCOMMODATE SHETLAND PONIES FOR VISITOR
ATTRACTION



3/2016/0673 Hawkshaw Farm, Longsight Road, Clayton le Dale, BB2 7JA

Scale 1:2500

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CONSULTATION RESPONSES/REPRESENTATIONS MADE:

PARISH COUNCIL:

No comments received.

ENVIRONMENT DIRECTORATE (HIGHWAY OFFICER):

No highway objection to the proposal.

ADDITIONAL REPRESENTATIONS:

No comments received.

1. Site Description and Surrounding Area

- 1.1 The application relates to Hawkshaw Farm on Longsight Road in Clayton-le-Dale. Hawkshaw Farm has a diverse use, comprising of the traditional farming activity (dairy farming and ice cream making) as well as being a popular visitor attraction with an associated visitor centre, café/shop. This application specifically relates to the visitor attraction element of the site.
- 1.2 Hawkshaw Farm lies within the open countryside and is accessed directly off the A59. There are residential dwellings within the farmstead of Hawkshaw Farm, but outside of the application site the nearest neighbouring residential property to the proposed development is Oak Lea approximately 250m north of the proposed building.
- 1.3 The visitor attraction element is located towards the northern end of the farm and consists of a farm shop/café, a visitor centre, a children's play area and various animals for guest to view.

2. Proposed Development for which consent is sought

- 2.1 The application seeks consent to remove an existing storage shed and replace it with a row of stables. The stables would house a number of Shetland Ponies that have been purchased as a new attraction for the visitor centre and would also allow visitors to access individual animals for feeding and grooming.
- 2.2 The proposed stable building would measure 27.5m in length by 3.6m wide, with an additional 1.8m overhang of the roof to provide a shelter. In terms of appearance the stable building would be construction using steel profile sheets (Juniper Green colour) with timber doors, and have a simple lean-to roof design.
- 2.3 The proposed building would be sited to the north east of the existing shed used to house the Rabbits and Guinea Pigs.

3. Relevant History

- 3.1 3/2007/0313 - *Proposed Bird of Prey Centre with a selection of aviaries and flying aviaries and a reception/office/education area* – Granted subject to conditions

- 3.2 3/2008/0413 - Propose bird of prey centre including reception/office/education centre, together with stand alone toilet block - scheme amendment to approved consent 3/2007/0313P - Granted subject to conditions

4. **Relevant Policies**

Ribble Valley Core Strategy (Adopted Version)

Key Statement EN2 – Landscape

Key Statement EC3 – Visitor Economy

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DME2 – Landscape and Townscape Protection

Policy DMB1 – Supporting Business Growth and Local Economy

Policy DMB3 – Recreation and Tourism Development

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Principle of Development and Need**

5.1.1 The application seeks to erect a stable building for the housing of Shetland Ponies in conjunction with the visitor attraction at Hawkshaw Farm. Policy DMB1 generally seeks to support business growth and the local economy, and Policy DMB3 relates specifically to recreation and tourism uses. Policy DMB3 requires new tourism development to be physically well related to an existing main settlement or village or to an existing group of buildings, except where the proposed facilities are required in conjunction with a particular countryside attraction.

5.1.2 In respect of the above, the application relates to an established visitor attraction and seeks to improve the recreational/tourism use of the site. The principle of the new building in this particular location is therefore considered to comply with the requirements of Policies DMB1 and DMB3 of the core strategy, as well as Policy DMG2 which allows for new buildings within the open countryside provided they are for small scale tourism or recreational use.

5.2 **Relationship with Neighbouring Uses:**

5.2.1 Hawkshaw Farm occupies an expansive area of land and subsequently the nearest residential property to the proposed building, except for the properties within the farmstead of Hawkshaw Farm, is Oak Lea some 250m the north. It is therefore considered that the proposed stable building would have no significant impact upon the amenity of neighbouring uses/residents.

5.3 **Visual Amenity/External Appearance:**

5.3.1 When considering proposals for the erection of new buildings within the open countryside, it is important to ensure that buildings are clustered together so as to keep the visual harm to a minimum. In this particular case, the proposed stable building would be sited on a plot of land directly adjacent to the existing Rabbit

and Guinea Pig hut/attraction, and as such would not be detached from other buildings at the site.

5.3.2 In terms of its appearance, the stable is of a simple and standard design that would be expected within the open countryside and the materials proposed (green steel profile sheets) would be in keeping with other buildings at the site and this rural location in general.

5.4 Highways

5.4.1 The Highway Officer is satisfied that the existing car parking area is sufficient to cater for the additional visitor numbers created by the additional stable building and therefore raised no highway objection to the application.

6. Observations/Consideration of Matters Raised/Conclusion

6.1 In summary, the principle of an additional stable building for the visitor attraction is acceptable in this location and the proposed use would not have any undue impact upon neighbouring land uses or residential properties. The size, design and siting of the proposed building would share an acceptable visual relationship with the surrounding area and the application is recommended for approval.

RECOMMENDATION: Grant permission subject to the following conditions:

Commencement of Development

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.

Drawings and Plans

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

Location Plan and Site Boundary (scale 1:5000)
Site Plan
Elevation and Plan drawings

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.

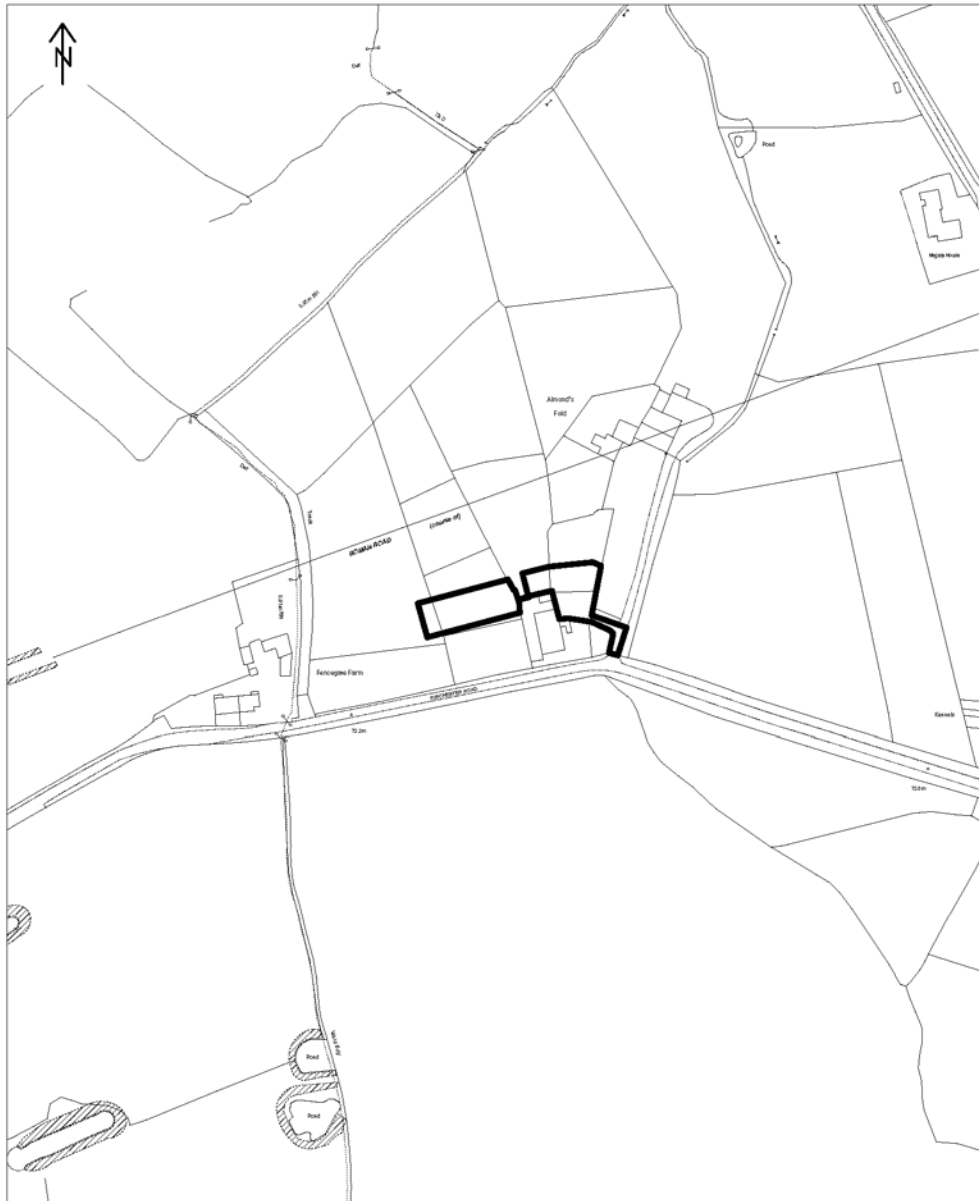
BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0673

APPLICATION REF: 3/2016/0710
GRID REF: SD 368568 435827

DEVELOPMENT DESCRIPTION:

**APPLICATION FOR NEW BUILDING FOR LIVERY AND HORSE TREATMENT PURPOSES
AT LAND AT ALMOND FOLD FARM RIBCHESTER ROAD LANGHO BB6 8AL**



3/2016/0710 Land at Almond Fold Farm, Ribchester Road, Langho, BB6 8AL.

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Dinckley Parish make the following observations:

- The proposed development would be detrimental to highway safety and the road is well used by cyclists and walkers.
- A better access point would be from Fencegate Farm.
- Suggest the applicant has been running a business from the existing stables in breach of condition.
- Lighting would be an issue in winter.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

No objections.

UNITED UTILITIES:

According to United Utilities records there is a 12ft easement (R805 dated 16/04/1973) that runs through the middle of the proposed development site. Under no circumstances should anything be erected, planted or stored over the easement width, nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24hr access.

ADDITIONAL REPRESENTATIONS:

Letters of representation have been received from 42 individual households/addresses with 16 objecting to the application on the following grounds:

- position of the access to the site is unsafe and is susceptible to flooding
- use of the existing facilities by other people in breach of condition
- the applicant lives on the site unlawfully
- access to the site is unsuitable for horse boxes with horse boxes being parked on the main road.
- Country roads from the A59 have a number of 'pinch points' and would be unsuitable for larger vehicles.
- unnecessary traffic generation
- Existing conditions regarding external lighting disregarded
- No benefit to local businesses or employment
- Intensification of the site; impact of commercial stables including
- Two similar facilities within 1.5 miles; no evidence that there is a need to further provision.
- Concern regarding visual impact of the stable building.
- Increase in noise and lighting are a concern.
- Already significant provision of similar facilities locally

Of the representations received 26 were in support of the application and state:

- Benefits to horse owners and rural workers in the Borough
- Proposals would provide a much sought after resource
- Other yards in the area are not suitable to everyone's needs.
- Pure dressage yards are in short supply.

- Applicant has great skill, knowledge and training in the area

1. **Site Description and Surrounding Area**

- 1.1 This application seeks consent for a new building for livery and horse treatment purposes at land at Almond Fold Farm, Ribchester Road, Langho. The application site is located in the open countryside approximately 2km west of Brockhall Village and 1.5km north of the A59. The site is located on the north side of Ribchester Road and currently consists of a private stable building housing 8no. horses, ménage and an unauthorised field shelter. There is an existing car park with vehicular access provided off the western side of the access track which also serves the farmhouse at Almonds Fold Farm that is in separate ownership. The site frontage along Ribchester Road is formed by a roadside hedge and the nearest residential property, Almonds Fold Farm, is approximately 70m to the north.

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

- 2.1 The proposal consists of the erection of a new building to provide 10 stables, 2 tack rooms, a feed room and a hydrotherapy horse shower and solarium room. It is intended that 6 of the stables would be used for livery purposes with the other 4 used by horses attending for treatment only. The proposed new building would be located to the north of the existing ménage and would have dimensions of 29.9m x 13.7m with an eaves height of 2.8m and a ridge height of 4.6m. The proposed building would be constructed using horizontal timber boarding with Yorkshire boarding to the upper walls and profiled sheets to the roof. The application also proposes a parking area for 14 vehicles, a muck store measuring 5m x 4.2m with a height of 4.3m, the creation of an additional lunge area and associated landscaping. The existing unauthorised field shelter would be removed from the site.

3. **Relevant Planning History**

3/2007/0754 - The erection of a timber framed American barn type stable building to house 8no. horses (258sq.m). The erection of a timber fenced riding ménage 40m x 20m. Approved.

4. **Relevant Policies**

Ribble Valley Core Strategy
 EN2 – Landscape
 EC1 – Business and Employment Development
 DMB3 – Recreation and Tourism Development
 DMG1 – General Considerations
 DMG2 – Strategic Considerations
 DMG3 – Transport and Mobility
 DME2 – Landscape and Townscape Protection
 DME6 – Water Management
 National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

- 5.1 The applicant owns approximately 7.21 hectares of land formerly associated with Almonds Fold Farm. The applicant, who purchased the land in 2007, now wishes to

establish a commercial equine enterprise. The existing stable building would continue to be used for her own horses. Four of the stables proposed would be used for horses attending the site for treatment only and this would be on a daily basis with treatment sessions generally lasting about half an hour. The remaining stables would be used for livery purposes.

5.2 The main considerations in determining this application relate to the principle of the development, its impact on the visual appearance of the Open Countryside, its effect on the residential amenity of neighbouring occupants and its impact on highway safety. Consideration must also be given to the benefits that the scheme would provide to the local area including its effect on the local economy. These matters are discussed under the appropriate heading below.

5.3 Principle of Development

5.3.1 There is a need to retain employment uses in the rural areas of the Borough and the National Planning Policy Framework paragraph 28 states that “local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings and promote the development and diversification of agricultural and other land-based rural businesses”. Equestrian uses are popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economies. The proposed development would establish a commercial equine enterprise and the Core Strategy, specifically Key Statement EC1 and Policy DMB1, broadly support developments that contribute to the strengthening of the rural economy. The proposal would provide full-time employment for the applicant with the prospect of additional employment opportunities. Furthermore, the proposal would generate an increase in local authority revenue through business rates and would financially benefit other local businesses providing equine supplies.

5.3.2 The application site is located in the Open Countryside where Policy DMG2 restricts development to schemes that accord with at least one of the following considerations:

1. The development should be essential to the local economy or social wellbeing of the area.
2. The development is needed for the purposes 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 recreational developments appropriate to a rural area.
5. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.
6. The development is compatible with the enterprise zone designation.

5.3.3 The proposal is not considered a tourism or recreational development as such, but would support equestrian recreation in the Borough. It is therefore considered to be assessed as a small-scale use appropriate to a rural area. The now superseded PPS7 Sustainable Development in Rural Areas (2004) defined “small scale” (in reference solely to stables) as meaning developments involving the re-use of agricultural buildings up to ten horses. The introduction of an equine business to care for up to 10 horses is therefore considered to be ‘small-scale’.

In terms of the requirement to demonstrate a local need, the applicant has provided 26 letters of supports amongst which a number of local residents note their intention to re-locate their horses to the proposed complex and the lack of similar facilities in the locality. Taking into account the above it is considered that the proposals are acceptable in principle.

5.4 Visual Amenity/External Appearance

- 5.4.1 Core Strategy Policy DMG2 requires development within the open countryside to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting. Core Strategy Policy EN2 requires development to protect, conserve and wherever possible enhance the landscape and character of the Open Countryside.
- 5.4.2 In terms of its visual impact the proposed building would have a larger footprint than existing buildings on site. However, the building would have a moderate height of 4.6m and would not be significantly greater in height than the existing private stable building. Furthermore, it would be built using materials that would respect its rural setting. The application site would be screened from Ribchester Road to the south by the roadside hedge on the north side of Ribchester Road and whilst there would be views afforded of the application site from the western field boundary near Fencegate Farm from vehicles travelling east along Ribchester Road, the proposed building would be seen in the context of the existing site with it being closely related to the existing stable building and ménage.
- 5.4.3 The proposed muck store would be located on the north side of the southern boundary hedge and does not raise any concern in visual terms. Similarly, the proposed lunge area would not result in any significant change in the appearance of the land but would require delineation from the surrounding fields by appropriate boundary treatments. Parking areas associated with rural enterprises can sometimes result in concerns regarding their visual impact on the character of the surrounding landscape. Due to the nature of the business it is likely that vehicles towing horse boxes or trailers would visit the site regularly and therefore it is important that the site allows for the turning of vehicles within the site so that they can exit in a forward gear. The proposed parking area would be well-related to the existing buildings and the submitted plans indicate the provision of a Lancashire hedgerow along the north and west car park boundaries. Notwithstanding the submitted details, should consent be granted, it is considered reasonable to condition the submission of landscaping details to be considered by the Council prior to any above ground works. Additionally, details of materials to be used in the hard landscaping of the site and proposed boundary treatments should be submitted to the Council prior to their use in the proposed development.
- 5.4.4 I note that the application does not include details of any external lighting. Due to the character of the area and location of the site any proposal for external lighting should be the subject of a separate application to ascertain whether any harm would arise to the character of the area, to the safety of road users or to the residential amenities of nearby residents.

5.5 Impact upon Residential Amenity

5.5.1 With regards to impact on the residential amenity of neighbouring occupants, the nearest neighbouring property to the application site is Almonds Fold Farm 70m to the north. Fencegate Farm is approximately 100m to the west and a residential property, Polperro, is approximately 200m to the east. There is currently a stable building on site which can accommodate up to eight horses and the application site comprises part of an agricultural field which could accommodate a significant amount of livestock without the need for planning permission. The Council's Environmental Health Officer raises no objection and, as such, I do not consider that the proposals would result in an unacceptable increase in noise and odour levels when compared to the existing arrangement. Should consent be granted, a detailed waste management plan shall be submitted to the LPA prior to the stables being first brought into use.

5.6 Highway Safety and Accessibility

5.6.1 Whilst the development site is not closely related to any of the main settlements in the Borough it is approximately 1.5km from the A59, the main strategic route. Policy DMG3 'Transport and Mobility' attaches considerable weight to the relationship of a site to the strategic road network. Furthermore, Key Statement EC1 directs economic development towards the main settlements of Clitheroe, Whalley and Longridge as preferred locations to accommodate employment growth together with land at Barrow Enterprise Site, the Lancashire Enterprise Zone at Samlesbury and locations well-related to the A59 corridor. The application is reasonably well-related to the A59 and therefore accords with Key Statement EC1 and Policy DMG3.

5.6.2 In terms of its impact upon the local highway network, I note objections received from neighbouring properties and Dinckley Parish Council that state the proposal could result in increased levels of traffic that would present a hazard to pedestrians and other road users. The County Surveyor (Highways) has raised no concerns relating to the proposed volume of traffic or to the suitability of the existing access for larger vehicles and horse boxes and a refusal on highway safety grounds therefore cannot be justified. The County Surveyor is satisfied that the existing access is acceptable and there is considered to be a sufficient turning area to allow vehicles to turn within the site.

5.7 Other Matters

5.7.1 The application site comprises land on which the new stable building would be erected, the additional lunge area and associated parking. The application does not seek consent for the change of use of any of the surrounding agricultural land and, if the applicant intends to use this land for equestrian activities this would require separate planning consent.

5.7.2 United Utilities have confirmed that a water main crosses the site and that development would not be permitted in close proximity to the main. United Utilities require an access strip of no less than 5 metres, measuring at least 2.5 metres either side of the centre line of the pipe. The applicant has sought to amend the submitted plans in order to comply with these access requirements and I am satisfied that the proposals are outside of the required access strip. In any event, the Local Planning Authority has brought this consultation response to

the attention of the applicant whose responsibility it is to ensure that the requirements of United Utilities are satisfied.

5.7.3 A condition has been attached requiring details of the drainage from the proposed menage to be submitted to the LPA.

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

6.1 Taking into account the above it is considered that the proposed development would result in the formation of a rural enterprise that would support the Borough's rural economy in accordance with Core Strategy Key Statement EC1 and Policy DMB1. The proposed building would be constructed using materials that would be sympathetic and in keeping with the rural surrounds and, subject to the appropriate landscaping, would not result in any unacceptable harm to the character or visual appearance of the landscape. Furthermore, the development would not result in a significant adverse impact to highway safety. Accordingly it is recommended that the application be approved subject to conditions.

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

Commencement of Development

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Drawings and Plans

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings Why/750/2094/01 (Proposed Plans & Elevations. Existing and Proposed Site Plans) received 26 September 2016 and Why/750/2094/02 (Location Plan) received 27 September 2016.

REASON: For the avoidance of doubt as the proposal was the subject of agreed amendments and to clarify which plans are relevant to the consent.

Highways

3. For the avoidance of doubt, permission is granted for the erection of a building to be used to house a maximum of 10 horses for commercial livery and horse treatment purposes only and shall not, at any time, be used in association with any equestrian events or competitions.

REASON: Permission has been granted for a building with a specific use, and any change in this would require further consideration from a highway safety perspective in accordance with Policies DMG1 and DMG3.

4. The parking facilities shown on the plans hereby approved shall be surfaced or paved and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

REASON: In the interest of highway safety and to ensure adequate parking is available within the site and to comply with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

Visual Amenity

5. Notwithstanding the submitted details, precise specifications or samples of all external surfaces, including surfacing materials and their extents, of the development hereby permitted shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development. The approved materials shall be implemented within the development in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policies DMG1 and DMG2 and Key Statement EN2 of the Ribble Valley Core Strategy.

6. The existing unauthorised field shelter shall be demolished and all resultant materials removed from the site before development pursuant to this permission is commenced.

REASON: To safeguard the amenity of the locality in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

7. Details of the alignment, height and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the development shall have been submitted to and approved by the Local Planning Authority prior to their installation. 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 Policies DMG1 and DMG2 and Key Statement EN2 of the Ribble Valley Core Strategy.

Landscaping

8. Notwithstanding the submitted details, no above ground development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until full details of the proposed landscaping shall be submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt, the landscaping details shall indicate all trees and hedgerows identified to be retained or how those adjacent to the proposed development boundary will be adequately protected during construction, in accordance with BS5837: 2012 'Trees in relation to design, demolition and construction' or equivalent unless otherwise agreed. The agreed protection measures shall be put in place and maintained during the construction period of the development.

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

REASON: To ensure the protection of important landscape features and to ensure the proposal is satisfactorily landscaped and appropriate to the locality in accordance with Policies DMG1 and DMG2 and Key Statement EN2 of the Ribble Valley Core Strategy.

Drainage

9. No above ground development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

REASON: To ensure a satisfactory means of drainage in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

Residential Amenity

10. No permission is hereby implied or granted for the floodlights that have been affixed to the existing buildings, and no further external lights shall be fitted anywhere within the site unless a further planning permission has first been granted in respect thereof.

REASON: In order that the Local Planning Authority can exercise control over external lighting in the interests of visual amenity and the amenities of nearby residents, and to comply with Policy DMG1 of the Ribble Valley Core Strategy.

11. Prior to the building hereby approved being first brought into use, precise details of the proposed means of management and operation of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall be operated in strict accordance with the approved details. This shall include details of the following:

- i) management plan for the storage and disposal of manure/waste
- ii) details of proposed security measures for the site
- iii) details of the management of the site outside of general working hours

The use of the site shall thereafter be carried out in strict accordance with the details contained within the duly approved management plan.

REASON: In order to safeguard the amenity of nearby residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

INFORMATIVES:

Note: There is a 12ft easement (R805 dated 16/04/1973) that runs through the middle of the proposed development site. It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

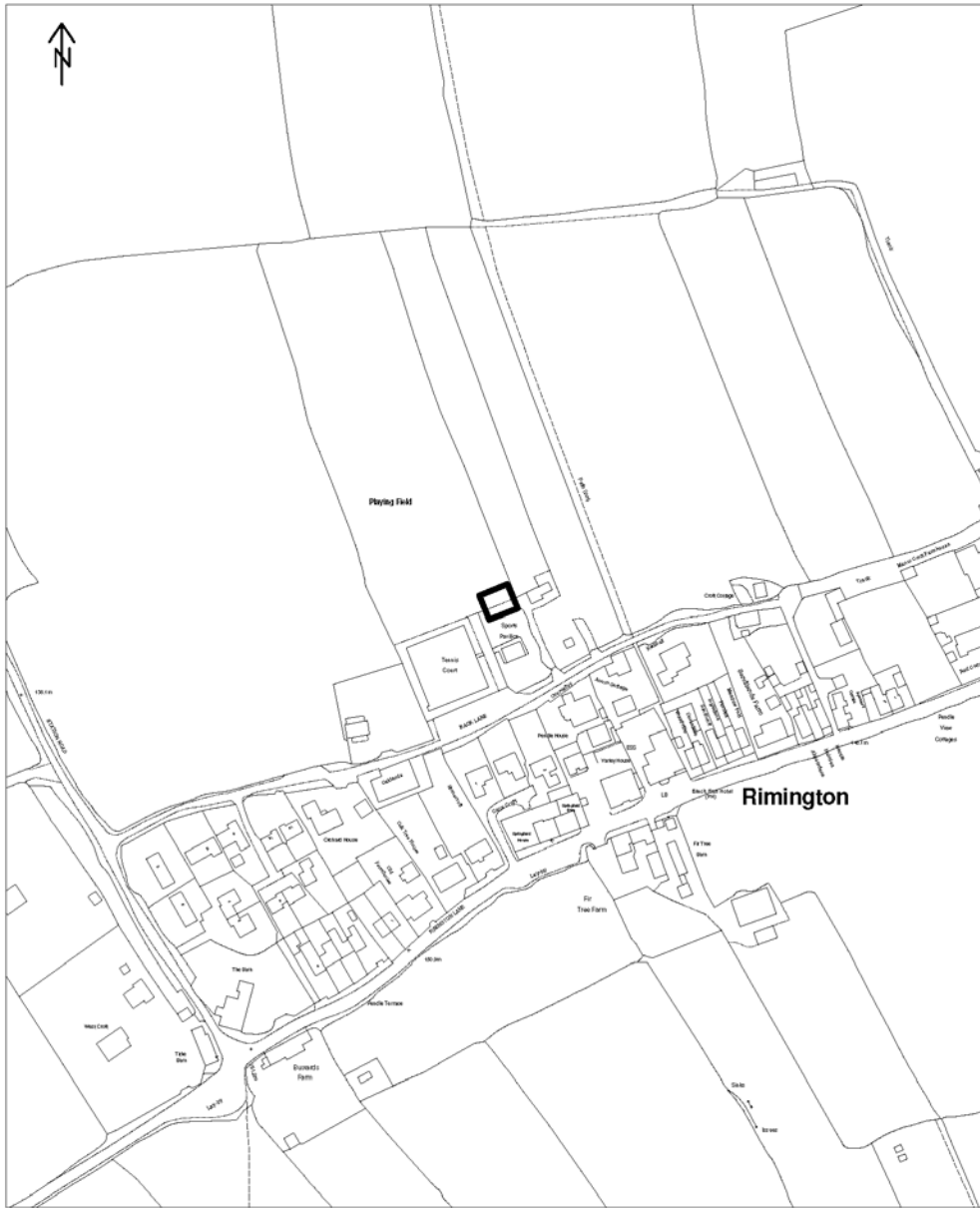
BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0710

APPLICATION REF: 3/2016/0762/P
GRID REF: SD 380383 445821

DEVELOPMENT DESCRIPTION:

NEW CHANGING ROOMS AND SPORTS CLUB FACILITY AT THE PLAYING FIELDS, BACK LANE, RIMINGTON BB7 4EN



3/2016/0762 The Playing Fields, Back Lane, Rimington BB7 4EN

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

The Parish Council see the physical part of the application , that is the new pavilion , upgraded facilities and the repositioned children's play area as an improvement and have no comment or objection.

However there is concern that increased usage will exacerbate the long standing problems of speeding , traffic numbers ,poor access , and parking which have been evident for the last twenty five years .The speeding is as a result of the attitude of some of the users of the field and it is suggested that " Traffic Calming " devices could be used.

From government web sites these are usually suggested as narrow lanes, speed humps and road surface rumble strips etcetera.

Back lane is barely single track already with bankings and no verges on both sides thus no pedestrian provision , there are no street lights (Required if speed humps) and for much of its length the surface is already similar to a dried up river bed . Additionally it is effectively a cul de sac for emergency vehicles as access / egress at the Eastern end is only realistically possible for private cars.

The above comments are not from an irate Back Lane resident and they would be equally relevant if there were no residential properties on its length

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

No objection subject to the imposition of planning conditions aimed at controlling the number of tournaments as well as an appropriate turnaround from activities.

ADDITIONAL REPRESENTATIONS:

8 letters of representation/objection have been received. Some recognise the needs and benefits of the facility but the following issues have also been raised.

- Traffic issues and lack of parking for the proposal.
- Concern regarding the licenced bar and enforceability of restriction in any licence or agreement
- Nuisance and public safety issues and conflict with other users of the playing fields
- Noise issues caused by the users and vehicular movement
- Concern regarding loss of cricket square
- Drainage problems

1. Site Description and Surrounding Area

- 1.1 The site is located in the existing playing fields off Back Lane and the site lies on the edge of the settlement boundary of Rimington as shown in the interim proposal development map. The immediate area is open recreational land but it is adjacent to the existing car park with dwellings located off Back Lane where the proposal is accessed.

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

- 2.1 This proposal seeks detailed consent for the erection of a new sports pavilion located adjacent to the existing sports pavilion and tennis court facilities at Back Lane, Rimington. The intention is also to partly demolish an existing pavilion but utilise some of the building for storage facilities but this in itself would not require the benefit of planning permission and is not part of this application. The building would encroach partly on to the existing football pitch and it is the intention to partially relocate the football pitch to make use of the existing cricket square. There would be no change in agricultural land; it would be simply a modification of existing recreational pitches. This in itself would not require planning permission. The new building would measure approximately 12m x 15m and would have a pitched roof with a maximum height of 5m and there would also be an overhanging canopy measuring 2m x 15m with a height of 2.5m. The proposal would include changing room facilities, toilets as well as a bar and kitchen room and internal floor space to provide seating facilities as a club/committee room, which would be approximately 60m² of floor space. The building is to be constructed using cedar wood cladding with a tile effect composite roof in a grey colour as well as external glazing along the south elevation.

3. **Relevant Planning History**

- 3.1 None.

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement EN2 – Landscape
Policy DMG1 – General Considerations
Policy DMB3 – Recreation and Tourism Development
Policy DMB4 – Open Space Provision

5. **Assessment of Proposed Development**

5.1 **Land use**

5.5.1 The site lies on the edge of the settlement boundary of Rimington as shown in the interim proposal development map and is also identified as existing open space within the draft Settlement Boundaries as shown on the Proposals Map forming part of the Regulation 18 consultation on the Housing and Economic Development DPD (August-October 2016).

5.5.2 In relation to the nature of the proposal, as it is a facility in association with the existing recreational use and would be a changing room with club facilities, I am satisfied that the principle of such a building relating to land use issues is compliant with the policies contained within the Core Strategy. Although the building is larger than the existing pavilion building, I do not consider it would have a significant impact on the open space provision and would not be contrary to Policy DMB4.

5.2 Landscape/Ecology

5.2.1 In relation to landscape protection, I do not consider that this building, given its close proximity to built forms including tennis courts, play area and adjacent dwellings but it would be unduly harmful and would not have an impact on the ecology.

5.3 Highway Safety and Accessibility

5.3.1 In relation to highway issues the County Surveyor is satisfied that subject to adequate conditions that the additional provisions of the sport changing facility would not lead to issues of any significant highway matters.

5.4 Visual Amenity

5.4.1 I am satisfied that the proposal given that it is still in close proximity to the existing structure it is not in an isolated location, that it would not lead to any significant visual detriment. Ultimately it will still be seen against the backdrop of the houses from any long distant views. The building is relatively modest in size in relation to its height and as such, would not have a significant visual impact and would also be in keeping with similar sport facilities/club houses associated with rural areas.

5.5 Impact upon Residential Amenity

5.5.1 It is clear there have been some concerns regarding the possible highway and noise issues as a result of this development. In many respects the provision of the facility itself, given its substantive purpose to be of one for changing rooms in connection with the existing sporting use, would not necessarily lead to any further significant impact in relation to highway safety or residential amenity issues. It is however recognised that the floor area for the internal floor space provided for the sports club social area and the ancillary bar could lead to further activities that would generate traffic and noise. However, subject to appropriately worded conditions restricting the hours of use and the activities, I consider there would be adequate safeguards to minimise any further impact on adjacent residential amenity. In relation to noise the Council environmental health department has been consulted but at the time of preparing this report I am still waiting for formal views and anticipate that these will be reported verbally.

6. Observations/Consideration of Matters Raised/Conclusion

6.1 I note the observations from local residents but on the basis that this is a replacement of an existing building and facility I am of the opinion that the proposal is acceptable.

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

Commencement of Development

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.

Drawings and Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans, drawing references:

Plan Ref:	Title:	Received On:
	Location Plan WP	
	Proposed Layout and Elevation Plan	16/09/16
	PL-MS118770-0068 REV 0	

REASON: To clarify the plans and agreed amendments to which this permission relates.

Amenity

3. Prior to commencement a Construction Method Management Plan shall be submitted to the LPA and approved in writing. Construction of the development shall not be carried out otherwise than in accordance with the approved Construction Management Plan.

REASON: To protect the residential amenities of the locality and in the interest of highway safety to accord with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy (Adopted Version).

4. The use of the building, other than as changing facilities shall be limited to 120 days in any calendar year. The building shall be closed at 2200 Monday to Thursday and no later than 23.30 Fridays and Saturdays and 1800 hours on Sundays. A register of all events shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request.

REASON: In order to safeguard the amenity of nearby residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy, and the NPPF.

Materials and Landscaping

5. Prior to the construction of any walls and roofing precise details of all external facing and roofing materials in accordance with details previously specified shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved materials prior to first occupation.

REASON: To ensure the materials to be used are appropriate to the locality in the interests of visual amenity and in accordance with Policy DMG1 of the Ribble Valley Core Strategy (Adopted Version).

Highways

6. There shall be no tournaments unless an event management has been submitted to and agreed in writing by the LPA before the commencement of any tournament.

REASON: in the interest of highway capacity and to safeguard residential amenity in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

7. In the likelihood of football games and cricket matches occurring on the same day there shall be a minimum of 1.5 hours between games.

REASON: in the interest of highway capacity and to safeguard residential amenity in accordance with Policy DMG1 of the Ribble Valley Core Strategy

BACKGROUND PAPERS

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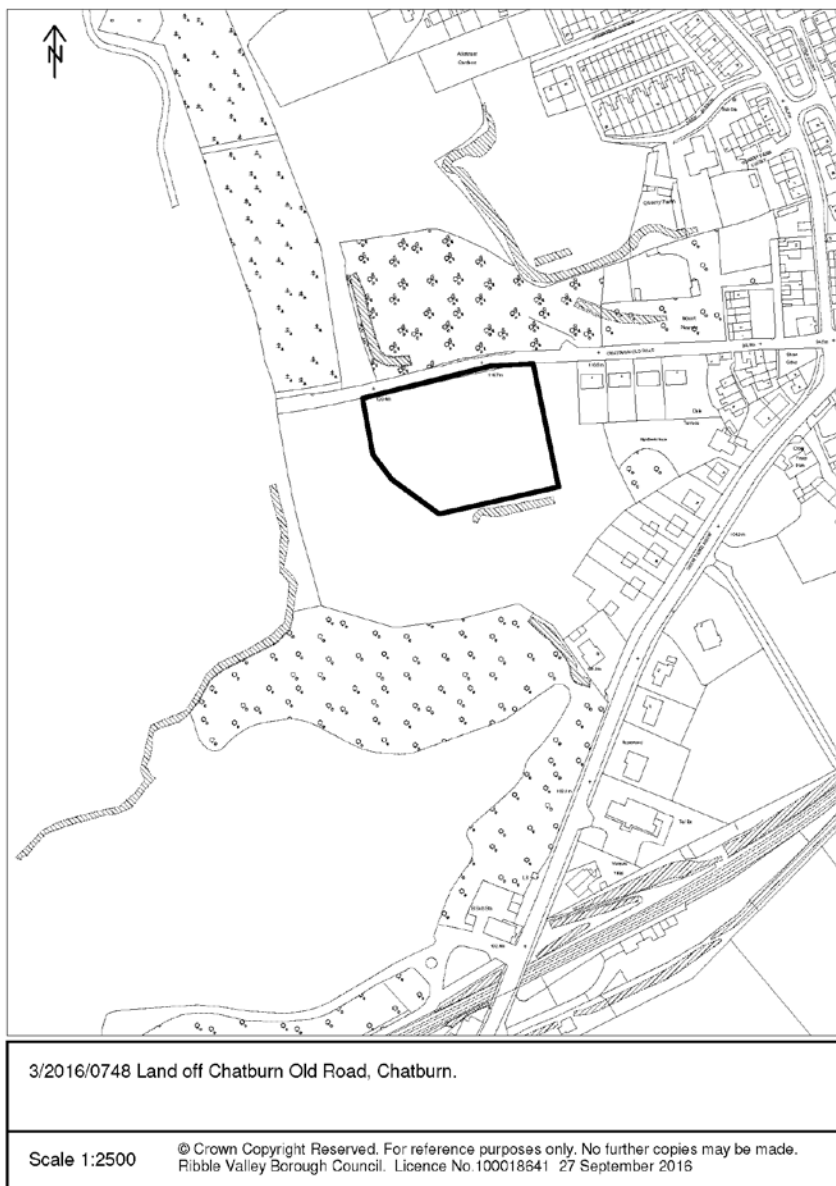
D APPLICATIONS ON WHICH COMMITTEE 'DEFER' THEIR APPROVAL SUBJECT TO WORK 'DELEGATED' TO THE DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED

APPLICATION REF: 3/2016/0748/P

GRID REF: SD 376541 444006

DEVELOPMENT DESCRIPTION:

VARIATION OF CONDITION 02 (SUBSTITUTION OF HOUSE TYPES/DESIGNS FOR PLOTS 1, 2, 3, 4, 5, 7, 8, 9 & 10, INCLUDING REPOSITIONING OF PLOTS 3, 7, 9 & 10, AND ALTERATION TO INTERNAL ACCESS ROAD) AND REMOVAL OF CONDITION 10 (UNASSOCIATED CONDITION) OF PLANNING PERMISSION 3/2014/0618 FOR THE ERECTION OF TEN DWELLINGS AT LAND AT CHATBURN OLD ROAD, CHATBURN



CONSULTATION RESPONSES/REPRESENTATIONS MADE:

PARISH COUNCIL:

Concerned about the soakaway and drainage on the site. Excess water will not soak into the limestone resulting in flooding on Old Road and businesses in the centre of the village. Provision must be made for excess water to be diverted away from Old Road.

The development should be continually surveyed by the Council's Building Control Inspector due to the nature of the high grounds and possible problems with surface water and sewage disposal. The Environment Agency and United Utilities should be consulted on the proposal.

The amended plans proposed five bedroom houses, whereas the original approval was for four bedroom houses. This is the equivalent to two additional houses on the site and will generate more traffic movements down Chatburn Old Road and put extra pressure on the small exit junction.

ENVIRONMENT DIRECTORATE (COUNTY HIGHWAY SURVEYOR):

No objection as the proposed development would have a negligible impact on highway safety and the highway capacity in the immediate vicinity. In addition, the amended layout/turning area is now an adoptable standard.

ADDITIONAL REPRESENTATIONS:

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

- Plot 6 is not going to be altered and would therefore be at odds with the rest of the development site;
- Plot 6 is not being developed so as to provide access to an additional site beyond for further development;
- Plots 4 & 5 will tower above and the larger windows will result in overlooking for the properties on Crow Trees Brow;
- House values are not a planning consideration, yet the developer can include features (such as larger windows) to increase the value of the houses on the development site;
- The soakaways need to be tested and all departments should meet to discuss this issue.

1. Site Description and Surrounding Area

- 1.1 The site comprises of a broadly square shaped parcel of land to the south of Chatburn Old Road, Chatburn. The land previously formed part of a field and in 2012 Outline Planning Permission was allowed at appeal by the Inspectorate for the erection of 10 dwellings on this site (3/2011/0025). In 2015 an application for full consent for these 10 dwellings was submitted and approved at Planning Committee (3/2014/0618) and it is this permission to which the current Section 73 application relates.
- 1.2 Work has commenced on site in relation to planning application 3/2014/0618 and therefore this previous approval is in the process of being implemented, however this application seeks to make amendments to the approved scheme and hence should this Section 73 application be approved the developer is likely to implement this revised application.

- 1.3 The site itself is located outside of the 1998 Settlement Boundary of Chatburn, however being a site that has an extent consent for residential development it is now located within the Draft Settlement Boundary which is currently out for public consultation.
- 1.4 In terms of surroundings, to the north of the site, on the opposite side of Chatburn Old Road lies Lane Head Quarry, to the east are the residential properties on Chatburn Old Road and to the south are the residential properties that front onto Crow Trees Brow. A public right of way runs to the south and west of the development site, connecting Crow Trees Brow to Chatburn Old Road.

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

- 2.1 This is a Section 73 Application and seeks to vary/remove conditions imposed on planning permission 3/2014/0618.
- 2.2 Planning permission 3/2014/0618 sought consent for the erection of 10 dwellings on land at Chatburn Old Road, Chatburn. This consent was granted 11th June 2015 and a total of 15 conditions were attached to this approval.
- 2.3 The current application seeks to vary condition 02, and remove condition 10, of the extant consent. The specific details are included below:

Condition 02 -

- 2.4 This condition lists the approved plans and drawings for which consent was granted. The applicant seeks to make some amendments to the approved scheme and therefore proposes to amend the drawing numbers approved by this condition. The proposed alterations include the following alterations to plots 1, 2, 3, 4, 5, 7, 8, 9, & 10:
- *Minor variations to the siting of the dwellings on plots 3, 7, 9 & 10. The greatest deviation is in relation to plot 7 which has been sighted 1m further north and 1.2m further west. Other alterations to the siting include the moving plot 3 1m to the south and east, and plots 9 & 10 0.9m nearer to Chatburn Old Road to the north.*
 - *Alterations to the ridge height of all plots, with plots 1, 2, 3, 4, 5 & 7 being reduced in height by 40mm and plots 8, 9 & 10 increased by 10mm. The external finished ground levels will not be altered.*
 - *Minor alterations to the overall footprints of all plots as a result in a revised house design. The most significant alterations include the provision of a single storey link extension to connect the dwellings to the garages on plots 3 & 7. Other alterations to the design include the removal of the dormer extensions from the attached garages and general alterations to the windows and door designs.*
 - *Provision of an additional bedroom within the roof space of each dwelling;*
 - *Increase in driveway lengths to enable safe parking of vehicles off the highway.*
 - *Alterations to the access road and in particular the turning head as per the recommendation of LCC Highways.*

Condition 10 –

- 2.5 This condition currently states the following:
“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”

2.6 This condition does not relate to the application and therefore the application seeks to remove this condition.

3. **Relevant History**

3.1 3/2011/0025/P – Outline planning application for residential development (ten dwellings) – refused and allowed at appeal

3.2 3/2014/0618/P - *Erection of 10 dwellings* – Granted subject to conditions

3.3 3/2016/0124 - Discharge of condition(s) 4 (bat and bird boxes), 5 (landscaping), 6 (foul and surface water), 8 (construction management), 11 (renewable energy) 12 (junction improvement) of planning permission 3/2014/0618 – Details agreed

4. **Relevant Policies**

Ribble Valley Core Strategy (Adopted Version)

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement H1 – Housing Provision

Key Statement H2 – Housing Balance

Key Statement H3 – Affordable Housing

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME2 – Landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME5 – Renewable Energy

Policy DME6 – Water Management

Policy DMH1 – Affordable Housing Criteria

Policy DMB5 – Footpaths and Bridleways

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Technical Guidance to National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 **Principle of Development and Need**

5.1.1 This is a Section 73 Application and seeks to vary one condition and remove one condition, on the extant planning consent (3/2014/0618).

5.1.2 Sub-Paragraph (2) of Section 73 in the Town and Country Planning Act 1990 states:

2. *On such an application the local planning authority **shall consider only [emphasis added]** the question of the conditions subject to which planning permission should be granted, and—*

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

5.1.3 In view of the above, the LPA can only consider the conditions for which the application seeks to vary/remove, and the LPA cannot therefore reconsider issues other than those sought to be varied by this condition and cannot reconsider any other elements of the application.

5.1.4 Committee should be aware that the applicant has already implemented the existing consent for the erection of ten dwellings on this site (3/2014/0618) and therefore the only issues that the Council must consider as part of this application, are detailed below:

Condition 02:

5.1.5 As mentioned above, this condition lists the approved plans and drawings for which consent was granted and this proposal seeks to make amendments to the approved scheme and substitute new drawing numbers in place of those previously approved. The proposed alterations include revised house designs, minor variations to the footprint and siting of the dwellings and alterations to the access road, including a revised turning head design (detailed in full within the "Proposal" section of this report).

5.1.6 Objections have been received on the basis that the revised house design would result in larger windows in the rear elevations, and these would overlook the properties on Crow Trees Brow to the south. With regard to this concern, whilst it is accepted that the properties on Crow Trees Brow are set at a lower level than the proposed houses (varying between 5-10m lower), at the nearest point there would be a separation distance of more than 80m between the proposed dwellings and the rears of the houses on Crow Trees Brow. The Council would normally require a separation distance of 21m between principal elevations, to ensure that there are no issues in respect of overlooking, and due to the change in levels between the development site and Crow Trees Brow, it would be reasonable to expect a greater distance than 21m. A common rule in this regard would be to require an additional five metres separation for every five metres change in level. As such given that the properties on Crow Trees Brow are set between 5-10m lower, a generous estimate would recommend that a separation distance of 31m (21m + 10m max) is achieved between the proposed dwellings and the rears of the properties on Crow Tree Brow to ensure an acceptable relationship. As mentioned above, a separation distance of 80m would be achieved and therefore the proposal would comfortably comply with this recommendation and the size of the windows openings would not make a significant difference at such a distance.

- 5.1.7 Other alterations include the repositioning of a number of dwellings within the plot, at the most 1.2m difference, along with a 10mm increase in ridge height in some cases, and given the above mentioned separation distances these minor alterations to the locations and heights of the dwellings would be barely noticeable and would not have a detrimental impact upon neighbouring properties.
- 5.1.8 With regard to appearance, the revised house designs are considered to be a visual improvement in comparison to the previous approval, with a more modern and contemporary design, whilst not resulting in properties that would be out of keeping with the character of the area.
- 5.1.9 In view of the above, it is considered that the revised house positions and designs would not result in the proposal having a greater impact upon neighbouring residential amenity, both within and outside the development site, or have a negative visual impact upon the character of the area in accordance with Policy DMG1.
- 5.1.10 The application also proposes to amend the access road and turning area within the site. This alteration is proposed on the requested of the County Highway Officer as the previously approved turning area was not considered to be acceptable and would therefore not have been adopted by County. Additionally, a number of driveways have been increased in size to provide better off-street parking provision within the development site. The Highway Officer is therefore supportive of the above mentioned alterations.
- 5.1.11 The Parish Council have raised a concern in respect of the additional bedroom that would be provided within the roof space of each dwelling, commenting that this would be akin to the creation of two extra dwellings on the site and consequently increase vehicle movements. In respect of this issue, whilst an additional bedroom in each of the nine dwellings would provide nine additional bedrooms across the whole of the development, it is not considered that this is the equivalent of two extra houses as an additional bedroom in each house does not necessarily mean there would be more vehicles or vehicle movements associated with that house. It is accepted that these additional bedrooms could potentially result in some additional vehicle movements, but not to an extent that would justify refusing the application, and the Highway Officer has raised no such concern. It must also be noted that an additional bedroom(s) can be created in any dwelling (either within the roof space or altering the internal layout, or in some cases by an extension) without the need for planning permission, and therefore additional bedrooms could be created within the previously approved dwellings on this site regardless of whether this Section 73 application is approved or refused. In view of this, whilst the concern of the Parish Council is duly noted, it is considered that there is a sustainable highway reason to refuse the proposal as submitted.
- 5.1.12 Other concerns raised by the Parish and objectors include the drainage on the site. United Utilities were consulted on the original application and raised no objection subject to a condition requiring details of a scheme for the disposal of foul and surface water to be submitted and approved by the LPA. The proposal seeks to amend the design and siting of a number of properties on this site, however this would not fundamentally alter how the site would be drained and it

is therefore outside of the jurisdiction of this application to consider the drainage issues on the site. As this is a Section 73 all previous conditions attached to the original application (3/2014/0618) will be reattached to any approval, and therefore if this application is approved the applicant will need to submit a drainage scheme for the written approval of the LPA.

- 5.1.13 The objectors have also questioned the omission of Plot 6 from any alterations, commented that this plot will likely not be developed and used to provide an access road for further development on an adjacent site. It is not for the LPA to assume or estimate why the application does not propose any alterations to Plot 6, and if an application for future development of an adjacent site was to be submitted in the future it would be for the LPA to assess the merits of such an application at that time. This is therefore not a valid reason to refuse the current application.

Condition 10

- 5.1.14 This condition states the following:

“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.”

- 5.1.15 The application seeks to remove this condition, stating that it is not relevant to the proposal for residential development at Chatburn Old Road. Having reviewed this condition, it is agreed that it is not relevant to the current proposal and consequently there is no objection to the removal of this un-associated condition from the decision notice.

Legal Agreement:

- 5.1.16 The applicant has submitted a deed of variation which ties the previous/existing Legal Agreement to this new consent, subject of course to its approval by Members of this Committee. This deed of variation means that if the applicant decides to implement the originally approved scheme, or the amended scheme as applied for by this application, they are still bound by all the requirements of the original Legal Agreement, and in this respect a contribution of £206,367 towards off-site affordable housing provision.

6. Observations/Consideration of Matters Raised/Conclusion

- 6.1 It is not within the remit application to consider whether the residential development of this site is acceptable or not, as this has already been established. It is for the Council to consider whether the variation of condition 02 (plans), and the removal of condition 10 (un-associated condition) is acceptable. If it is considered by Members that these conditions can be varied/removed as requested by the applicant, then permission should be granted. However, if Members consider that these same conditions should remain as originally imposed then the application should be refused.
- 6.2 Notwithstanding the above, it should be again noted that if this application is refused, the applicant can still implement the permission as originally allowed (3/2014/0618).

RECOMMENDATION: That planning permission be Deferred and Delegated to the Director of Community Services for approval following the satisfactory completion of a deed of variation/legal agreement (substantially in accordance the related requirements in the report) within 3 months from the date of this Committee meeting or delegated to the Head of Planning Services in conjunction with the Chairman and Vice Chairman of the Planning and Development Committee should exceptional Circumstances exist beyond the period of 3 months and subject to the following conditions:

Commencement of Development

- 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.

Drawings and Plans

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

5138 – 09b (Location Plan)
5138 – 08 Rev M
5138 – 10 Rev C
5138 – 11 Rev B
5138 – 12 Rev B
5138 – 13 Rev B
5138 – 30
5138 – 31
5138 – 32 Rev A
5138 – 24 Rev A
5138 – 25 Rev A
5138 – 26 Rev A
5138 – 27 Rev A
5138 – 37
5138 – 38
5138 – 39 Rev A
5138 – 16 Rev C
5138 – 17 Rev B
5138 – 18 Rev C
5138 – 19 Rev B
5138 – 20 Rev C
5138 – 21 Rev B

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.

External Materials

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.

Ecology and Landscaping

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.

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.

Drainage

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.

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.

Highways

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.

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 in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

Renewable energy

10. 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 and the National Planning Policy Framework.

Off-site highway works

11. 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.

12. 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).

Amenity

13. 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).

14. Notwithstanding the details shown on the submitted plan in relation to boundary treatment and fencing, further details shall be submitted and approved in writing by the Local Planning Authority. In relation to the frontage development, notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 no fencing above 1m shall be erected without prior consent from the Local Planning Authority.

REASON: In the interests of visual amenity and to comply with Policy DMG1 of the Core Strategy Adopted Version.

INFORMATIVE: This permission should be read in conjunction with the Section 106 Agreement signed and dated (??? – date to be added).

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0748

PLANNING APPLICATION STATISTIC REPORT

APPLICATIONS DETERMINED – 31 August to 30 September 2016

<u>Applications Received</u>	<u>Approved with conditions</u>	<u>Approved with no conditions</u>	<u>Applications Refused</u>	<u>Total Applications determined</u>	<u>Applications determined by Committee</u>
86	79	10	13	109	1

(This list does not include prior determinations, split decisions, observations to other Local Planning Authorities and other less frequent application types).

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2016/0328	15 Parker Avenue Clitheroe	15/9/16	18	With Legal

<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>
3/2015/0495	Land at Worthalls Farm, Westfield Avenue, Read	11/2/15	30 weeks	15	Decision 9/9/16

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2016/0361/P	Outline application for change of use from ban to holiday let accommodation adjacent to farmhouse	Barrow Gardens Farm Whalley Road Barrow
3/2016/0731/P	Proposed works to the front and rear of the property. Lifting the existing roof to allow dormers/dormer windows to front and rear of the property to allow bedrooms to be moved upstairs	11 St Mary's Drive Langho
3/2016/0733/P	Proposed erection of canopy over external area and fenestration alterations. Cladding of external walls using matt aluminium	Speed Parlour Chatburn Road Clitheroe
3/2016/0758/P	Prior to notification of agricultural or forestry development proposed building (under Schedule 2 part 6 of the Town and Country General Permitted Development Order 2015) for erection of agricultural unit for housing of livestock and supplies	The Brows Farm Higher Road Longridge

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2016/0795/P	Non material amendment to planning permission 3/2013/0747 to remove footpaths marked on drawing FPL-01-Footpath	Nab Rise Whalley Road Billington

APPEALS UPDATE

<u>Application No and reason for Appeal</u>	<u>Date Received/ Appeal Start Date</u>	<u>Site Address</u>	<u>Type of Appeal Procedure</u>	<u>Date of Inquiry/ Hearing if applicable</u>	<u>Progress</u>
3/2014/0697R	29/06/15	Land adj Clitheroe Road West Bradford	WR		Awaiting Decision
3/2014/0846R	12/08/15	Land at 23-25 Old Row Barrow	Hearing	07/09/16	Awaiting Decision
3/2016/0022 R	21/04/16	1 & 2 Abbeycroft The Sands, Whalley	WR		Awaiting Decision
3/2015/0605 R	03/05/16	Little Snodworth Farm Snodworth Road Langho	WR		Awaiting Decision
3/2015/0959 Approved with Conditions 3/2016/0125 R	13/06/16	Lambing Clough Barn Lambing Clough Lane Hurst Green	WR		Appeal Allowed Costs Allowed 27/09/16
3/2016/0019 R	14/06/16	Broadhead Farm Moorfield Avenue Ramsgreave	WR		Appeal Dismissed 01/09/16
3/2016/0241 R	15/06/16	Field Barn Old Langho Road Langho	WR		Awaiting Decision
3/2015/0509 R	23/06/16	Land adj Southport House Sawley	WR		Appeal Dismissed 07/09/16
3/2016/0368 R	17/08/16	Fourwinds 54 Fairfield Drive Clitheroe	WR		Awaiting Decision
3/2016/0393 R	13/07/16	Ellerslie House Ribchester Road Clayton le Dale	WR		Awaiting Decision
3/2016/0286 R	12/07/16	Riverside Cottage Sawley Road, Sawley	HH		Appeal Dismissed 12/09/16
3/2016/0284 R	12/07/16	Riverside Barn Sawley Road, Sawley	HH		Appeal Dismissed 12/09/16
3/2016/0387 R	24/08/16	3 Accrington Road Whalley	WR		Awaiting Decision
3/2016/0145 R	09/08/16	Thorneyholme Whalley Road, Barrow	WR		Awaiting Decision

<u>Application No and reason for Appeal</u>	<u>Date Received/ Appeal Start Date</u>	<u>Site Address</u>	<u>Type of Appeal Procedure</u>	<u>Date of Inquiry/ Hearing if applicable</u>	<u>Progress</u>
3/2016/0260 U	09/09/16	The Hay Moo Mellor Brow, Mellor	WR		Statement due 14/10/16
3/2015/0393 R	10/08/16	Land west of Preston Road Longridge (Grimbaldeston Farm)	Inquiry	03/05/17 to 05/05/17 (3 days)	Bespoke timetable
3/2016/0195 R	24/08/16	The Pippins 248 Preston Road Longridge	WR		Awaiting Decision
3/2016/0250 R	09/09/16	Elms House 127 Whalley Road Clitheroe	WR		Statement due 14/10/16
3/2016/0516 R	Awaiting start date from PINS	Seven Acre Bungalow Forty Acre Lane Longridge	Appellant has used HAS procedure but development involves a curtilage extension. We will ask for WR (to be confirmed)		
3/2016/0333 R	Awaiting start date from PINS	Blue Trees Copster Green	HH (to be confirmed)		
3/2016/0459 R	Awaiting start date from PINS	10 Pendle Drive Whalley	HH (to be confirmed)		
3/2016/0655 R	Awaiting start date from PINS	29 Warwick Drive Clitheroe	HH (to be confirmed)		