

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, 8 MARCH 2018** at the **TOWN HALL, CHURCH STREET, CLITHEROE.**

I do hope you can be there.

Yours sincerely

CHIEF EXECUTIVE

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

AGENDA

Part I – items of business to be discussed in public

1. Apologies for absence.
- ✓ 2. To approve the minutes of the last meeting held on 11 January 2018 – copy enclosed.
3. Declarations of Pecuniary and Non-Pecuniary Interests (if any).
4. Public Participation (if any).

DECISION ITEMS

- ✓ 5. Planning Applications – report of Director of Community Services – copy enclosed.
- ✓ 6. Request for Contribution to Annual Hedgelaying Event – report of Director of Community Services – copy enclosed.
- ✓ 7. Longridge Neighbourhood Plan Submission – report of Chief Executive – copy enclosed.

- ✓ 8. Call-in Procedures – report of Director of Community Services – copy enclosed.

INFORMATION ITEMS

- ✓ 9. Increase in Planning Application Fees – report of Director of Community Services – copy enclosed.
- ✓ 10. Revenue Monitoring 2017/18 – report of Director of Resources – copy enclosed.
- ✓ 11. Planning Appeals – report of Director of Community Services – copy enclosed.
- ✓ 12. Planning Application Statistics – report of Director of Community Services – copy enclosed.
- ✓ 13. Appeals:
 - i) 3/2017/0220/P – Transfer of current shop to a hot food premises – takeaway at 2A Whittingham Road, Longridge – appeal allowed with conditions.
 - ii) 3/2017/0751/P – Erection of stable for two horses, haylage and equipment at The Ridge, Grindleton – appeal allowed with conditions.
 - iii) 3/2017/0029/P – Erection of steel frame livestock shed (100' x 40') on land at Hellifield Road, Gisburn – appeal allowed with conditions.
- 14. Reports from Representatives on Outside Bodies (if any).

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

- ✓ NONE

**INDEX OF APPLICATIONS BEING CONSIDERED
MEETING DATE: 8 MARCH 2018**

<u>Application No:</u>	<u>Page:</u>	<u>Officer:</u>	<u>Recommendation:</u>	<u>Site:</u>
A APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS:				
			NONE	
B APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR APPROVAL:				
3/2017/1176/P	1	AD	AC	Castle Museum Clitheroe Castle
3/2017/1227/P	8	JM	AC	Berry Lane Medical Centre Longridge
3/2018/0075/P	15	HM	AC	2 Ely Close Wilpshire
3/2018/0082/P	20	AB	AC	Dewhurst Farm Langho
3/2018/0126/P	31	JM	AC	Joiners Arms Whalley Road, Clitheroe
C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL:				
3/2016/0927/P	34	SK	R	Land off Elker Lane Billington
3/2017/1100/P	54	SK	R	Land adj John Smith's Playing Field, Longridge
3/2017/1188/P	61	SK	R	Wiswell Brook Farm Moorside Lane, Wiswell
3/2018/0024/P	68	RM	AC	Read Hall Read
D APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED				
			NONE	
E APPLICATIONS IN 'OTHER' CATEGORIES:				
			NONE	

LEGEND

AC Approved Conditionally
R Refused
M/A Minded to Approve

AB Adam Birkett
AD Adrian Dowd
HM Harriet McCartney

JM John Macholc
RM Robert Major
SK Stephen Kilmartin

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 8 MARCH 2018
title: PLANNING APPLICATIONS
submitted by: DIRECTOR OF COMMUNITY SERVICES

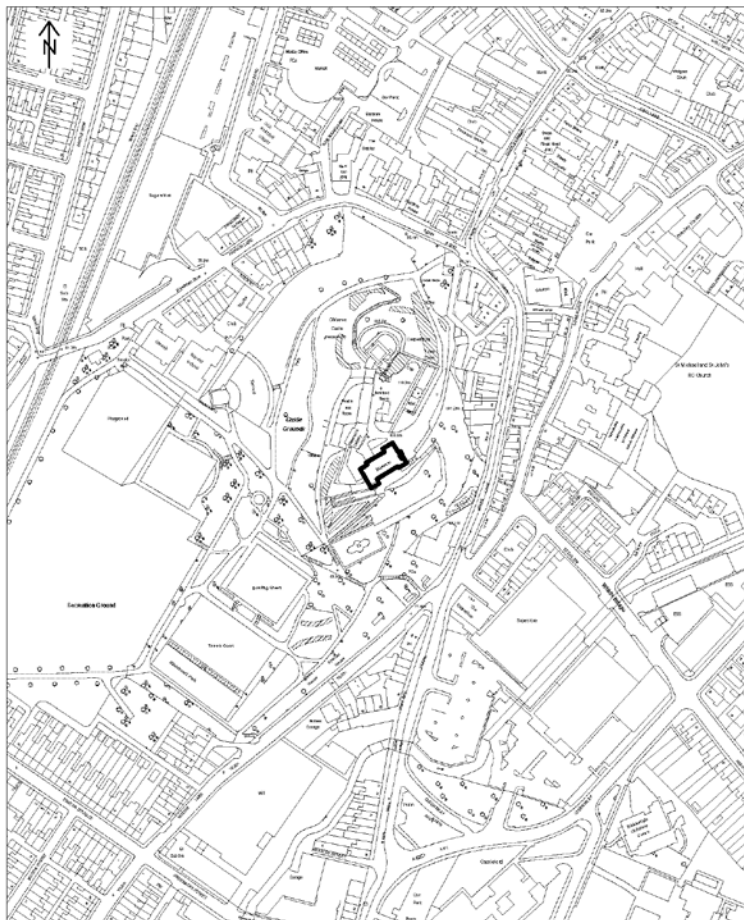
PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION REF: 3/2017/1176 (LBC)

GRID REF: SD 374247 441621

DEVELOPMENT DESCRIPTION:

REMEDIAL WORKS TO REPLACE DEFECTIVE STONE LINTELS AND REPAIR STONE LINTELS WHERE POSSIBLE AND NECESSARY AT CASTLE MUSEUM, CLITHEROE CASTLE, CASTLEGATE, CLITHEROE



3/2017/1176 Castle Museum, Clitheroe Castle, Castlegate Clitheroe BB7 1AZ

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No comments received at the time of report writing.

LAAS:

Do not consider the proposal has any archaeological implications. With the proposed supervision from the RVBC conservation specialist, the impact on the heritage significance of the building will be negligible.

HISTORIC AMENITY SOCIETIES:

Consulted, no comments received at the time of report writing.

HISTORIC ENGLAND:

Consulted, no comments received at the time of report writing.

ADDITIONAL REPRESENTATIONS:

None received at the time of report writing.

1. Site Description and Surrounding Area

- 1.1 The building is Grade II listed (30 September 1976) as 'Premises occupied by Ribble Valley Borough Council in grounds of Clitheroe Castle'. It is prominently sited within the Clitheroe Castle Historic Park and Garden (Grade II), Clitheroe Conservation Area and the setting of Clitheroe Castle Keep and Curtain Walls (scheduled monument; Grade I listed) and 'Outbuilding and Stable block to Clitheroe Castle and premises occupied by Ribble Valley Borough Council' (Grade II). The list descriptions identify "*Clitheroe Castle, Premises occupied by Ribble Valley Borough Council and Outbuilding and Stable block form a group*".

The list description for the museum building identifies the elevation and openings subject to proposed works:

"Early-mid C19. 3 storeys in coursed stone with ashlar dressings. Gothic style. To the left, a turret square in section with 2 arched windows on 3 floors, crenellated parapet. Right hand section crenellated with 2 arched windows on 2 floors, and 1 to left and Jacobean style porch with 2 ball finials and round-headed entry with double doors. 2 windows to right with wood mullions, of 2 lights, 2 windows on 3 floors. Included as part of a group".

The historic park and garden description identifies (19 August 1996) :

"Entrances and approaches ... The main entrance to the Castle grounds is the gateway at the southern end of Castle Street, which leads into the northern tip of the site. From the Castle Street gate a drive, laid out around 1830, leads up along the east side of the mound to Castle House.

... Principal buildings ... Castle House (listed grade II) is situated 10m to the south-west of the Old Courthouse. It was built as a private residence and opened as a museum in

1981. Although much of the present fabric of these buildings is of mid C19 date, the stables, courthouse and house all appear on a ground plan of c 1723 (Best 1990), and their existence is confirmed by the mid C18 stewards' records (*ibid*).

'The Buildings of England: North Lancashire' (Pevsner N, 1969, page 102) identifies:

"Castle ... the bailey is recognizable by the walls to the SW and the houses in a Georgian and later medieval dress. Lord Torrington in 1792 wrote of 'a foolishly fancied Gothic house'. How much of genuine medieval survives around these houses and walls has not been sorted out yet".

The Clitheroe Conservation Area Appraisal (The Conservation Studio consultants, adopted by the Borough Council following public consultation 3 April 2007) identifies:

"The prevalent use of local building stone"; "Clitheroe Castle, a Scheduled Ancient Monument"; "The Castle Grounds which is included on the English Heritage Register of Parks and Gardens"; "The architectural and historic interest of the area's buildings, 88 of which are listed"; "The distinctive skyline, especially as viewed from the Bashall Eaves area of the Borough" (Summary of special interest).

"Clitheroe Castle is the most prominent feature, not just of the surrounding countryside but within the conservation area and the town itself. The keep is perched on the highest point of the limestone ridge and is surrounded by open land, mostly landscaped parkland. Castle and development along the limestone ridge give the conservation area a distinctive skyline" (Key views and vistas).

"The conservation area is most notable for buildings from the late 18th century and 19th century, many of which replaced earlier structures- even the Church of St. Mary Magdalene dates primarily from a rebuilding in 1828" (Architectural and historic character).

The submitted Heritage Statement refers to a significance assessment undertaken in 2008 (Oxford Archaeology North):

"some of the window surrounds exhibit weathered furrow tool marks ... The Museum building probably dates to the late eighteenth century gothic or 'gothick' revival".

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

- 2.1 Listed building consent is sought for the possible replacement of three window head stone lintels at the front elevation (North-East) of the Castle Museum.
- 2.2 The submitted Heritage Statement identifies that essential works are required to three lintels which are defective and compromise the structural integrity of the building and allow water ingress to the fabric. The aim is to carry out stone repair where possible but it will be essential to replace at least one (Window 001) of the lintels. Works are to be undertaken as an 'honest repair'. Replacement materials are to be agreed with the Borough Council's conservation specialist.

3. **Relevant Planning History**

3/2017/0495 - Re-slating of pitched roof area behind parapet wall at Castle Museum. LBC granted 1 September 2017.

3/2007/0039 – Restoration of existing Listed Museum and outbuilding incorporating newbuild link building. External re-landscaping and remodelling of 3240 sq.m. site within curtain wall of Castle site enabling greater public access. Planning permission granted 2 August 2007.

3/2006/1047 – Alteration and extension of Grade II listed Museum and outbuilding incorporating restoration of existing buildings and localised alteration - to improve access and from physical link into the new building. New building linking the existing buildings together and providing accessible entrance facilities. External re-landscaping and remodelling of 3240 sq.m site within the curtain wall of castle site enabling greater public access. All works are aimed to keep the museum buildings in public use and ensure financial viability of the facility. LBC granted 31 July 2007.

3/1984/0484 – Installation of gas central heating system at Castle House. LBC granted 11 October 1984.

4. **Relevant Policies**

Planning (Listed Buildings and Conservation Areas) Act 1990
'Preservation' in the duties at sections 16, 66 and 72 of the Act means "doing no harm to" (*South Lakeland DC v. Secretary of State for the Environment* [1992]).
Clitheroe Conservation Area Appraisal

NPPF
NPPG

Ribble Valley Core Strategy:
Key Statement EN5– Heritage Assets
Policy DMG1– General Considerations
Policy DME4– Protecting Heritage Assets

5. **Assessment of Proposed Development**

5.1 Impact upon the special architectural and historic interest of the listed building (section 66 of the Act), the setting of listed buildings (section 16 of the Act) and the scheduled monument, the character and appearance of Clitheroe Conservation Area (section 72 of the Act) and the character of Clitheroe Castle historic park and garden:

5.2 In my opinion and in consideration to the advice below, the proposed works have been carefully considered and are essential to ensure the proper preservation of the listed building. A condition is suggested in order to ensure the compatibility of replacement stone.

5.3 The Clitheroe Conservation Area Management Guidance (The Conservation Studio consultants, 2005; subject to public consultation) identifies:

“Stonework: Alterations to wall surfaces are usually the most damaging that can be made to the overall appearance of a historic building. Alterations or repairs to external

elevations should respect historic fabric and match it in materials, texture, quality and colour”.

5.4 ‘Making Changes to Heritage Assets’ (Historic England, 2016) identifies:

“Original materials normally only need to be replaced when they have failed in their structural purpose. Repairing by re-using materials to match the original in substance, texture, quality and colour, helps maintain authenticity, ensures the repair is technically and visually compatible, minimises the use of new resources and reduces waste” (paragraph 11).

“Even when undertaking repair, care is needed to maintain the integrity of the asset” (paragraph 13).

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

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

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

“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).

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

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

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

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

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

5.1.7 'The SPAB Approach' (Society for the Protection of Ancient Buildings, 2017) identifies:

"The SPAB Approach is based on the protection of 'fabric' — the material from which a building is constructed. A building's fabric is the primary source from which knowledge and meaning can be drawn. Materials and construction methods embodied in building fabric illustrate changes in people's ideas, tastes, skills and the relationship with their locality. Fabric also holds character and beauty; the surfaces, blemishes and undulations of old buildings speak of the passage of time and of lives lived. Wear and tear adds beautiful patination that new work can only acquire through the slow process of ageing. Building fabric is precious. A concern for its protection helps ensure that the essence of an old building survives for future generations to appreciate" (page 8-9).

"Understanding: All conservation work involves decision-making. For these decisions to be well-considered, knowledge and understanding are essential. The SPAB Approach calls for an understanding of history, design and construction ... Equally important is understanding of structural issues ... Thought and investigation should precede any action" (page 11).

"Essential work only: The Society's approach very often involves carefully considered inaction. Where no problems exist, or where a problem has no major effect on use or conservation, an old building is best left alone and simply enjoyed. Problems need to be tackled, but the Society encourages work which is no more – but no less – than is essential. Restricting work to these things helps ensure the maximum survival of historic fabric. As a secondary benefit it should also reduce effort and cost" (page 12).

6. Observations/Consideration of Matters Raised/Conclusion

6.1 Notification and referral to the Secretary of State: the referral to the Secretary of State of all Local Authority own applications for planning permission for demolition in a Conservation Area or for Listed Building Consent has now been streamlined. This means that only where Historic England or a National Amenity Society has been notified of the application; has given a written notice to the authority setting out the reasons for objecting to the application and stating that the application should be referred to the Secretary of State; and the authority doesn't propose to refuse the application – then it will be referred to the Secretary of State.

6.2 Therefore, 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, in giving 'great weight' to the conservation of the designated heritage assets (NPPF paragraph 132) and in consideration to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy, I would recommend that listed building consent be granted conditionally.

RECOMMENDATION: That listed building consent is granted subject to the imposition of 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 and samples of replacement stone to be used including its substance, texture, colour and dressing 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 of the listed building.

BACKGROUND PAPERS

<http://www.legislation.gov.uk/ukpga/1990/9/contents>
[Planning (Listed Buildings and Conservation Areas) Act 1990]

<https://www.historicengland.org.uk/images-books/publications/conservation-bulletin-73/>
(page 46 'The Big Issue of Little Harm', Conservation Bulletin: Issue 73 Winter 2014)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
(National Planning Policy Framework)

<https://www.gov.uk/guidance/national-planning-policy-framework/12-conserving-and-enhancing-the-historic-environment>
(National Planning Policy Guidance: Conserving and Enhancing the Historic Environment)

<https://www.historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/>
(‘Making Changes to Heritage Assets’, Historic England, 2016)

<https://content.historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/conservationprinciplespoliciesguidanceapr08web.pdf/>
(‘Conservation Principles, Policies and Guidance’, Historic England, 2008)

https://www.ribblevalley.gov.uk/download/downloads/id/10010/adopted_core_strategy.pdf
(Adopted Core Strategy)

https://www.ribblevalley.gov.uk/downloads/download/3329/clitheroe_conservation_area
https://www.ribblevalley.gov.uk/downloads/file/3680/clitheroe_conservation_area_management_guidance
(Clitheroe Conservation Area Appraisal and Management Guidance)

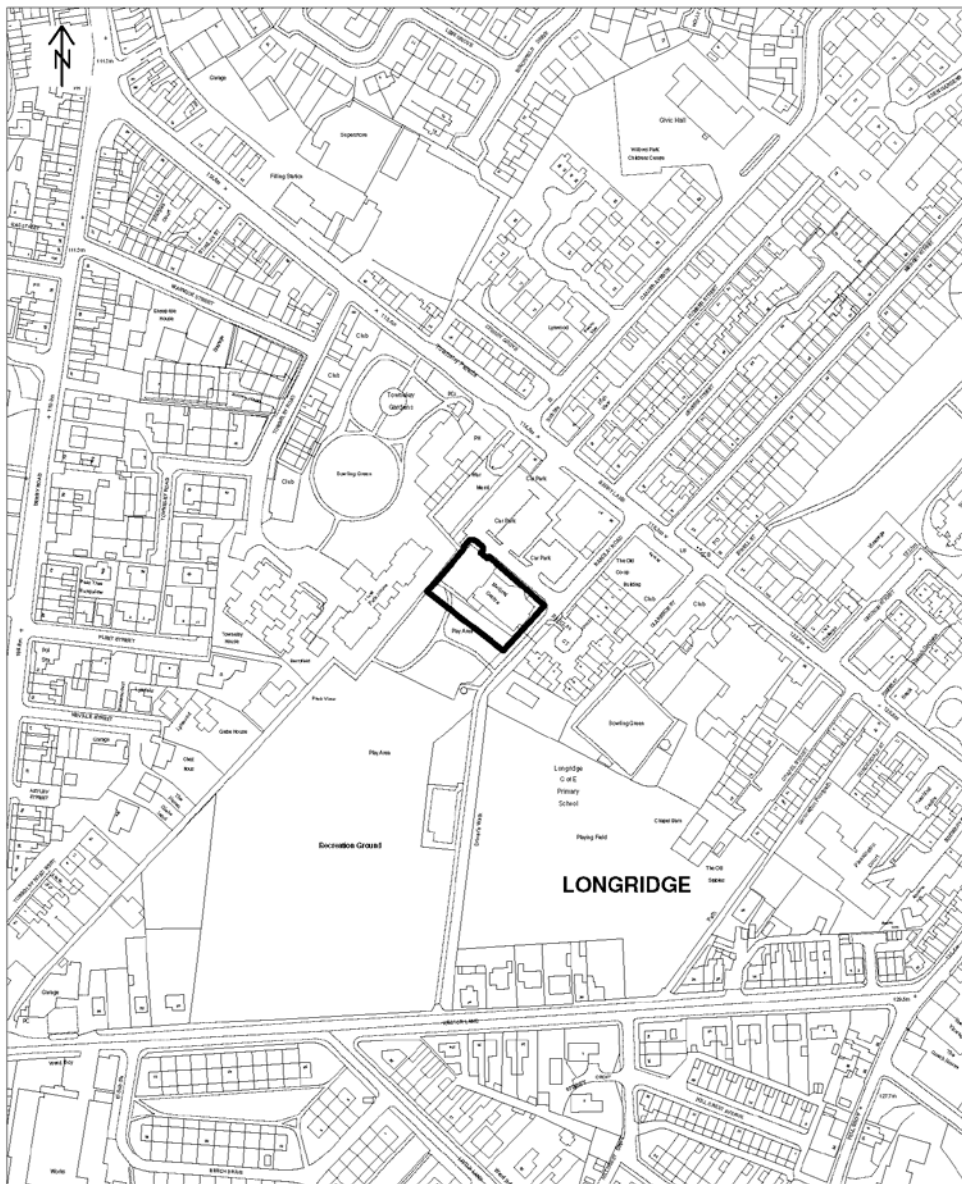
<https://www.spab.org.uk/campaigning/spab-approach>
(The SPAB Approach, 2017)

APPLICATION REF: 3/2017/1227/P

GRID REF: SD 360374 437337

DEVELOPMENT DESCRIPTION:

PROPOSED TWO-STOREY EXTENSION TO EXISTING MEDICAL CENTRE AT BERRY LANE MEDICAL CENTRE BERRY LANE LONGRIDGE PR3 3JJ



3/2017/0620 Berry Lane Medical Centre Berry Lane Longridge PR3 3JJ

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

TOWN COUNCIL:

No observations received at time of preparing this report.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

Below are my comments to the previous application for this site (3/17/0620) which were forwarded to you on the 3 Aug 2017. The application was subsequently approved. The current application is similar to the previous however the footprint has been brought forward to avoid encroachment into the adjacent park. The consequence of this is that the available staff parking is further reduced which in the absence of any alternative arrangements would not be acceptable and I would reiterate my previous concerns.

Currently the existing medical centre has no patient parking provision. Patients are expected to park elsewhere within the town centre. There are a nearby car parks both pay and display and customer / staff parking for the Co-Op. The site benefits from 18 on-site parking spaces (staff only) which is 3 short of the maximum provision stated in the County Parking Standards for a high accessibility site. Bearing this in mind, the proposed development will reduce the on-site parking by 4 spaces to 14 whilst increasing the number of consulting rooms from 7 to 14 (+ 2 treatment rooms existing / proposed) On this basis the development would attract a maximum parking provision of 60 spaces (3 spaces / consulting room). There will also be an increase in staff from 30 to 45.

Bearing the above in mind I would have serious concerns that the proposed development would increase the parking demand in this area to an unsustainable level leading to road safety concerns and the loss of amenity for local residents and businesses. On this basis I would have to recommend that the application be refused due to the over intensification of the site and the lack of parking provision.

Nevertheless should your council be minded to approve this application I would request that in addition to the conditions attached to the previous permission (specifically Conditions 4, 5 and 6) the following conditions be attached to any permission that may be granted.

- 1 Prior to first occupation of the proposed extension the applicant shall submit details of the proposed parking contract as referred to within the submitted draft travel plan. The contract parking shall provide for the staff displaced from the existing car park (14) and also the addition parking generated by the increase in staff (+15). Total 29 spaces
- 2 The cycling facilities to be provided in accordance with a scheme to be approved by the Local Planning Authority and the cycling facilities to be provided in accordance with the approved plan, before the use of the premises hereby permitted becomes operative. Reason: To allow for the effective use of the parking areas.

ADDITIONAL REPRESENTATIONS:

None

1. **Site Description and Surrounding Area**

1.1 The building is located in the town centre of Longridge and within the Longridge Conservation Area. It is adjacent to the Berry Lane Car park and the land to the rear forms part of the Longridge Recreation Ground

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

2.1 This application seeks detailed consent for a two storey extension on the side of the Berry Lane Medical Centre. The proposal would also involve the loss of some existing parking area used by the Centre. The extension would link into the main building and be 2 storey with a mansard roof. It would create an additional 460m² floorspace.

2.2 The extension would provide an additional 9 consulting rooms as well as further storage rooms, meeting rooms and office space. The proposal is designed to match the existing building to be of brick construction and rendered panels with a concrete tiled mansard roof. The maximum height from the finished floor level is approximately 9m. The staff parking area is reduced from 18 spaces to 6.

3. **Relevant Planning History**

3/2005/0810 Single storey rear consultation room extension – Approved

3/2017/0620 – Change of use of existing RVBC play area to form part single-storey, part two-storey extension to the rear of the existing medical centre. Approved

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 EN5 – Heritage Assets

Key Statement EC1 – Business and Employment Development

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME2 – Landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME4 – Protecting Heritage Assets

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMB4- Open Space Provision

Historic Environment Planning Practice Guidance (HEPPG)

National Planning Policy Framework

Technical Guidance to National Planning Policy Framework

National Planning Practice Guide

Longridge Conservation Area Appraisal and Management Guidance

5. **Assessment of Proposed Development**

5.1 **Principle**

5.1.1 The principle of this development remains acceptable given its location within the key settlement of Longridge which is regarded as a sustainable location. However, consideration needs to be given to all other Development issues which would include heritage impact, highway safety and residential amenity and in this instance the loss of public open space.

5.2 **Highway Safety and Accessibility**

5.2.1 The site is located within a central position of Longridge with close access to bus stops and is access to public car parks. However it is evident that the County Surveyor does object to the proposal due to the lack of parking to accommodate the existing facility and the extension.

5.2.2 The scheme provides for 6 car parking spaces for the staff. The adjacent public car park has provision for 29 permit holders, 18 pay and display and 4 disabled bays.

5.2.3 It is clear that the main concern relates to lack of parking and associated highway issues resulting from the development and I fully accept that this is substandard but I consider regard should be given to the community benefit and an assessment of spaces available for public use in the vicinity. A survey carried out by the Council in April indicated that the overall occupancy during a week in April ranged from 16% to 33% which would appear to indicate a significant degree of spare capacity. In order to assess the impact of the lack of car parking spaces I requested the applicant to provide a survey of the use of the adjacent car park to assess the availability of spaces. The survey confirms that the main permit and public car park is not fully used whereas the private surgery car park is mostly occupied. The car park survey indicates that the existing medical centre car park is at its busiest during the mornings and is more freed up during the lunchtime and afternoon periods. Both the permit and pay and display car parks are shown to have plenty of free spaces throughout the week.

5.2.4 The applicant has submitted a draft travel plan dated 20/12/17 and additional details in an attempt to overcome the concerns of the County Surveyor. As anticipated the Highway authority still objects to the development. However, having regard to all other considerations I am satisfied with the intention of the document which aims to achieve a shift of 25% away from car usage to other means of transport within 2 years of occupancy of the extension. I understand the aim but from my experience this would be somewhat unrealistic. However the document includes details of ways in which staff and public will be encouraged to car share and use public transport is an attempt to reduce the impact. I do consider that it would be difficult to enforce and there would be a need to have objectives that are measurable. Some items such as secure cycle storage and cycle rack fixings should be achieved prior to occupation rather than included as a strategy in the Travel Plan.

5.3 Design

5.3.1 In relation to the design I am satisfied that the proposal is in keeping with the existing building and the immediate environment. However, the building will create an additional built form in the Conservation Area and there could be an opportunity to use higher quality contrast materials that may be more appropriate. An amended plan has now been submitted which gives a slight reduction in roof height of the extension and uses different materials to break up the massing of the building with the introduction of stone band courses and quoin detailing.

5.4 Heritage/Cultural

5.4.1 This proposal falls within the Longridge Conservation Area. The immediate car park on Berry Lane has been identified in the Longridge Conservation Character appraisal as weakness. I recognise that the building itself is of limited architectural value. The extension itself would elongate the built form and reduce the intervisibility of the Conservation Area from the adjoining park but I do not consider this would have a harmful impact on the setting of the Conservation Area.

5.5 Residential Amenity/ Noise

5.5.1 The issues in relation to residential amenity are predominantly traffic issues. The proposal no longer includes the loss of recreational facilities.

5.5.2 The impact in relation to highway issues has been covered in a previous section but it is evident that the loss of parking spaces and the expansion of an existing facility would be likely to result in additional traffic movements and pressure for parking which may have a slight impact on the residents of Longridge. However, given the nature of the immediate residential properties and the availability of public parking and off street parking I do not consider this to be unduly harmful.

6. Observations/Consideration of Matters Raised/Conclusion

6.1 I recognise the traffic concerns but I am of the opinion that the proposal would secure improved infrastructure facilities with the resultant expansion of the Medical centre. I consider that this is a material consideration and subject to appropriate conditions to minimise the impact on the highway network and the loss of recreational facilities that a recommendation of approval is appropriate.

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

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

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

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:

Existing and Proposed Site Plan	5703-FWP-L(20)02
Proposed Elevations and Floor Plans	5703-FWP-L (21)04 Rev P1.2 received 5/02/18
Proposed Ground Floor, First Floor and Roof Plans	5703-FWP-L(21) 03

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

3. Only those external materials and surfacing materials as approved under condition 2 shall be used in the development.

REASON: To ensure that the appearance of the development is appropriate to the character of the building and setting of the area and comply with Policies DMG1 and DME4 of the Ribble Valley Core Strategy adopted version

4. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted statement shall provide details of:

- A. The location of parking of vehicles of site operatives and visitors
- B. The location for the loading and unloading of plant and materials
- C. The location of storage of plant and materials used in constructing the development
- D. The locations of security hoarding
- E. The location and nature of wheel washing facilities to prevent mud and stones/debris being carried onto the Highway (For the avoidance of doubt such facilities shall remain in place for the duration of the construction phase of the development) and the timings/frequencies of mechanical sweeping of the adjacent roads/highway
- F. Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- G. The highway routes of plant and material deliveries to and from the site.
- H. Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
- I. Days and hours of operation for all construction works.

The approved statement shall be adhered to throughout the construction period of the development.

REASON: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

5. The car parking identified on the approved plans as referred to in condition 2 shall be appropriately surfaced or paved in accordance with the approved details. Unless otherwise agreed by the LPA the spaces shall be available for use before the development hereby approved is first brought into use.

REASON: In order to ensure a satisfactory design of the building and in the interests of highway safety and comply with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy adopted version.

6. Prior to occupation of the extension a car parking and traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the details so approved and retained thereafter unless agreed otherwise in writing with the Local Planning Authority. The proposed parking contract as referred to within the submitted draft travel plan. The contract parking shall provide for the staff displaced from the existing car park (14) and also the addition parking generated by the increase in staff (+15). Any Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority before commencement of the development and implemented within an agreed time frame.

REASON: In the interests of the amenities of the area and highway safety and to comply with Policies DMG1 of the Ribble Valley Core Strategy Adopted Version. As part of any car parking management this shall include the purchase of long stay parking permits for and consideration of a parking voucher system for clients.

7. Cycling facilities shall be provided in accordance with a scheme to be approved by the Local Planning Authority with the cycling facilities to be provided in accordance with the approved plan, before the use of the extension hereby permitted becomes operative.

REASON: To allow for the effective use of the parking areas and to comply with Policies DMG1 of the Ribble Valley Core Strategy Adopted Version.

BACKGROUND PAPERS

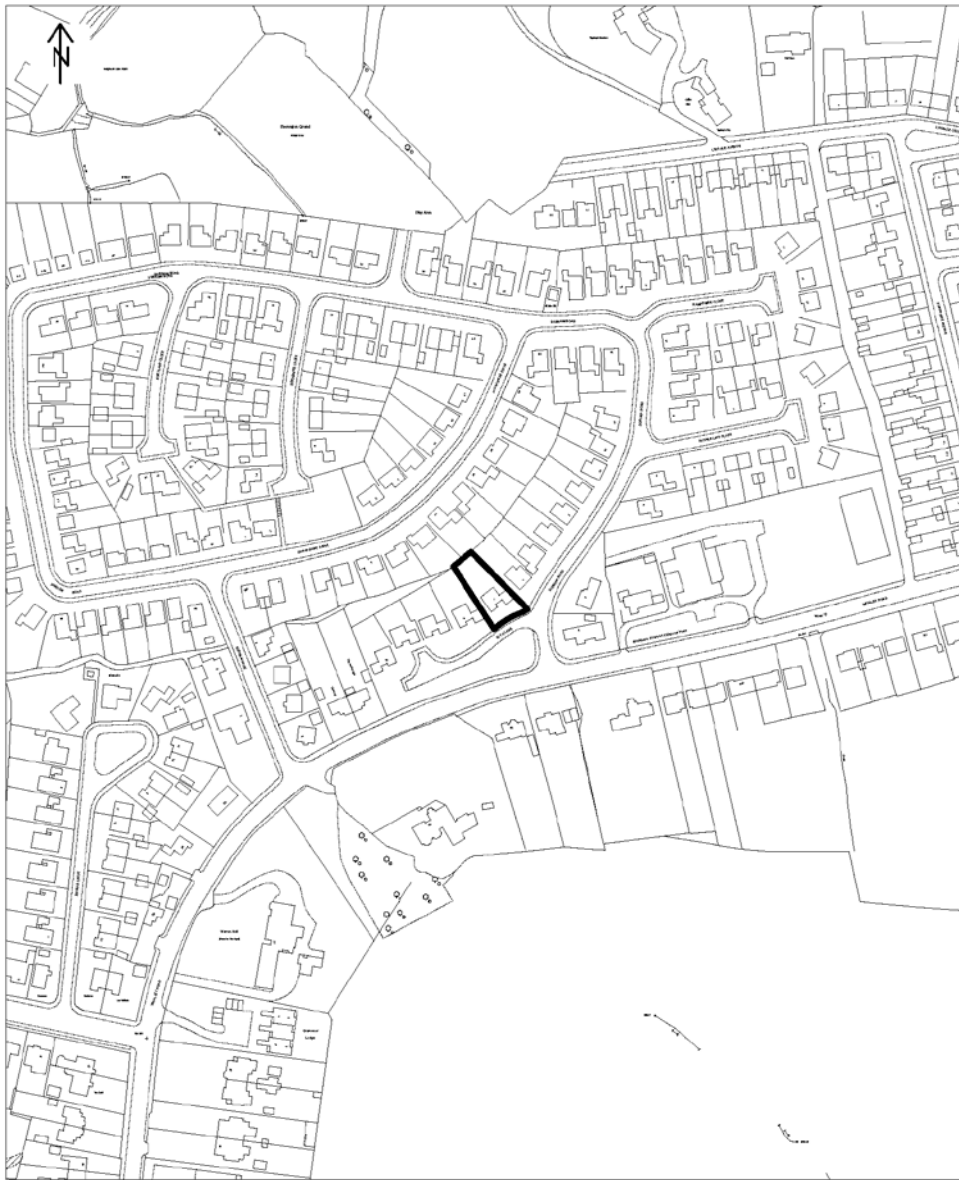
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2017%2F1227

APPLICATION REF: 3/2018/0075

GRID REF: SD 369004 432944

DEVELOPMENT DESCRIPTION:

TWO STOREY AND SINGLE STOREY REAR EXTENSION AT 2 ELY CLOSE WILPSHIRE BLACKBURN BB1 9LS



3/2018/0075 2 Ely Close Wilpshire Blackburn BB1 9LS

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Concerns have been raised due to the proposed balcony and a possible impact on residential amenity.

ENVIRONMENTAL DIRECTORATE (COUNTY SURVEYOR):

Initially objected on the basis of inadequate parking but based on additional information showing adequate parking there is no longer an objection.

ADDITIONAL REPRESENTATIONS:

A number of representations have been received in respect of this development;

- Loss of light
- Visually intrusive
- Overly Large/ excessive development
- Overshadowing
- Loss of privacy
- Misleading/ inaccurate plans
- Negative precedent in the area
- Damage to water table/ Garden Flooding
- Not in keeping with the neighbourhood
- Possible multiple occupancy/ distinct dwelling

1. Site Description and Surrounding Area

- 1.1 2 Ely Close is located in a residential area towards the north of the defined settlement of Wilpshire. The immediate area is predominantly residential in character, with Blackburn & District Children's home 90m to the west.
- 1.2 The property is a detached dwelling similar to its neighbours on Ely Close. Due to the topography of the land the application property consists of two storeys on the front elevation and three at the rear.

2. Proposed Development for which consent is sought

- 2.1 Consent is sought for the erection of a single storey extension to the rear, and a two storey extension also to the rear. The proposed two storey extension will project 4m from the rear elevation of the dwelling and would have a width of 4m. The two storey extension will have a pitched roof with a ridge height of 5m and an eaves height of 4m.
- 2.2 The single storey rear extension will project 4m from the rear elevation of the dwelling and have a width of 4m. The single storey extension will have a flat roof to accommodate a balcony with a maximum height of 2.5m.

3. Relevant Planning History

The application property has no planning history.

4. Relevant Policies

Ribble Valley Core Strategy

Policy DMG1 – General Considerations

Policy DMH5 – Residential and Curtilage Extensions

Other Material Considerations:

National Planning Policy Framework (NPPF)
Technical Guidance to the National Planning Policy Framework
Planning Practice Guidance (PPG)

5. **Assessment of Proposed Development**

5.1 **Principle of Development**

5.1.1 The issues that need to be considered are visual impact, residential amenity and highway safety.

5.2 **Impact upon Residential Amenity:**

5.2.1 It is important to consider the potential impact the proposed development would have on the residential amenity of the occupiers of nearby dwellings. The proposed extensions will both be located on the north (rear) elevation of the property.

5.2.2 There are no windows proposed on the side elevations of the single storey extension it is therefore considered that the single storey extension would not have an unacceptable impact on the neighbouring property 1 Durham Road to the east through loss of privacy. This is based on the revised plan which has deleted the balcony element from the scheme.

5.2.3 The two storey extension, which will be located on the west side of the rear elevation, will include a first floor window on the western elevation facing towards 4 Ely Close; this window will service a hall way leading to the stairs down into the ground level/basement of the dwelling. As such, it would not serve a habitable room and, the window will also be obscure glazed to limit any possible overlooking on the neighbouring property. Subject to the use of obscure glass in the aforementioned first floor window there would be not undue harm to the privacy of the occupants of 4 Ely Close. Furthermore, it is not considered that the additional built form proposed would result in a loss of light or outlook from the rear habitable room windows of 4 Ely Close.

5.3 **Visual Amenity/ External Appearance:**

5.3.1 Policies DMG1 and DMH5 of the Ribble Valley Core Strategy requires extensions to be in keeping with the existing house and the surrounding buildings in terms of scale, size, design and facing materials. Any extension should be well proportioned and sit comfortably with the original building. It should respect the scale and proportions of the original dwelling and should not overwhelm it. Furthermore, new development should make a positive contribution to the local character and distinctiveness of the existing building.

5.3.2 In terms of design, the proposed extensions would be commensurate to the scale of the main dwelling. The proposal will be set down from the ridge line of the existing dwelling by 4.5m, thereby remaining subservient.

5.3.3 It is considered that the proposed development would not adversely harm the character of the existing dwelling nor would it result in any harm to the host dwelling or the surrounding area, the materials proposed would maintain coherence between the main dwelling and the proposed development and would accord with the Ribble Valley Core Strategy Policies DMG1 and DMH5.

5.3.4 The proposed extensions are proposed to the rear of the property and will not be visible from the highway, and due to the property being 3 storey to the rear the roof element of the extensions will not be visible as they will be screened by the existing property.

5.4 Highways Safety

5.4.1 The county surveyor has confirmed that there is sufficient parking available for the dwelling post extension to meet the required parking standards and has removed their objections. It is therefore considered that the proposal would not have an impact on highway safety.

5.5 Other Matters

5.5.1 The parish council's objections have been noted, however due to successful negotiations the balcony, and subject of the objection, has been deleted from the scheme.

6. Conclusion

6.1 The proposed development would not result in any significant harm to the character and appearance of the existing dwelling or the surrounding area, according with Policies DMG1 and DMH5 of the Ribble Valley Core Strategy. The proposal will not cause any significant harm to the amenity of neighbouring residents nor would it have an unacceptable impact on highways safety. Accordingly, it is recommended that the application be approved.

RECOMMENDATION: That the application be APPROVED subject to the imposition of the following condition(s):

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 Purchasing Act 2004.

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

Location Plan HM/0075/01

Garage and Driveway HM/0075/02 (Amended plans received 14/02/2018)

Proposed Floor Plan HM/0075/03(Amended Plans Received 20/02/2018)

Side Elevation Proposed HM/0075/04(Amended Plans Received 20/02/2018)

Proposed 3D Elevation HM/0075/05(Amended Plans Received 20/02/2018)

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

3. All new external work and finishes shall match those of the existing dwellinghouse in respect of materials used, detailed execution and finished appearance except where indicated otherwise on the approved drawings.

REASON: To ensure that the materials to be used are appropriate to the locality in accordance with Policies DMG1 and DMH5 of the Ribble Valley Core Strategy.

4. Before the first occupation of the building/ extension hereby permitted the new window on the first floor west elevation of the two storey extension shall be fitted with obscure glazing and any part of the window that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The window shall be permanently retained in that condition thereafter.

REASON: To ensure the protection of privacy for neighbouring occupiers, and in the interests of residential amenity, in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

5. The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the prior written consent of the Local Planning Authority

REASON: To protect the amenities and privacy of the neighbouring properties and in accordance with policy DMG1 of the Ribble Valley Core Strategy.

BACKGROUND PAPERS

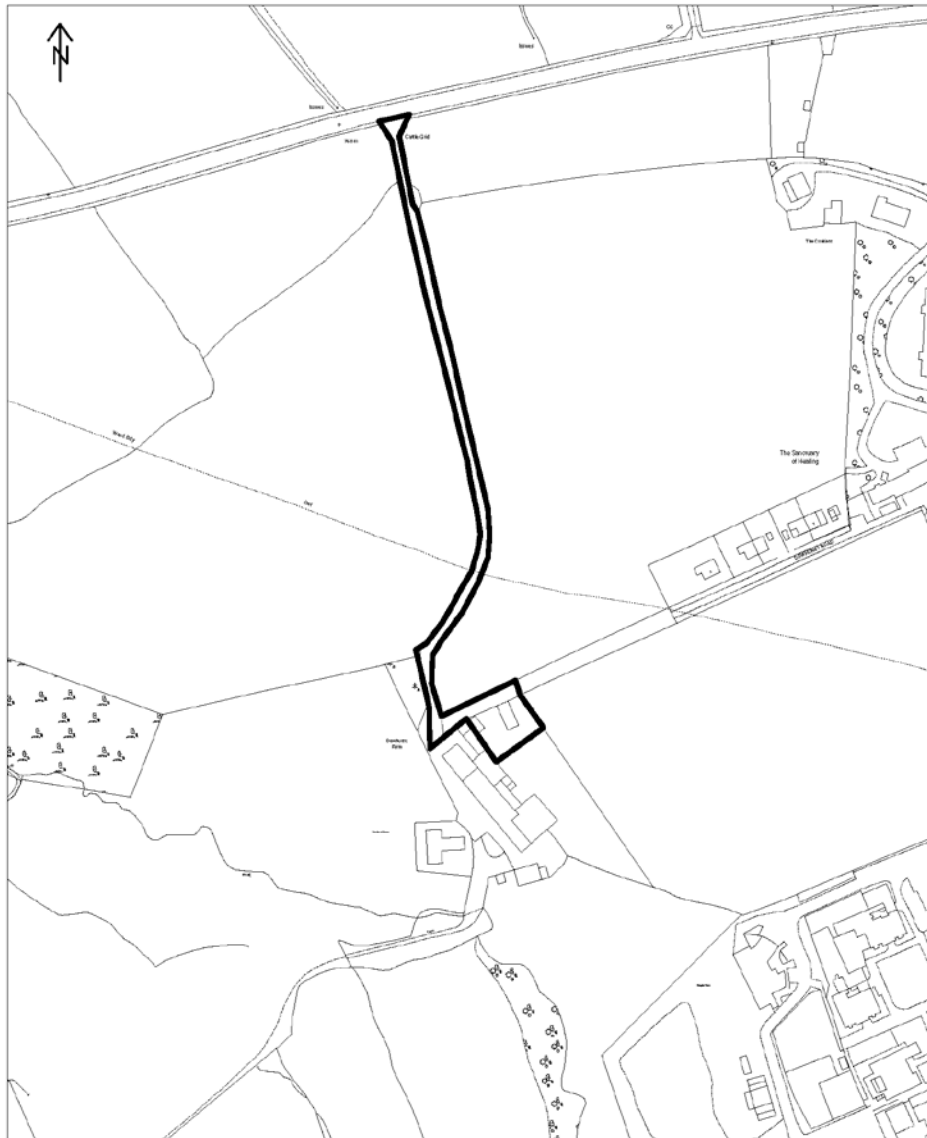
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0075

APPLICATION REF: 3/2018/0082

GRID REF: SD 368741 433953

DEVELOPMENT DESCRIPTION:

PROPOSED ERECTION OF A TWO STOREY HOLIDAY COTTAGE FOLLOWING DEMOLITION OF AN EXISTING DUTCH BARN (RESUBMISSION OF APPLICATION 3/2017/0644) AT DEWHURST FARM, LONGSIGHT ROAD, LANGHO BB6 8AD



3/2018/0082 Dewhurst Farm Longsight Road Langho BB6 8AD

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Wilpshire Parish Council: Do not believe that this development is directly comparable with the development at Mellor (quoted in accompanying supporting documentation).

Should planning permission be granted the parish council would like to see a condition attached that this cottage should be kept as a holiday let in perpetuity and would also request a register be kept in regards to short term bookings.

Langho and Billington Parish Council: None received at time of writing.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

No objection subject to appropriate conditions.

ADDITIONAL REPRESENTATIONS:

None received at the time of writing.

1. Site Description and Surrounding Area

- 1.1 This application is a re-submission of a previously refused application and seeks consent for the demolition of an existing dutch barn and the erection of a two storey holiday let unit with associated parking at Dewhurst Farm, Longsight Road, Langho. Dewhurst Farm is located at the end of an access track off the south side of the A59 within the Parish of Billington and Langho and outside any settlement boundary and is therefore designated as open countryside.
- 1.2 There is a history of planning applications relating to the complex of farm buildings at Dewhurst Farm. The group of buildings comprises a detached single storey farmhouse, a large stone built barn with planning consent for conversion into three market dwellings and a small agricultural building with approval for conversion to a single dwelling. The derelict dutch barn which is proposed to be demolished as part of this application has also been subject to two planning applications which sought conversion to a residential dwelling under Class Q permitted development rights.

2. Proposed Development for which consent is sought

- 2.1 Planning application 3/2017/0644 for the erection of a two storey holiday cottage at Dewhurst Farm was refused on the 8 August 2017 for the following reasons:
 1. The proposal, by virtue of its design, external appearance, scale and elevational language would result in a poorly designed and incongruous form of development that fails to respond positively to or enhance the immediate context, being of detriment to the visual amenity and character of the area contrary to Key Statement EN2 and policies DMG1, DMG2 and DMB3 of the Ribble Valley Core Strategy.
 2. The proposal, by virtue of its harmful effect from the likely impact of domestic paraphernalia such as parked vehicles, children's play equipment and garden furniture on this part of the open countryside would represent an urban encroachment to the significant detriment of the character and appearance of the

landscape, contrary to Key Statement EN2 and Policies DMG1, DMG2 and DMB3 of the Ribble Valley Core Strategy.

- 2.2 The agent in his covering letter dated 31 January 2018 compares the previously refused application at Dewhurst Farm (3/2017/0644) to the Committee's decision to approve a planning application for three holiday units at Cunliffe Moss Farm, **Saccary Lane, Mellor** (application 3/2017/0700) at the Committee meeting on 26 October 2017. In particular the agent notes that the same holiday unit design as proposed at Dewhurst Farm was approved as one of three holiday units at Cunliffe Moss Farm. The agent accuses the local planning authority of being "inconsistent in how they have determined these applications".
- 2.3 Members will be aware that each proposal needs to be considered on its own individual merits taking account of the particular circumstances. Whilst there may be some general similarities between the two cases referred to (i.e. they both propose new build holiday accommodation in the open countryside) the particular circumstances in each case are not sufficiently similar to result in a precedent effect. However, the decision at Cunliffe Moss Farm is a consideration to be weighed in the planning balance.
- 2.4 The proposed unit of holiday accommodation would be located on agricultural land to the north of the existing farm complex. The proposed building would have a 'T' shaped floor plan with front and rear two storey gables at its western end. Accommodation would comprise a dining room/kitchen, sitting room and bedroom at ground floor and at first floor would be a lounge, bathroom and three bedrooms, two with en-suite bathrooms. The building would measure 13m in length and around 12.5m in width at its widest part and would have a ridge height of 6.7m. The primary elevation would be north-facing towards Longsight Road and would have long distance views towards the Forest of Bowland AONB which would be facilitated by a first floor glazed balcony and patio doors. The application also includes the creation of associated parking and garden areas with parking for up to four vehicles.

3. **Relevant Planning History**

3/2017/0644 - Proposed erection of a two storey holiday cottage following demolition of an existing dutch barn. Refused.

3/2016/0023 - Prior approval of proposed change of use of agricultural building to a dwellinghouse (Class Q(b) only). Refused.

3/2015/0632 - Prior approval of proposed change of use of agricultural building to a dwellinghouse (Class Q(a) only). Approved.

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 – Landscape

Key Statement EC1 – Business and Employment 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 DME3 -- Site and Species Protection and Conservation
Policy DMB1 – Supporting Business Growth and the Local Economy
Policy DMB3 – Recreation and Tourism Development

Other Material Considerations:

National Planning Policy Framework (NPPF)
Technical Guidance to the National Planning Policy Framework
Planning Practice Guidance (PPG)

5. **Assessment of Proposed Development**

5.1 The matters to be considered in the determination of this application relate to the principle of the development, the impact of the proposed development upon the visual appearance and character of the surrounding area, its effect on residential amenity, ecology and highway safety.

5.2 **Principle of Development**

5.2.1 Core Strategy Key Statement EC3 relates specifically to the visitor economy stating that proposals that contribute to and strengthen the visitor economy of Ribble Valley will be encouraged. The proposed development would contribute to the tourism economy and accords with the general intentions of Key Statement EC3. Key Statement EC1 'Business and Employment Development states that *“Developments that contribute to farm diversification, strengthening of the wider rural and village economies or that promote town centre vitality and viability will be supported in principle”*.

5.2.2 The application site is located in the Open Countryside. Core Strategy Policy DMG2 requires development outside of defined settlement areas to meet at least one of six considerations one of which is the following:

4. The development is for small scale tourism or recreational developments appropriate to a rural area.

5.2.3 In my opinion the proposal is for a small scale tourism development of a type that is appropriate to a rural area. Policy DMB3 relates specifically to recreation and tourism development. Tourism and visitor attractions are generally supported subject to the following criteria being met:

1. *The proposal must not conflict with other policies of this plan;*
2. *The proposal must 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 and there are no suitable existing buildings or developed 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 proposals 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 proposals 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; and*

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

- 5.2.4 The proposed development is reasonably located in terms of access to services and facilities, being around 2.2km from Langho, although it is likely that visitors would be largely dependent on the private motor vehicle. It is considered that the proposed development complies with the general intentions of policies DMG2 and DMB3 and is acceptable in principle subject to meeting the detailed criteria of that policy and any other material considerations.
- 5.2.5 The LPA have requested that the agent provide an economic justification to accompany this application, however the agent has refused to provide such information, commenting that there is no policy requirement for them to do so. Whilst it is accepted that there is no specific policy requirement for the applicant to provide this information, such information is often submitted with this type of application and it is considered that the information requested is not unreasonable. In most cases one would expect that the applicant will have calculated the potential costs builds for the development and researched the demand for holiday lets in this area before progressing to the stage of submitting a formal planning application.
- 5.2.6 Considering the above, despite the request of the LPA the applicant has not provided a financial justification or business case, however this in itself if not considered to be a reason to refuse the application at this stage.

5.3 Effects Upon the Landscape/Visual Amenity

- 5.3.1 As required by Policy DMG2 of the Core Strategy, within the open countryside development will be required 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. Where possible new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build. Key Statement EN2 provides additional guidance on development in the open countryside stating that *“developers should adopt a non-standardised approach to design which recognises and enhances local distinctiveness”*. Policy DMB3 ‘Recreation and Tourism Development’ requires development of the sort proposed 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 and there are no suitable existing buildings or developed sites available”* and that development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design. It is therefore clear that whilst the development of a unit of holiday accommodation is acceptable in principle in rural areas, great care must be given to ensure that the building does not harm the character and visual appearance of the area.
- 5.3.2 In this case the proposed development is well-related to the existing group of buildings at Dewhurst Farm and the proposal would not introduce built development into an area largely devoid of structures. It is accepted that the existing dutch barn on site presents built form within the landscape, however this

is in the form of a building that is typically found within this rural location. I do not consider its removal as part of the proposed development to result in any material weight in favour of the application. It is acknowledged however that the existing barn is not capable of conversion.

- 5.3.3 The proposed holiday home has been designed to a height that is reflective of the existing buildings at Dewhurst Farm. The proposed building would be visible from Longsight Road (A59) around 300m north of the application site. Unrestricted and close-up views of the building would be gained from the public right of way (footpath no.6) that is routed through the farm yard at Dewhurst Farm.
- 5.3.4 It is noted that there are range of building styles in the surrounding area with modern residential development at The Rydings around 125 metres east of the application site in the form of two storey semi-detached and detached properties and a collection of modern hospital buildings are also located to the south-east of the site.
- 5.3.5 Generally there is a requirement for new development in a farmstead setting to be sympathetic to the size, scale, design and character of the existing farm buildings. In this case however the farm complex at Dewhurst Farm is located in close proximity to the A59 corridor and is viewed alongside modern development. Whilst the proposed building's design and elevational language fails to reflect the style of the adjacent farmstead buildings it is considered that, taking into account the adjacent residential and hospital development, the proposals would not result in such undue visual harm to warrant refusal of the application.
- 5.3.6 It is to be noted that the design and elevational language of the building in this case is considered adequate only by virtue of the site's location adjacent to modern development. There has been unwillingness by the planning agent to negotiate with officers on the design of the proposal which it is considered could have been significantly improved.
- 5.3.7 The proposed site layout plan denotes the introduction of formal parking areas and landscaped garden, with the introduction of further domestic paraphernalia associated with such a use a formality. The existing dutch barn is surrounded by agricultural land and the proposed development would result in the loss of some grazing land which would be incorporated into the curtilage of the holiday unit. It is considered in such an instance that landscaped garden areas be kept to a minimum, with the associated curtilage drawn tight to the footprint of the building. Given there are no existing boundaries or landscape features that could be used to define the plot in this case, the area of land within which the proposed holiday unit would be sited measures 25m x 25m. This is not dissimilar to other holiday units recently approved by the Council. There would be a requirement to ensure that site boundaries are suitably defined taking into account the countryside location. The boundaries of the adjacent barn conversions will, as required by planning condition, be defined by 1.2m high random stone walls and it is considered appropriate to continue this boundary treatment.

5.4 Observations/Consideration of Matters Raised/Conclusion

- 5.4.1 In terms of its impact on the residential amenity of nearby residents, the application site bounds the approved curtilage of The Shippon, a former

agricultural building with consent for conversion to a dwellinghouse that is currently under construction. The proposed building would be located around 22m from the rear elevation of The Shippon and would not result in any loss of light or outlook from this property. It is considered that planning conditions could be imposed that would ensure that no overlooking would occur from the windows on the westerly facing elevation of the proposed holiday unit towards the private amenity space of The Shippon. The first floor windows on the west side of the southerly (rear) elevation would be located around 10m from the shared boundary with The Shippon. Due to the intervening distance and layout of the plots it is not considered that there would be an unacceptable overlooking of the rear garden area of The Shippon to warrant a reason for refusal.

5.4.2 Policy DMB3 requires recreation and leisure developments to be well related to the existing highway network. The application site is accessed off the A59, the main strategic route in the borough. The scale and type of development would not result in a significant increase in traffic movement to produce any undue problems or disturbance. The County Highways Surveyor is satisfied with improvements proposed to be made to the access road that serves the complex of buildings at Dewhurst Farm including a passing place, widening of the site access and improved sightlines. It is recommended that the application be subject to highways related conditions.

5.4.3 In terms of its impact on local wildlife and ecology, the application is not supported by a bat, barn owl and nesting bird survey. However, it is considered that the existing building would be unlikely to support roosting bats due to its open sides and roof construction and demolition of the building could be conditioned to take place outside of the nesting bird season. In accordance with Core Strategy Policy DME3 there would be a requirement to provide appropriate enhancement measures to improve biodiversity in the surrounding area in the form of artificial nesting/roosting features.

5.5 Conclusion

5.5.1 Having regard to the above, it is considered that the proposed holiday let would not result in an unacceptable impact on the visual appearance and character of the immediate area. Accordingly it is recommended that the application be approved.

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

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

REASON: Required to be imposed pursuant to Section 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 drawings:

Tur/155/2449/01

Tur/155/2449/02

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

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

REASON: To ensure that the materials to be used are appropriate to the locality in accordance with Key Statement EN2 and Policy DMG1 of the Ribble Valley Core Strategy.

4. Notwithstanding the provisions of The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the holiday cottage hereby approved shall only be used as holiday accommodation and for no other purpose, including any other purpose within Use Class C3.

REASON: For the avoidance of doubt, and to avoid an over-intensive use and to ensure that the development remains compatible with the character of the area and the intensity and frequency of usage remains proportionate to the use hereby approved in accordance with Policies DMG1, DME2, DMB1 and DMB3 of the Ribble Valley Core Strategy.

5. The holiday unit hereby approved shall not be let to or occupied by any one person or group of persons for a combined total period exceeding 90 days in any one calendar year and in any event shall not be used as a unit of permanent accommodation or any individual(s) sole place of residence. A register of all occupants of the accommodation hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. For the avoidance of doubt the register shall contain the name and address of the principal occupier together with dates of occupation.

REASON: For the avoidance of doubt and ensure that the use remains compatible with the character of the area and the intensity, frequency and nature of the usage remains commensurate and relevant to the nature of the consent sought in accordance with Policies DMG1, DMG2, DMB3 and Key Statements EC1 of the Ribble Valley Core Strategy.

6. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, the holiday cottage hereby permitted shall not be altered or extended, no new windows shall be inserted (including rooflights) and no additional buildings or structures shall be erected within its external area unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the amenities of nearby residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

7. The proposed access to the site from Longsight Road, Langho shall be constructed to a minimum width of 6m and this width shall be maintained for a minimum distance of 10m measured back from the nearside edge of the carriageway. Such construction should be completed prior to any other works commencing on site.

REASON: To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users in accordance with Ribble Valley Core Strategy Policies DMG1 and DMG3.

8. Notwithstanding the submitted details, no part of the development hereby approved shall commence until a detailed design indicating that the required sight lines of 200m in both directions can be attained and maintained from a point 2.4m south of the edge of the carriageway of A59 Longsight Road has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The scheme shall be implemented, constructed and completed in full in accordance with the approved details prior to the development being first brought into use.

The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

REASON: To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users in accordance with Ribble Valley Core Strategy Policies DMG1 and DMG3.

9. The access road improvements shown on submitted Drawing Number Tur/155/2449/02 shall have been fully completed prior to the first occupation of the holiday cottage hereby permitted.

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

10. No external lighting shall be installed on any structure hereby approved, or elsewhere within the site, without the prior written approval of the Local Planning Authority. Details of any such lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Only the duly approved lighting shall be installed on the buildings hereby approved.

REASON: In order to ensure a satisfactory appearance in the interests of visual amenity and to prevent nuisance arising in accordance with Key Statement EN2 and Policy DMG1 of the Ribble Valley Core Strategy.

11. Notwithstanding the submitted details, prior to the commencement of the development, section details at a scale of not less than 1:20 of the proposed boundary treatments/fencing, walling including any coping details 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 Policy DMG1 of the Ribble Valley Core Strategy.

12. Before the first occupation of the building hereby permitted the first floor bathroom window in the west facing elevation shall be fitted with obscured glazing and any part of the window that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The window shall be permanently retained in that condition thereafter.

REASON: To ensure the protection of privacy for neighbouring occupiers, and in the interests of residential amenity, in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

13. Within three months of the commencement of development, the siting, details of the construction and design of external refuse recycling/bin stores shall be submitted to and approved in writing by the Local Planning Authority. The duly approved facilities shall be made available for use before the development hereby approved is first occupied and retained thereafter.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and in the interest of visual amenity in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

14. The car parking and manoeuvring areas shall be laid out in accordance with the approved plan before the holiday cottage hereby approved is first brought into use and shall be permanently maintained as such thereafter.

REASON: To allow for the effective use of the parking areas in accordance with Ribble Valley Core Strategy Policies DMG1 and DMG3.

15. No development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes / artificial bat roosting sites have been submitted to, and approved in writing by the Local Planning Authority.

For the avoidance of doubt the details shall identify the nature and type of the nesting boxes/artificial roosting sites and the locations(s) or wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be made available for use before the holiday cottage hereby approved is first brought into use and thereafter retained. The development shall be carried out in strict accordance with the approved details.

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.

16. Demolition of the Dutch barn shall be undertaken outside the nesting bird season [March - August inclusive].

REASON: To protect nesting birds in accordance with DMG1, DME3 and Key Statement EN4 of the Ribble Valley Core Strategy.

17. Unless otherwise agreed in writing by the Local Planning Authority, no building or engineering operations within the site or deliveries to and from the site shall take place other than between 07:30 hours and 18:00 hours Monday to Friday and between 08:30 hours and 14:00 hours on Saturdays, and not at all on Sundays or Bank Holidays.

REASON: In order to protect the amenities of existing residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

18. Foul and surface water shall be drained on separate systems. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

REASON: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy DME6 of the Ribble Valley Core Strategy and the National Planning Policy Framework.

BACKGROUND PAPERS

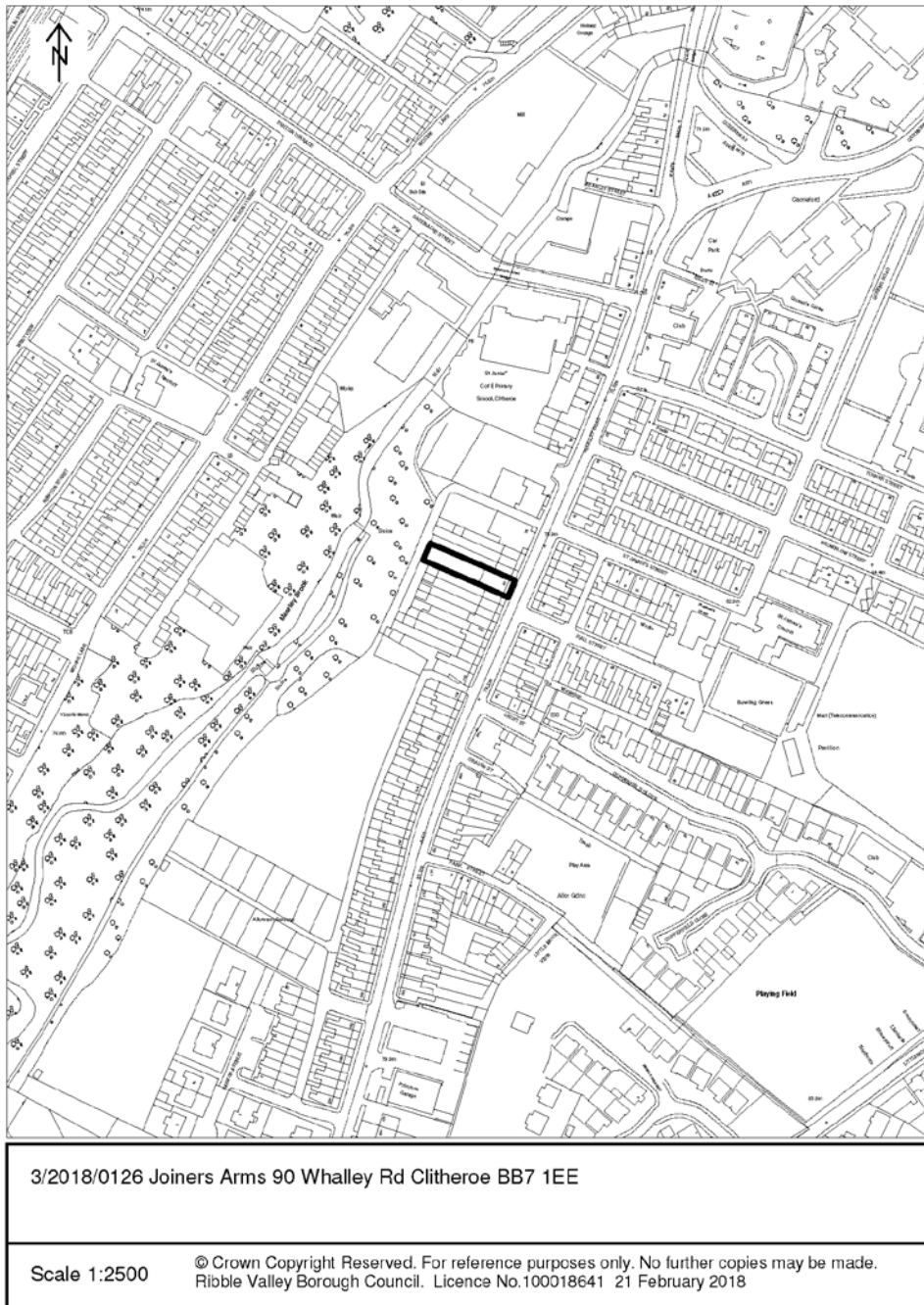
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0082

APPLICATION REF: 3/2018/0126P (LBC)

GRID REF: SD 374156441161

DEVELOPMENT DESCRIPTION:

LISTED BUILDING CONSENT FOR REROOFING AND MINOR ALTERATIONS INCLUDING NEW VENTILATION GRILLS AND FLU AT THE JOINERS ARMS, WHALLEY ROAD, CLITHEROE



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No observations received at the time of preparing this report.

HISTORIC AMENITY GROUPS:

No observations received at the time of preparing this report

ADDITIONAL REPRESENTATIONS:

No representation received at time of preparing this report.

1. Site Description and Surrounding Area

- 1.1 The Joiners Arms is a Grade 2 Listed Building with a road frontage on to Whalley Road Clitheroe. The property is located in a predominantly residential area.

2. Proposed Development for which consent is sought

- 2.1 The proposal is for reroofing of the existing concrete tile roof with blue slate, replace the bitumen rear flat roof with fibre glass material and minor alterations to include new ventilation grills external flu ducting on the roof.

3. Relevant History

None

4. Relevant Policies

Ribble Valley Core Strategy (Adopted Version)

Policy DMG1 – General Considerations

Policy DME4 – Protecting Heritage Assets

Historic Environment Planning Practice Guidance (HEPPG)

National Planning Policy Framework

Technical Guidance to National Planning Policy Framework

National Planning Practice Guide

5. Environmental, AONB, Human Rights and Other Issues

5.1 Historic Building issues

- 5.1.1 The main issues to consider relate to whether the reroofing and minor alterations have a detrimental impact on the heritage value of the building and the wider setting. It is also relevant to have regard to the public benefit associated with the works.

- 5.1.2 In relation to the roof I consider that the replacement with blue slate would be an enhancement and more in keeping than the existing concrete tiles. The other proposed work involves alterations to the front and rear with the insertion of grills similar to ones already in situ as well as one addition extraction flue on the roof.

The materials used reflect existing grills and flues and I do not consider that the alterations adversely affect the character of the building.

5.1.3 The NPPG states “In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest”. In my opinion the proposals are of ‘less than substantial harm’ in respect to the building.

5.2 Residential Amenity/ Noise

5.2.1 I do not consider the proposal would have any impact on residential amenity.

RECOMMENDATION: That the application be minded to approve and defer and delegate to Head of Planning subject to expiration of consultation deadlines and the following conditions

Time Limit

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

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

Plans and Further Details

2. The approval relates to drawing numbers:-
Proposed elevations 001Rev A

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

Detailed Design

3. Precise specifications or samples of all external surfaces including any replacement materials of the development hereby approved shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development. The approved details shall be implemented as part of the 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 Policies DMG1 and DME4 of the Core Strategy Adopted Version.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0126

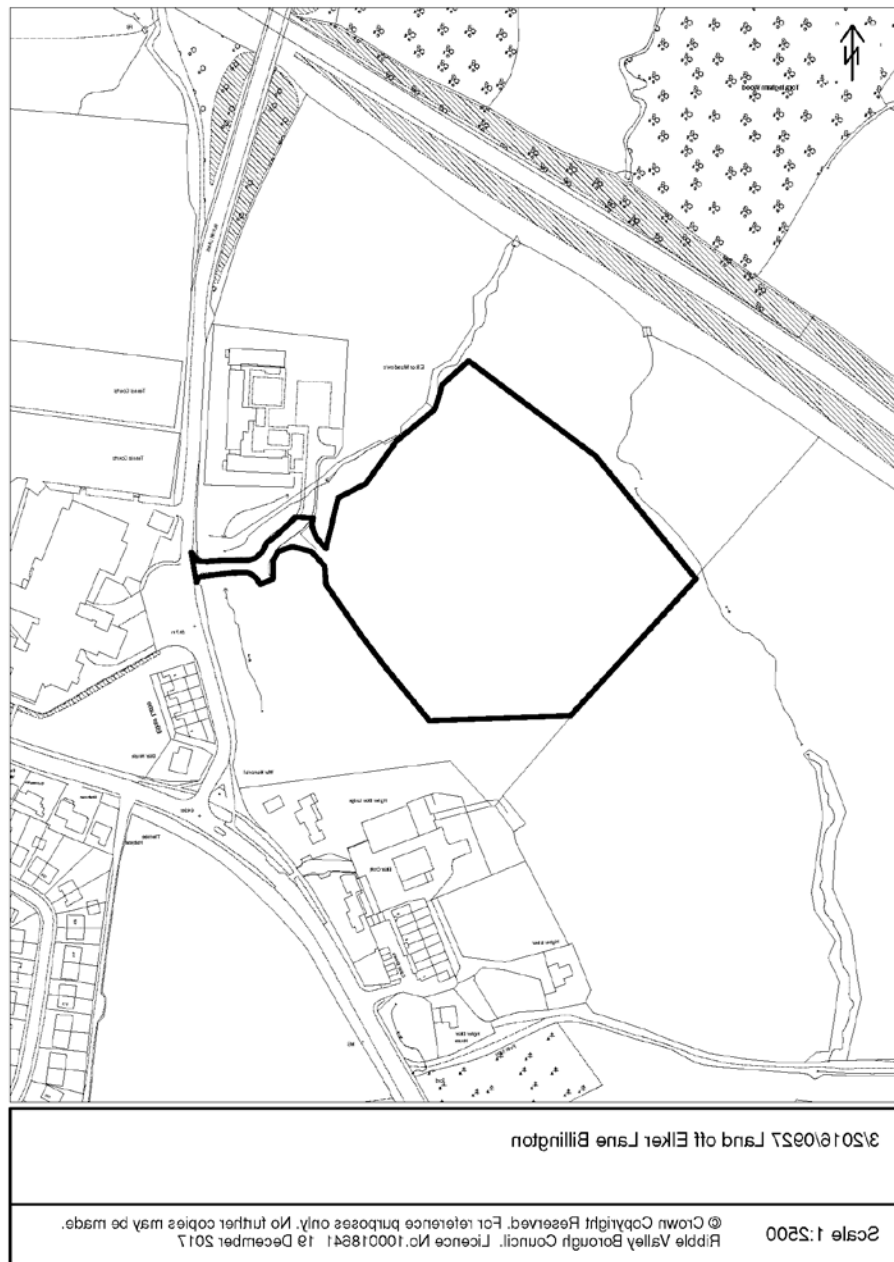
C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL

APPLICATION REF: 3/2016/0927

GRID REF: SD 371930 435481

DEVELOPMENT DESCRIPTION:

OUTLINE APPLICATION FOR THE DEVELOPMENT OF A CLASS C2 CONTINUING CARE RETIREMENT COMMUNITY. LAND OFF ELKER LANE BILLINGTON.



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

The Parish Council wish to object to application on the following grounds:

The Parish Council objects as they are worried about the additional volume of traffic that would be using Elker Lane. This road is already heavily congested during school hours and the number of vehicles that park on the road result in the road becoming single track. This development would result in a much higher volume of traffic which would only add to the problems already being caused for local residents. In addition the development would lead to a loss of green field sites.

The application is a much bigger development than the Parish Council were lead to believe would be developed at a meeting between the Parish Council and Avalon Town Planning Limited The Parish Council feels there should be provision within the plan for the development of infrastructure such as a bus turning area, and the provision on a bus route through the site.

LOCAL LEAD FLOOD AUTHORITY (LLFA)

Following the receipt of revised information the LLFA wish to withdraw their objection to the proposal subject to the imposition of conditions relating to surface water drainage.

UNITED UTILITIES:

United Utilities have no objection to the proposal subject to the imposition of conditions relating to foul and surface water drainage.

LCC HIGHWAYS:

The proposal is for a continuing care facility and since the initial submission I have had a meeting with the applicant to discuss the site in detail and the revised plan (EL-04 dwg3 rev B) encompasses and deals with all the issues raised at the meeting. Bearing this in mind I would raise no objection to the proposal on highway grounds.

Also, since this type of development and the services that it offers is relatively rare in the County, the meeting also provided details on how the residents would achieve eligibility to be part of the scheme and I am satisfied that the business model that will be employed will ensure that the prerequisite for residents will be that they will be receiving some form of care delivered by staff and that any sales or lettings will not be without this prerequisite or placed on the open market.

This will ensure that the development will exhibit a care home travel pattern and will not lead to an excess of additional traffic entering the road network at peak travel periods. I would however suggest that during the course of construction the developer should take account of the nature of Elker Lane and the proximity of the school and where possible avoid scheduling site deliveries at the start and finish of the school day

ADDITIONAL REPRESENTATIONS:

No letters of representation were received in respect of the application at the time of originally being taken forward to the 11th of January Committee. Members will note that following Committees resolution to grant consent 12 letters of objection have been received in respect of

the application. A summary of the nature of these objections is provided within the update at the end of this report.

1. **Site Description and Surrounding Area**

- 1.1 The application relates to a greenfield area of land 2.54 Hectares in size that is currently used for agricultural purposes. The site is located to the west of and outwith the defined settlement boundary of Billington, being located in the designated open countryside.
- 1.2 The southern extents of the application site is approximately 165m outside and to the northwest of the settlement boundary for Billington when measured at its closest point.
- 1.3 The site is bounded to the north by an area of open land which directly bounds the A59, with the site being bounded to the east by St. Vincent over 55's accommodation, with the adjacent site to the south east being greenfield in nature but benefitting from an extant consent for the erection of a 120 place children's day nursery with associated car-parking and landscaping.
- 1.4 To the south of the site is Higher Elker Lodge with the land to the east of the site being agricultural greenfield land of a typically open character.

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

- 2.1 Outline consent (Matters of access only) is sought for the construction of a Continuing Care Retirement Community. Whilst the application is made in outline only, the supporting information provides an insight into the quantum of development proposed as follows:
- 2.2 A core building (Village Centre) containing 50 care bedrooms and communal facilities comprising of:
 - foyer
 - meeting rooms
 - café
 - social gathering areas including library
 - fitness suite
 - pool/sauna area
 - small shop and hairdresser
 - associated administrative and service areas

The core building will be two-storey in height and be approximately 4000 Sqm in floor area and adopt an 'H' shaped footprint. The building will be complimented by an associated dementia garden, garden court, croquet lawn and rooftop garden. It is further proposed that the building will benefit from dedicated parking provision (approximately 38 spaces) and be located towards the northern extents of the site.

- 2.3 The proposal also seeks consent for the erection of 60 assisted living 2 bedroom apartment units. These will be of generally 2 storeys in height, with each of the apartments/units being approximately 74-90 Sqm in floor area. The submitted indicative masterplan proposes that the assisted living units will be located to the south and west of the 'Village Centre' and will consist of the following:

- 5 x two storey 6 unit blocks
 - 5 x two storey 4 unit blocks
 - 5 x two storey 2 unit blocks
- 2.4 The submitted masterplan proposes that the blocks will benefit from dedicated car parking courts and be complimented by communal garden areas and amenity landscaping.
- 2.5 The primary vehicular and pedestrian access to the site will be formed through a direct interface with the existing access road serving the adjacent St. Vincent's housing development and consented day nursery (not yet constructed).
- 2.6 The applicant has submitted supporting information within which they consider that the accommodation on site will be of C2 (Residential Institutions) use and should not be considered as C3 (Dwellings). Members will note that this matter is discussed in detail later within this report.
- 2.7 The application has been accompanied by a privately commissioned Care Needs assessment which seeks to assess the current and future demand for care services for the elderly, both within the specified catchment area and the wider administrative area. The report takes account of the existing provision of both residential-care establishments and extra-care housing, and then goes on to further estimate the mix of accommodation which will be required to meet the future care needs of residents within the Borough.
- 2.8 The report concludes that by applying national estimates of care need the estimated number of older people likely to require some form of residential or extra-care facility will total 147 by 2026 and 174 by 2036. Within the catchment area of the report, there is currently residential/nursing home capacity for 26 residents. Based on this provision, there would appear to be a current shortfall in provision of 176 units of accommodation. If the care home capacity is viewed in terms of en-suite bedrooms for single occupancy, the capacity is reduced by 20 spaces, thereby increasing this shortfall to 196. On this same basis, the shortfall in total provision will rise to 233 places by 2026 and 278 by 2036.

3. **Relevant Planning History**

The site to which the application relates has no notable planning history that is relevant to the determination of the application.

However the adjacent land to the east and north east benefits from a number of planning consents as follows:

3/2016/0106:

Discharge of Condition(s) 10 (car parking layout), condition 11 (cycling facilities for over 55's), condition 12 (motorbike facilities), 13 (travel plan), and 14 (acoustic barriers) of planning permission 3/2014/0801. (Approved)

3/2015/0429:

Non material amendment to planning permission 3/2014/0801: Alteration to communal walkway facing courtyard. (Approved)

3/2015/0374:

Discharge of condition 20 (materials) on planning permission 3/2014/0801. (Approved)

3/2015/0286:

Discharge of condition 6 (tree protection) of planning permission 3/2014/0801. (Approved)

3/2014/0801:

Construction of 19 2-bed apartments for the over 55s and a 120 place childrens day nursery, associated car parking and landscaping. (Approved)

3/2014/0541:

Construction of 19 2-bed apartments for the over 55s and a 104 place childrens day nursery, associated car parking and landscaping. (Withdrawn)

4. **Relevant Policies**

Ribble Valley Core Strategy

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 DMI2 – Transport Considerations

Policy DMB4 – Open Space Provision

Policy DME1 – Protecting Trees and Woodland

Policy DME2 – landscape and Townscape Protection

Policy DME3 – Site and Species Protection and Conservation

Policy DME6 – Water Management

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Technical Guidance to National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 **Use Class Definition:**

5.1.1 The proposal seeks consent for the creation of a Continuing Care Retirement Community consisting of a mixed form of accommodation with varying levels or degrees of 'care'. It is also proposed that qualifying persons who will be eligible to reside within the 'community' will be required to be aged either 65 years or more.

5.1.2 In this respect it is clear that the Care Home or 'Village Centre' provides accommodation that would fall under a C2 use class which is defined as *'Hospitals, nursing homes, residential education and training centres. Use for the provision of residential accommodation and care to people in need of care.'*

5.1.3 However the remainder of the proposal (assisted living units) will be brought forward in a form of self-contained accommodation which would afford residents/occupiers a high level or degree of independent living, in a form that is akin to that of a normal dwelling (use Class C3). The applicant has provided supporting information in which they consider that the aforementioned units still fall within use class C2 by virtue of residents having to purchase a 'minimum care package'. This supporting information is supplemented with a Unilateral Undertaking which defines the minimum standard of care to be provided to the qualifying persons which shall include:

- The availability of a 24 hour response;
- Security;
- Initial assessment and periodic review of the occupiers need for personal care;
- The provision of at least 4 hours personal care per week.

5.1.4 The Unilateral Undertaking goes on to further define 'Personal Care' as the four main types of personal care which are stated in the Department of Health publication 'Supporting Housing and Care Homes Guidance on Regulation' which are :-

- assistance with bodily functions such as feeding, bathing, and toileting;
- care which falls just short of assistance with bodily functions, but still involving physical and intimate touching, including activities such as helping a person get out of a bath and helping them to get dressed;
- non-physical care, such as advice, encouragement and supervision relating to the foregoing, such as prompting a person to take a bath and supervising them during this;
- emotional and psychological support, including the promotion of social functioning, behaviour management, and assistance with cognitive functions

5.1.5 The undertaking also states that the personal care will be delivered through a comprehensive and flexible network of services that responds to the need of the individual encompassing a flexible network of services that responds to the needs of individuals encompassing:

- domiciliary care;
- reception and administration;
- village transport services;
- laundry services;
- social activities and programmes.

5.1.6 In relation to the assisted living units (ALU) it is imperative to consider whether such units would truly fall under use Class C2 or be classed as those which would fall under class C3(b) to which there are most certainly direct parallels. The Use Classes Order 1987 (as amended) defines Class C3(b) as follows:

C3(b)-Up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.

- 5.1.7 The definition clearly therefore allows for accommodation whose residents are 'receiving care' and living 'as a single household' to be classed as C3(b). Members will note that should it be considered that the ALU element of the proposal does indeed fall under class C3(b) then there would be a requirement for the proposal to meet the requirements of Key Statement H3 (Affordable Housing) by providing 30% affordable housing provision on site. In such circumstances a number of other development plan policies related to residential development may also become engaged.
- 5.1.8 Furthermore, should it be considered that the ALU be C3(b) Policy DMH3 would be invoked which precludes the creation of open market housing within the defined open countryside unless it can be demonstrated such housing is solely for that which meets an Identified Local Need, given no such provision is proposed this would result in further conflict with the requirements of the adopted development plan.
- 5.1.9 Case Law and precedent varies in respect of the above matter with a number of Inspector's decisions and High Court rulings finding that ALU accommodation can, in some cases fall within use class C2. Similarly there are appeal decisions which have found that due to the extent of independent living afforded to the residents whilst taking account of the presence of a required 'care package' (receiving care), that such accommodation would fall within the definition of C3(b). As such it is clear that extra care housing or the assisted living model is not a singular simple concept with a clear statutory definition, with each case largely being defined by its own unique characteristics including care package requirements, the nature and form of accommodation provided and proposed occupancy restrictions.
- 5.1.10 In respect of this matter the Local Planning Authority is currently seeking Counsels opinion as to whether the 'assisted living' element of the proposal would fall within use class C2 or C3(b). The outcome of such advice shall be reported to members who are therefore respectfully requested to note that should the advice find that the Assisted Living Units are indeed classed as C3(b), there may be the need to add to or revise the refusal reasons provided by officers within this report.
- 5.1.11 Notwithstanding the classification of the Assisted Living Units, should it be considered that the 'retirement care community' as a whole falls under use class C2, there would still remain direct and fundamental conflicts with the Development Plan for the Borough in respect of the locational aspects and likely visual impact of the development.

5.2 Principle of Development:

- 5.2.1 The application site benefits from a significant degree of separation from the defined Settlement Boundary for Billington. A fundamental component of Key Statement DS1 is to guide the majority of new development towards the principal settlements within the Borough and in addition to these locations development will be focused towards the Tier 1 settlements, one of which being Billington.
- 5.2.2 In respect of these locational matters the Local Authorities Strategic Planning Team have offered observations in relation to the principle of the development when considered against the overarching Development Strategy for the Borough.

Key Statement DMG2 states that “development should be in accordance with the Core Strategy Development Strategy and should support the spatial vision”. It goes on to state that outside the defined settlement areas, development must meet at least one of the specified criteria, one of which is:

“development is for local needs housing which meets an identified need and is secured as such”.

A scheme for C2 use would not meet this criterion or the provisions of DMH3 which refers to “dwellings in the open countryside” i.e. C3 uses.

- 5.2.3 The Core Strategy defines local needs housing as: “.... the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment.” Members will note that there is no specific reference in the Core Strategy to extra care housing or nursing home care provision. However the provision of accommodation for the elderly is a priority for the council. Thus a fundamental consideration is whether there is an identified need for the type of accommodation proposed in the parish or surrounding parishes.
- 5.2.4 In respect of local need, the views of the Strategic Housing Team have been sought. The Strategic Housing Officer has advised that In terms of addressing housing needs of the Parish and surrounding Parish of Billington, the scheme currently already constructed on Elker Lane (St. Vincent’s) will deliver 19 assisted living units built to higher than Lifetime Homes standards, the HAPPI standards (Housing our Ageing Population Panel for Innovation). The Housing Officer has further added that the development will accommodate levels of affordability as the scheme offers both affordable rent and affordable home ownership on site with an additional service charge. This scheme will meet any need for older persons assisted type living accommodation in the Parish and surrounding Parishes.
- 5.2.5 The Strategic Housing Officer concludes that that even if there was a demonstrated exceptional need for this type of accommodation, it cannot be considered in isolation from the development strategy which does not identify this as a suitable location. Such provision/need would be more appropriately located in close proximity to a range of services and public transport options i.e. within/adjacent to a principle settlement.
- 5.2.6 In addition to the above observations the Head of Regeneration and Housing has offered additional observations stating that that there is, and will continue to be a need for extra care provision in the borough and by definition some of that need will be generated from differing parts of the borough. However In terms of meeting local housing needs as described by the Core Strategy, the Head of regeneration and Housing is of the view that the recently completed Happi. homes scheme at Elker Lane has addressed the local affordable needs in that context and that there would be no further immediate affordable need to be addressed. However, the proposal does not seek to deliver any affordable units and therefore any local exception in relation to local needs housing does not exist.

- 5.2.7 The Head of Regeneration and Housing concludes that the scheme does offer a market based scheme. It is of a scale to justify the investment in the care package provision and it will address the growing need for extra care, and provide employment. However, it is not considered that this in itself is sufficient to enable a scheme of this scale and tenure to be treated as an exception at this location when measured against the Council's Development Plan policies read as a whole, and which represents the Council's statement of what constitutes sustainable development. There is a need for extra care provision in the borough. However, such a scale of provision, as proposed with this development, would be best met in other locations that more closely reflect the Council's development framework.
- 5.2.8 In taking account of the above matters and all material considerations it is accepted and identified that there is a need for such care provision within the Borough, however it is clear that the locational aspects of the proposal are in direct conflict with the spatial vision for the Borough as reflected within the adopted Development Strategy. It is also considered that the provision to be brought forward would not meet the definition of or be considered as an exception to the strategy in terms of 'local needs housing'.
- 5.2.9 Furthermore, by virtue of its location it is unlikely that residents of the 'community', in particular the residents of the assisted living units, who will be afforded a high level of independence, would benefit from a full and wide range of services within a walkable distances, likely resulting in further reliance upon the private motor-vehicle. This reliance upon private transport is clearly contrary to the presumption in favour of sustainable development. Such reliance would also be in direct conflict with Policy DMG3 which seeks to encourage development in areas which maintain and improve choice for people to walk, cycle or utilise public transport rather than utilise the private motor-vehicle for trips between their homes/residences and frequently visited facilities.
- 5.2.10 It is therefore considered, in principle, that the proposal is contrary to Key Statements DS1, DS2 and Policy DMG2 of the Ribble Valley Core Strategy in that it would lead to a pattern of development in a location which is found to be in direct conflict with the Development Strategy for the Borough which seeks to critically establish the pattern, location and intended scale of development within the Borough to ensure appropriate and sustainable patterns of development and growth.

5.3 Impact upon Visual Amenity:

- 5.3.1 The proposal is sited approximately 165m to the northwest and outside of the settlement boundary for Billington, being located within the defined open countryside. As such it will be significantly visually and physically unrelated to the main body of the settlement. The proposal is located to the west of the St. Vincent's over 55's housing provision however the illustrative site-plan indicates that the proposed 'village centre' will be located approximately 75m to the west of the main built form associated with the aforementioned existing housing giving it a further sense of visual separation or disconnect with adjacent built form.
- 5.3.2 The proposal would represent a significant north-westerly encroachment of built form into the open countryside that would be largely discordant when taking into account the existing fabric and pattern of development, not only adjacent the site,

but also in relation to the pattern of development associated with the main body and periphery of the settlement to which it relates.

- 5.3.3 The proposal would result in the introduction of 15 two-storey blocks accommodating 60 assisted living units and a large scale complex-style building accommodating 50 care bedrooms with associated parking and ancillary communal areas.
- 5.3.4 Whilst it is accepted that a number of areas of the site will be dedicated to green infrastructure, it is undeniable that the quantum of development proposed is significant, particularly when taking account of the patterns and densities of adjacent development and the semi-rural characteristics of the site. Whilst areas of open communal and usable space will afford a degree of separation between the proposed built-form it is unlikely to afford significant visual mitigation.
- 5.4.5 Furthermore, the usable open areas are likely to accommodate domestic paraphernalia, which when read in concert with large areas accommodating the parked motor-vehicle, is likely to result in a significant suburbanising effect upon the landscape.
- 5.3.6 Taking into account the above matters, it is considered that the proposal would represent a significant encroachment into the defined open countryside that by virtue of its location, density, scale and quantum, is likely to be read as an incongruous and discordant incursion into the landscape that fails to respond positively to the pattern and density of nearby development or positively reflect the semi-rural character of the area, being of significant detriment to the character and visual amenities of the defined open countryside contrary to Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.

5.4 Impact upon Residential Amenity:

- 5.4.1 As the application is made in outline with matters of layout and appearance being reserved for consideration at a later date no definitive assessment can be made in respect of the potential impacts upon residential amenity resultant from the proposal. However taking into account the illustrative layout and offset distances from nearby existing dwellings it is not considered that the proposal would have any significant undue impact upon residential amenity.

5.5 Highway Safety and Accessibility:

- 5.5.1 The Highways development Control section have raised no objection to the proposal subject to the imposition of conditions relating to construction methodology, site access details and a requirement that all agreed highways works be undertaken and complete prior to first occupation of the development.

5.6 Landscape/Ecology:

- 5.6.1 The applicant has submitted a Phase 1 Habitat Survey in support of the application. The report finds that the site is largely composed of improved grassland currently used for sheep grazing with the site also accommodating two streamlets.

5.6.2 The report concludes that the development is unlikely to result in the disruption or disturbance of any protected habitats not will there be any significant detrimental impacts upon protected species. The report finds that no further habitat surveys or investigative works are required and should works proceed that measures to minimise the impacts upon nesting birds be required through the imposition of condition.

5.7 Flood Risk and Drainage:

5.7.1 At the time of writing this report no objections have been received from United Utilities of the LLFA subject to the imposition of conditions relating to surface and foul water drainage.

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

6.1 For the reasons outlined above the proposed development is considered to be in direct conflict with the adopted Development Plan insofar that approval would lead to the introduction of a significant quantum of development within the defined open countryside, of a scale and form that would be of significant detriment to the character, context and visual amenities of the area.

6.2 It is further considered that the proposal would be in direct conflict with the adopted Development Plan which seeks to establish patterns and locations for sustainable growth and development within the Borough by virtue of its location within the defined open countryside and its significant degree of detachment and separation from the defined settlement boundary for Billington.

RECOMMENDATION: That the application be REFUSED for the following reasons:

1. The proposal is considered contrary to Key Statements DS1, DS2 and Policy DMG2 of the Ribble Valley Core Strategy in that the approval would lead to a significant level of development in the defined open countryside, located outside of a defined settlement boundary, without sufficient or adequate justification, undermining the spatial vision for sustainable patterns of development and growth within the borough as embodied within the adopted Development Strategy.
2. The proposal is considered contrary to Policies DMG1 and DMG2 of the Ribble Valley Core Strategy in that it would result in a significant level of built-form encroaching into the defined open countryside, resulting in a development, that by virtue of its quantum location, density and scale, will be read as an anomalous, incongruous and discordant incursion into the landscape that fails to respond positively to the pattern and densities of nearby development or the landscape character of the area, being of significant detriment to the character and visual amenities of the defined open countryside.
3. By virtue of the high degree and level of independence of those occupying the assisted living units, it is considered that the approval of this application would lead to an unsustainable pattern of development in a location that does not benefit from adequate walkable access to a full complement or range of local services or facilities - placing further reliance on the private motor-vehicle, contrary to the aims and objectives of Policy DMG3 of the adopted Core Strategy and the NPPF presumption in favour of sustainable development.

Update following 11th of January Planning and Development Committee Meeting:

Committee resolved on the 11th of January 2018 to be minded to approve the application. As such, the application was deferred to the Director of Community Services for further work to be undertaken in respect of appropriate planning conditions to be attached should consent be granted.

Members will also note that following the 11th of January meeting and at the time of writing this report a further 12 letters of representation have been received objecting on the following grounds:

- Residents were not made aware of the proposed development or the approved nursery adjacent the site at the time of purchase/moving in
- Inadequate consultation
- Increased congestion
- Inadequate access for those who are mobility impaired due to a lack of a footway
- Unsustainable location with no access to services
- Inadequate pedestrian access
- The access at present has numerous issues in respect of traffic movements/hazards
- Loss of green field land
- Light pollution
- The development will be of detriment to the tranquillity of the area
- There have been a number of near miss incidents at the site access already
- The submitted Traffic Surveys were undertaken prior to the occupation of Elker Meadows and therefore do not fully reflect the highways situation at present or take account of additional vehicular movements
- Detrimental visual impact upon the landscape

A letter has also been received from the Headteacher of St Augustines RC High School raising concerns in respect of on-going highways issues that are likely to be exacerbated by the proposed development and raising concerns that the increase in traffic as a result of the development is likely to result in an increased risk of an accident. The objection further raises safety concerns in respect of the only footway access to the site and the potential for increased risk.

Members will also note that following the Committee resolution on the 11th of January 2018 to be minded to approve the application, officers have requested that the applicant accept the imposition of a condition relating to a pedestrian footway to be provided prior to occupation that links the development with Whalley Road and adjacent footways to the South.

Members will respectfully note that the granting of consent without this provision would result in residents, some of whom may potentially be mobility impaired, failing to have adequate footway provision or access to Whalley Road, the footways to the south or pedestrian linkages to the settlement.

Taking these material matters into consideration, it is therefore recommended that should Committee remain minded to approve the application it is suggested that the application be approved subject to the following conditions:

Commencement

1. Application(s) for approval of all of the outstanding reserved matters related to the consent hereby approved must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates.

(a) The expiration of three years from the date of this permission; or

(b) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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.

Quantum of Development

2. No more than 110 units of C2 accommodation consisting of 50 care bedrooms and 60 self-contained 'Assisted Living Units' shall be developed within the application site edged red on the submitted Location Plan ELKER/04/Dwg 01 Revision A

REASON: For the avoidance of doubt and to clarify the scope of the permission in accordance with Key Statement DS1 and Policy DMG1 of the Ribble Valley Core Strategy.

Development Particulars

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (as amended or re-enacted) the development hereby approved shall solely be used for the purposes of a Continuing Care Retirement Community and for no other purpose, including any other purpose within Use Classes C2.

REASON: For the avoidance of doubt, to clarify the nature of the use hereby approved and to ensure that the development remains compatible with the character of the area in accordance with Key Statement DS1 and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

4. The use of the Care Units hereby approved shall, at all times and unless otherwise agreed in writing by the Local Planning Authority, be used for the designed purpose of providing self-contained independent living units of accommodation for persons or persons, who, for the purpose of acquiring purchase or lease of any of the approved Care Units, are contracted into a Care Package and who have a minimum age of not less than 65 years of age.

Furthermore, the supporting staff and resources associated with the management of the site and the delivery and implementation of the individual Care Package(s) associated with the terms of purchase and occupancy of each Care Unit, together with the occupants' permitted use of the facilities provided with the approved development, shall

be in accordance with details that shall have first been submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

REASON: For the avoidance of doubt, to clarify the nature of the use hereby approved and to ensure that the development remains compatible with the character of the area in accordance with Key Statement DS1 and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

5. The occupation of any of the units hereby approved shall at all times, and unless agreed by the Local Planning Authority in writing, be limited to a person aged 65 or over and any resident dependants who satisfy the requirements contained within the approved details pursuant to condition 4 of this consent. No other person shall occupy any of the approved units on a temporary or permanent basis.

REASON: For the avoidance of doubt, to clarify the nature of the use hereby approved and to ensure that the development remains compatible with the character of the area in accordance with Key Statement DS1 and Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

Reserved Matters Details

6. The details in respect of the submission of any reserved matters shall be in substantial accordance with the design principles and parameters as set out in the following approved drawings/documentation:

- Design and Access Statement (June 2016)
- Proposed Site Plan: EL-04 Dwg 03 Rev: C
- Assisted Living Unit Concepts: ELKER/04 Dwg 04 Rev: A
- Village Centre Concepts: ELKER/04 Dwg 05 Rev: A
- Site Sections: ELKER/04 Dwg 06 Rev: A

REASON: To ensure the development accords with the agreed general principles relating to scale, layout and design and to ensure the proposals visual compatibility with the character of the area in accordance with Policies DMG1, DMG2 and Key Statement DS1 Ribble Valley Core Strategy.

7. Applications for the approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) including the levels of the proposed roads.

For the avoidance of doubt the submitted information shall include existing and proposed sections through the site including details of the height, scale and location of the proposed buildings(s) in relation to adjacent existing development/built form (where applicable). The development shall be carried out in strict accordance with the approved details.

REASON: To ensure a satisfactory form of development, its visual compatibility with the defined open countryside, in the interests of visual and residential amenities and to ensure the Local planning Authority can make an accurate assessment of the potential impacts upon existing nearby residential amenity in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

8. Notwithstanding the submitted details, the height of any of the buildings proposed in any subsequent reserved matters application(s) shall not exceed two storeys in height.

REASON: In the interests of the visual amenities and character of the area and to ensure that the proposed development remains compatible with the landscape character of the area and responds appropriately to the topography of the site so as to minimise undue visual impact in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

9. Applications for the approval of reserved matters shall be accompanied by elevational and locational details including the height and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the development.

For the avoidance of doubt the submitted details shall include the precise nature and location for the provision of measures to maintain and enhance wildlife movement within and around the site by virtue of the inclusion of suitable sized gaps/corridors at ground level. The development shall be carried out in strict accordance with the approved details.

REASON: To comply with Key Statement EN4 and Policies DMG1 and DME3 of the Ribble Valley Core Strategy, to ensure a satisfactory standard of appearance in the interests of the visual amenities of the area and to minimise the potential impacts of the development through the inclusion of measures to retain and enhance habitat connectivity for species of importance or conservation concern.

10. Applications for the approval of reserved matters shall be accompanied by full details of all proposed waste, refuse and recycling storage facilities. For the avoidance of doubt the submitted details shall also include a waste management strategy for the entirety of the site including details of refuse pick-up locations and associated vehicular manoeuvring areas.

The agreed refuse storage areas/provision for each unit/building shall be constructed and made available for use prior to first occupation of any of the units within that building. The agreed refuse storage provision shall be retained as such in perpetuity and managed/operated in accordance with the approved waste management strategy unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order that the Local Planning Authority may ensure that adequate dedicated refuse storage provision is provided on site to serve the units/buildings hereby approved in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

11. The submission of reserved matters shall be accompanied by full details of all proposed resident and visitor car-parking provision including dedicated parking areas for servicing/delivery vehicles. For the avoidance of doubt the submitted details shall clearly indicate to which unit of accommodation each parking bay is allocated and also provide clear details of which parking bays are for visitor purposes only.

The development shall be carried out in strict accordance with the approved details. The approved allocated and visitor parking provision shall thereafter be made available for use prior to first occupation of any of the units within the building to which they are allocated or relate and retained as such in perpetuity.

REASON: In order that the Local Planning Authority may ensure that adequate dedicated parking provision is provided on site that limits the visual impact of the parked motor vehicle upon the landscape, in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

Highways

12. No part of the development hereby approved shall be occupied or first brought into use until The development shall not be occupied until a Travel Plan including details of implementation, monitoring and review, which seeks to reduce the number of vehicle trips to and from the site by employees and residents, has been submitted to and approved by the Local planning Authority in partnership with the Highway Authority.

The approved Travel Plan shall be implemented and operated in accordance with the details and timetables contained therein unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that the development provides sustainable transport options that seeks to limit use of the private motor vehicle in accordance with Key Statement DMI2 and Policy DMG3 of the Ribble Valley Core Strategy.

13. 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. No part of the development hereby approved shall be occupied or first brought into use until the approved scheme/details have been constructed and completed in accordance with the approved details.

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 in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

14. The new estate road/access shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

REASON: To prevent vehicles reversing to and from the highway which may cause hazard to other road users in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

15. No development shall take place until a Construction Method Statement for the development hereby approved has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted statement shall provide details of:

- A. The location of parking of vehicles of site operatives and visitors
- B. The location for the loading and unloading of plant and materials
- C. The location of storage of plant and materials used in constructing the development
- D. The locations of security hoarding

- E. Measures to limit the impacts of noise, dust, vibration and air pollution upon neighbouring/nearby residential amenity
- F. Details of artificial illumination during the construction phase
- G. The location and nature of wheel washing facilities to prevent mud and stones/debris being carried onto the Highway (For the avoidance of doubt such facilities shall remain in place for the duration of the construction phase of the development) and the timings/frequencies of mechanical sweeping of the adjacent roads/highway
- H. Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- I. The highway routes of plant and material deliveries to and from the site.
- J. Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
- K. Days and hours of operation for all construction works.

The approved statement shall be adhered to throughout the construction period of the development.

REASON: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

Flooding and Drainage

16. As part of any reserved matters application and prior to the commencement of any development, the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority.

Surface water drainage scheme which as a minimum shall include:

- A. Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change – see EA advice <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
- B. The drainage scheme should demonstrate that the surface water run-off must not exceed the existing pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- C. Any works required on or off-site to ensure the adequate discharge of surface water without causing flooding or pollution (which should include the refurbishment or removal of any existing watercourses, culverts, headwalls or unused culverts where relevant);
- D. Flood water exceedance routes, both on and off site;
- E. A timetable for implementation, including phasing where applicable;
- F. Site investigation and test results to confirm infiltrations rates;
- G. Details of water quality controls, where applicable.
- H. Details of finished floor levels.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development, elsewhere and to future users and to ensure that water quality is not detrimentally impacted by the development proposal in accordance with Policy DME6 of the Ribble Valley Core Strategy.

17. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
- A. the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
 - B. arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as: on-going inspections relating to performance and asset condition assessments and operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
 - C. Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved units/dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

REASON: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system in accordance with Policy DME6 of the Ribble Valley Core Strategy.

18. Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies DMG1 and DME6 of the Ribble Valley Core Strategy.

19. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies DMG1 and DME6 of the Ribble Valley Core Strategy.

20. Applications for the approval of reserved matters shall be accompanied by full details of the proposed surface water attenuation pond(s) and all other water bodies on site.

For the avoidance of doubt the submitted information shall include existing and proposed sections through each pond including relevant existing and proposed land levels and details of all associated landscaping and boundary treatments where applicable. The development shall be carried out in strict accordance with the approved details.

REASON: To ensure a satisfactory form of development in the interests of visual and residential amenities and to ensure the Local planning Authority can make an accurate assessment of the details relating to matters of flood risk and sustainable drainage in accordance with Policies DMG1 and DME6 of the Ribble Valley Core Strategy.

21. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

REASON: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies in accordance with Policy DME6 of the Ribble Valley Core Strategy.

Landscape & Ecology

22. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites have been submitted to, and approved in writing by the Local Planning Authority.

For the avoidance of doubt the details shall be submitted on a dwelling/building dependent bird/bat species 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 dwelling(s)/building(s) during the construction of those individual dwellings identified on the submitted plan and be made available for use before each such dwelling/building is first occupied or brought into use and thereafter retained. The development shall be carried out in strict accordance with the approved details.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and to reduce the impact of development in

accordance with Policies DMG1, DME3 and Key Statement EN4 of the Ribble Valley Core Strategy.

Other Matters

23. No extract vents, means of extract, air conditioning, ventilation or any other associated externally mounted/located plant or HVAC shall be installed upon any of the buildings hereby approved unless details of the design, specification, noise ratings, fixing and finish has first been submitted to and approved in writing by the local planning authority.

The development shall be carried out in 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 and that any externally mounted equipment is not of detriment to the residential amenities of nearby occupiers or visual amenities of the area in accordance with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, no external ground based lighting/floodlighting or building mounted lighting shall be erected or placed anywhere within the site or upon the buildings to which this consent relates without prior written consent having been first given by the Local planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could prove materially harmful the character and visual amenities of the immediate area in accordance with Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.

25. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until a scheme for noise mitigation measures has been submitted to and approved, in writing, by the Local Planning Authority.

For the avoidance of doubt the scheme shall include glazing and ventilation specifications and details of acoustics barriers for the eastern boundaries of the development site. The approved mitigation measures shall be carried out/implemented in strict accordance with the approved details and prior to the occupation of any of the units hereby approved.

REASON: To protect the residential amenities of the occupiers of the use(s) hereby approved in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

BACKGROUND PAPERS

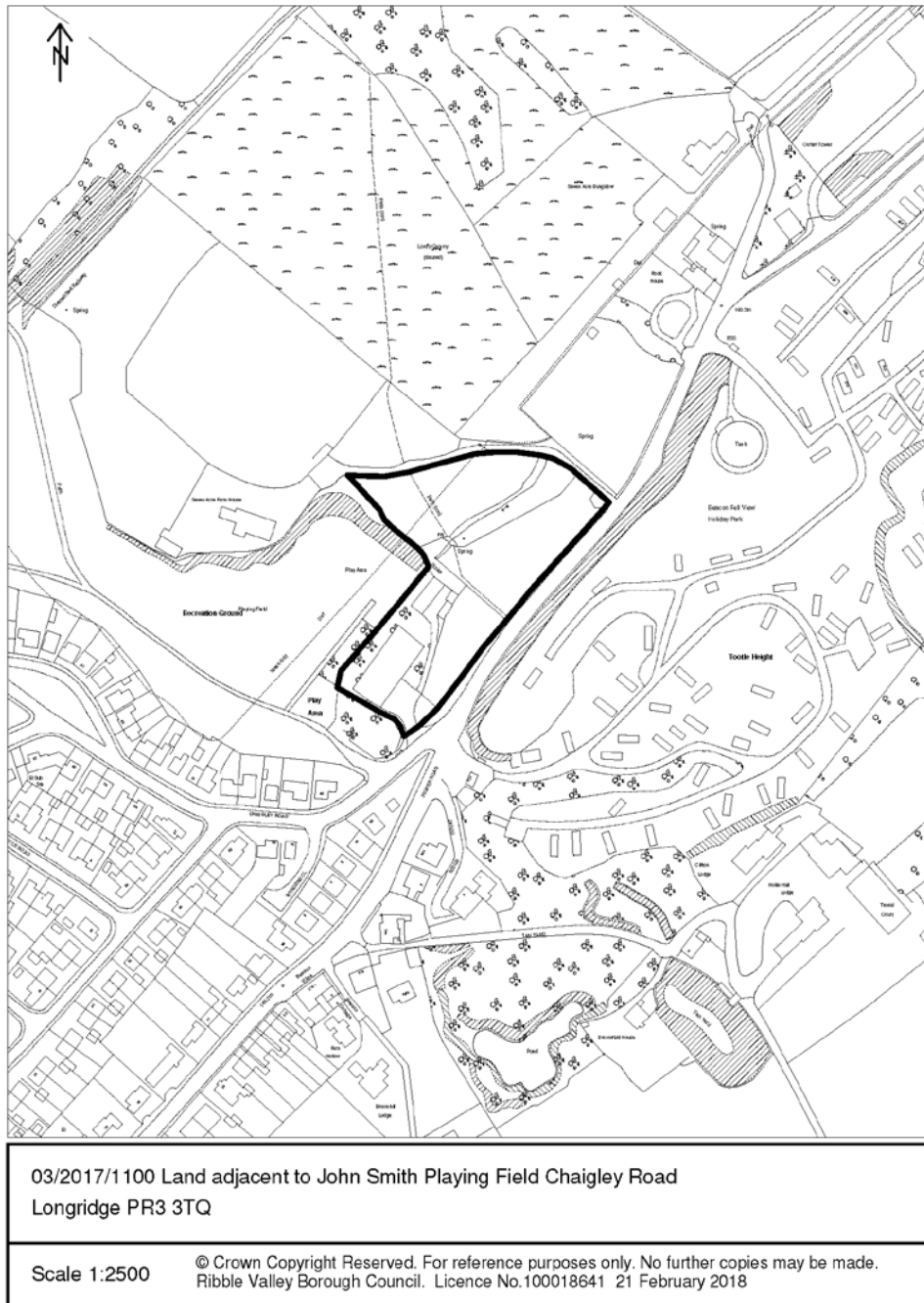
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0927

APPLICATION REF: 3/2017/1100

GRID REF: SD 361189 437903

DEVELOPMENT DESCRIPTION:

OUTLINE APPLICATION FOR UP TO 15 SELF-BUILD DWELLINGS (30% AFFORDABLE SELF-BUILD) INCLUDING ACCESS. LAND ADJACENT TO JOHN SMITH PLAYING FIELD CHAIGLEY ROAD LONGRIDGE PR3 3TQ



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Longridge Town Council objects to the application on the following grounds:

- The site is located outside of the settlement boundary
- Drainage issues
- If allowed it could lead to infill between Rock House and the boundary
- Already have sufficient housing supply as per figures in the Core Strategy

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

Subject to a number of observations being addressed at detailed design stage and subject to further clarification on a number of detailed matters the Highways Development Control Section have raised no objection to the proposal subject to the imposition of condition(s).

LLFA:

The Lead Local Flood Authority has no objection to the proposed development subject to the imposition of conditions relating to surface water drainage.

LAAS:

Lancashire Archaeological Advisory Service do not have sufficient evidence to recommend or require any formal archaeological investigations on the site.

ADDITIONAL REPRESENTATIONS:

7 letters of representation have been received objecting to the application on the following grounds:

- The application is located outside of the settlement boundary.
- The application makes reference to a bus stop that does exist
- Noise and disruption
- No requirement for further dwellings in the area
- Increase in traffic
- Loss of view

1. Site Description and Surrounding Area

- 1.1 The application site is a 1.0 Hectare plot of land located outside of and partially adjacent the north eastern extents of the defined settlement boundary for Longridge, being located within defined open countryside.
- 1.2 The site currently accommodates an area of land used for equestrian purposes including a stable building and sand and grass paddocks. The remainder of the land remains undeveloped but being utilised for the turning out of horses.
- 1.3 The site is bounded to the south by Chaigley Road/ Higher Road. To site is abutted to the north and west by John Smith Playing Fields. A number of trees are located along the southern boundary of the site with a number of trees also being located in the main

body of the land. The southern boundary is delineated by a low level stone wall that fronts Higher Road off of which primary vehicular access is also provided.

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

- 2.1 Outline consent (matters of access only) is sought for the erection of 15 self-build dwellings (including 4 affordable self-build) and the creation of a new access road off Higher Road.
- 2.2 The proposal details the closure of the existing access in-lieu of a new vehicular access in a more centrally located position off Higher Road. The indicative details propose that eight plots will be sited to the southern extents of the site within close proximity of the site boundary. A further four units will be located to the northern extents of the site with the remaining two three plots will be located at the southern extents of the site on the opposing side of those that will back on to Higher Road.
- 2.3 The application seeks consent for the erection of self-build units under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The Act requires relevant authorities to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in an authority's area.
- 2.4 The Act places two main duties upon relevant authorities which are primarily concerned with increasing the availability of land for self-build and custom housebuilding. These duties are the 'duty to grant planning permission etc' and the 'duty as regards registers'. Matters relating to the obligations the act places on the authority are discussed in detail within the 'principle' section of this report.
- 2.5 No details have been provided within the application in respect of potential occupiers of the dwellings but it is expected that such occupiers would have to be registered on the Authority's self-build register to qualify.

3. **Relevant Planning History**

3/2016/0604:

Outline application for a two storey dwelling including access.

(Refused – Unsustainable Location/Contrary to Development Strategy)

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMH3 – Dwellings in the Open Countryside

Policy DMG3 – Transport and Mobility

Policy DME5 – Renewable Energy

Policy DME6 – Water Management

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The proposal is located outside but partially adjacent to the defined settlement boundary for Longridge, in this respect, when assessing the locational aspects of development Policy DMG2 provides guidance stating that:

Within the tier 2 villages and outside the defined settlement areas development must meet 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.

5.1.2 The applicant considers that given the self-build nature of the application that the application meets the third criterion of DMG2 insofar it has been demonstrated that the dwelling will be for local needs housing which meets an identified need.

5.1.3 The site that falls within the Defined Open Countryside, the applicant also considers that the application would also therefore be in accordance with Policy DMH3 which states that residential development within the open countryside will be acceptable where it meets an *'identified local need'*.

5.1.4 Changes in legislation came into effect on effect on 31 October 2016 which amended the Self-build and Custom Housebuilding Act 2015 and implemented Chapter 2 of the Housing and Planning Act 2016 which sets out provisions to support self-build and custom housebuilding. This means that the second and final part of the Right to Build - placing a duty on relevant authorities to make land available to meet the demand on their self-build and custom housebuilding registers, has now come into force and the Right to Build is now fully implemented.

5.1.5 It is clear that act has significant implications for the Authority insofar that a duty is placed upon it to grant sufficient consent for self-build plots to meet the demand as reflected within the self-build register. However the act is not explicit in terms of the requirement to meet demand in the areas, settlements or locations whereby demand is registered.

5.1.6 The authority considers therefore, in terms of locational matters, that self-build dwellings/plots should not be considered as an 'exception' to the criterion of the Development Strategy for the Borough. Section 38(6) of the Town and Country

Planning Act 1990, still requires that applications are "determined in accordance with the Development Plan unless material considerations indicate otherwise".

- 5.1.7 It is therefore important to give due consideration to the interplay between Key Statement DS1, Policy DMG2, DMH3 and the Self-Build Act. The Authority considers that such applications must still be determined in accordance with the adopted Development Plan which seeks to critically establish both the pattern and intended scale of development in order to achieve a sustainable pattern of development across the Borough. To consider otherwise would inevitably result in the undermining of the main aims and effectiveness of the Development Strategy.
- 5.1.8 It is further considered that a failure to require such applications to be in accordance with the Development Plan would result in the likely perpetuation of unsustainable patterns of development in locations that would normally be deemed unsustainable or unsuitable. The Authority considers that the purpose of the Self-Build Act is not to allow or enable such development to be treated as an exception to the aims or objectives of the Development Plan, or how it seeks to guide development towards sustainable locations, solely by virtue of the circumstances of the potential self-build applicant or the existence of a registered demand.
- 5.1.9. In respect of the matter of 'local need' the nature of the application does not currently fit the with definition of 'local needs housing' as defined within the Adopted Core Strategy which states that '*Local needs housing is the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment*'.
- 5.1.10 At the time of writing this report no formal observations have been received from the Head of Housing and Regeneration however concerns have been conveyed verbally in respect of potential implications for the Local Authority resultant from the Self-Build Act. It has been discussed that further work may need to be commissioned in respect of the obligations the act places on the authority and the potential future implications given the timescales and obligation for granting a suitable number of self-build consents to match the level of demand which is reflected within the self-build register. As of yet works have not commenced on such matters.

5.2 Impact upon Residential Amenity:

- 5.2.1 As the application is made in outline with matters of layout, scale and appearance being reserved for consideration at a later date no definitive assessment can be made in respect of the potential impacts upon residential amenity resultant from the proposal.
- 5.2.2 Notwithstanding this matter the Local Planning Authority consider it is appropriate to give due consideration to potential conflicts or issues that may arise as a result of a detailed proposal coming forward that reflects the indicative layout proposed. Given the remoteness of the proposal from directly adjacent built form or existing dwellings it is not considered that the proposal, at this stage, would result in any significant detrimental impact upon residential amenity.

5.3 Highway Safety and Accessibility:

5.3.1 The Highway Development Control Section have raised no objection to the proposal subject to conditions being imposed in relation to a number of matters and further clarification being provided at the detailed design stage.

5.4 Landscape/Ecology:

5.4.1 The application is accompanied by an Extended Phase 1 Habitat Report. The report concludes that there is no evidence of specifically protected or otherwise important species occurring within the development site.

5.4.1 The application has been supported by the submission of an Arboricultural Impact Assessment that proposes the loss of all trees adjacent the highway/footway at the southern extents of the site.

5.5 Visual Amenity/Impact:

5.5.1 The submitted details, whilst illustrative, convey how the quantum of development proposed could potentially be accommodated within the site. IN this respect it is clear that the proposal would represent a significant encroachment into the Defined Open Countryside. The site, at its most northern extents would extend some 80m northward from the southern boundary which adjoins the currently defined settlement boundary for Longridge. The indicative details also propose that this northern parcel of land would likely host approximately 5 dwellings.

5.5.2 The defining characteristics of the immediate context on the northern side of Higher Road, heading northward out of Longridge, is that of a greenfield nature benefitting from a relatively open aspect. In this respect it is clear, particularly on approach from the north, that the proposed development would by virtue of its degree of northern encroachment, be read largely as visually isolated from adjacent built form for the majority of the approach. As a result it is likely that the proposed development would be read as a discordant, alien, incongruous and suburban introduction into the landscape.

5.6 Flood Risk and Drainage:

5.6.1 No objections have been received by statutory consultees in respect of matters relating to flood risk or drainage.

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

6.1 Taking account of the above matters and all material considerations it is considered that the proposal would result in the creation of new dwellings outside of the settlement boundary within the defined open countryside without sufficient justification.

6.2 In respect of the pattern of development and visual impact it is considered that the proposal would result in the introduction of built form in a visually prominent location in the defined open countryside to a degree that cumulatively, would have a visual suburbanising effect upon the landscape and erode the sense of openness that defines

the character of the area and character and visual amenities of the defined open countryside in this location.

- 6.3 It is further considered that the approval of this application would lead to the creation of an anomalous, discordant and incongruous pattern and form of development that is poorly related to the existing settlement by virtue of a degree of visual separation, particularly at its northern extents, being of significant detriment to the character, appearance and visual amenities of the area and the character and visual amenities of the defined open countryside

RECOMMENDATION: That the application be REFUSED for the following reasons:

1. The proposal is considered contrary to Key Statements DS1, DS2 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that the approval would lead to the creation new residential dwellings in the defined open countryside, located outside of a defined settlement boundary, without sufficient justification which would cause harm to the development strategy for the borough leading to the creation of an unsustainable pattern of development contrary to the core aims and objectives of the adopted Core Strategy and the NPPF presumption in favour of sustainable development.
2. It is considered that the approval of this application would lead to the creation of an anomalous, discordant and incongruous pattern and form of development that is poorly related to the existing settlement by virtue of a degree of visual separation, particularly at its northern extents, being of significant detriment to the character, appearance and visual amenities of the area and defined open countryside contrary to Policies DMG1 and DMG2 of the Ribble Valley Core Strategy.
3. The proposal is considered contrary to Policies DMG1 and DMG2 of the Ribble Valley Core Strategy insofar that it would result in the introduction of built form in a visually prominent location in the defined open countryside to a degree that cumulatively, would have a visual suburbanising effect upon the landscape, resulting in an erosion of the sense of openness that defines the character of the area and being of detriment to the character and visual amenities of the defined open countryside in this location.

BACKGROUND PAPERS

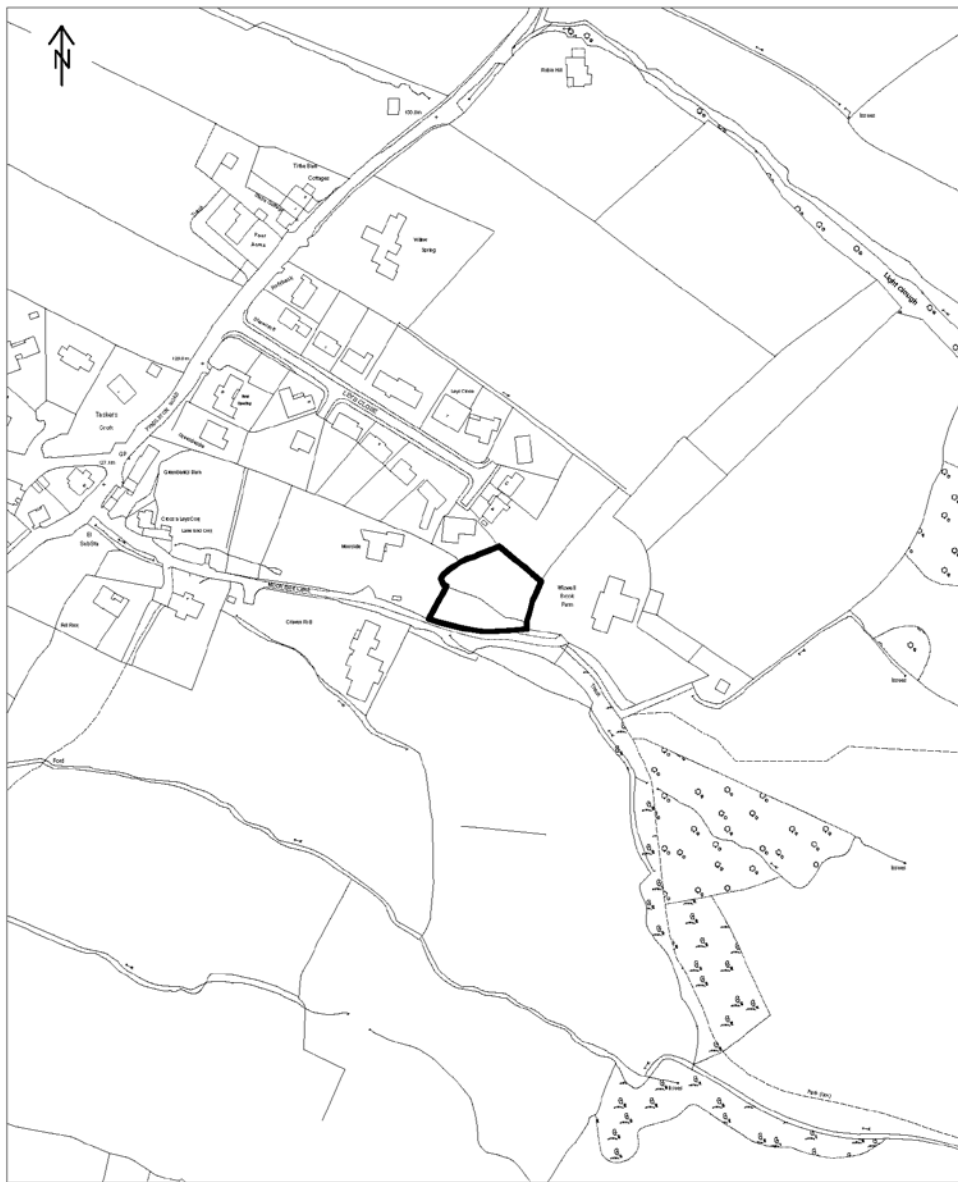
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2017%2F1100

APPLICATION REF: 3/2017/1188

GRID REF: SD 374972 437491

DEVELOPMENT DESCRIPTION:

ERECTION OF ONE SELF-BUILD DWELLING AND ASSOCIATED WORKS AT WISWELL
BROOK FARM, MOORSIDE LANE, WISWELL BB7 9DB



3/2017/1188 Wiswell Brook Farm Moorside Lane Wiswell BB7 9DB

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Wiswell Parish Council objects to the application on the following grounds:

- The application does not meet a housing need within the village, i.e. low cost home, essential home for a farm or forestry worker, home/bungalow for residents over 55years old.
- The site is unsustainable due distance of travel to educational facilities and shops.
- Located within a tier two village which have a low sustainability factor, Wiswell does not have any public transport serving it or any public community facilities.
- The site, which is sloped, will require a substantial amount of spoil to be removed off site which will cause disruption to neighbours and village over a long period of time. The village has had continuous movements of HGVs removing spoil from the two sites in the village for the last two years.
- The self-build application is not as it was intended under NPFF and subsequent amendments, i.e. to provide building plots for groups and individuals to construct their own homes not build to a grand design house on land that you own.
- Moorside Lane over much of its length is only 2.5 meters wide and without passing places with the increase in traffic that the dwelling will generate this will cause a conflict with the users of the public footpath that runs the length of Moorside Lane.
- Loss of the natural woodland which is part of the long established biodiversity of Moorside Lane, the wood has been removed over the last two years.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

The Highways Development Control Section have raised no objection to the proposal subject to the imposition of condition(s).

UNITED UTILITIES:

No objection to the proposed development subject to the imposition of conditions.

ADDITIONAL REPRESENTATIONS:

10 letters of representation have been received objecting to the application on the following grounds:

- The application is not for Local Needs Housing.
- The site has been systematically cleared of woodland prior to the application having been submitted.
- Inadequate access arrangements.
- Highway inadequate to accommodate construction vehicles.
- Loss of privacy due to elevated nature of the site.
- Unsustainable location.
- Self-build should not be used to justify proposals that would otherwise be unacceptable.
- Loss of biodiversity.
- Increased light pollution
- Proposal is contrary to the Core Strategy.

1. **Site Description and Surrounding Area**

- 1.1 The application site is a 0.2 Hectare plot of greenfield land located towards the eastern extents of Moorside Lane. A portion of the southern extents of the site is located within the defined settlement boundary of Wiswell with the remainder of the site falling outside of the aforementioned allocation, being located within defined open countryside.
- 1.2 The submitted indicative layout proposes that approximately a third of the ground floor footprint will be located within the settlement boundary with the remaining two thirds representing an encroachment into the open countryside. This will result in the majority of the residential curtilage associated with the dwelling also being within defined open countryside, albeit with the access point off of Moorside Lane remaining within the settlement boundary.
- 1.3 The site previously occupied a large number of trees which at the time of visiting the site appear to have been felled, elements of hedgerow have also been removed. Public Right of Way Footpath no.15 abuts the eastern extents of the site. The site is bounded to the west by the residential curtilage associated with 'Moorside' and to the north by numbers 14 and 16 Leys Close.

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

- 2.1 Outline consent (matters of access only) is sought for the erection of a single self-build dwelling off Moorside lane Wiswell. It is proposed that vehicular and pedestrian access will be provided at the southern extents of the site off Moorside Lane. Due to the differences in levels between the lane and the main body of the site it is likely that this will be in the form of a ramped access with some grading of the land being required.
- 2.2 The application seeks consent for a self-build unit under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The Act requires relevant authorities to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in an authority's area. The Act places two main duties upon relevant authorities which are primarily concerned with increasing the availability of land for self-build and custom housebuilding. These duties are the 'duty to grant planning permission etc' and the 'duty as regards registers'. Matters relating to the obligations the act places on the authority are discussed in detail within the 'principle' section of this report.
- 2.3 The application has been made on behalf of an individual who resides within Wiswell, directly adjacent the application site. The individual is also on the Local Authority's Self-Build register, having first been entered on to the register on the 10th of November 2017.

3. **Relevant Planning History**

The site has no planning history that is directly relevant to the determination of the current application.

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN3 – Sustainable Development and Climate Change
Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport and Mobility
Policy DME5 – Renewable Energy
Policy DME6 – Water Management

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:**

5.1.1 An element of the application site is located within the Defined Settlement Boundary for Wiswell with the remainder being located within the Defined Open Countryside. Wiswell is categorised as a Tier 2 settlement, Key Statement DS1 states that development within Tier 2 Villages will need to meet proven local needs or deliver regeneration benefits. Policy DMG2 provides further guidance stating that:

Within the tier 2 villages and outside the defined settlement areas development must meet at least one of the following considerations:

6. The development should be essential to the local economy or social wellbeing of the area.
7. The development is needed for the purposes of forestry or agriculture.
8. The development is for local needs housing which meets an identified need and is secured as such.
9. The development is for small scale tourism or recreational developments appropriate to a rural area.
10. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.

5.1.2 The applicant considers that given the self-build nature of the application and given the application has been made by a resident of Wiswell who lives adjacent the site and who is registered on the Local Authoritys Self-Build register, that the application meets the third criterion of DMG2 insofar it has been demonstrated that the dwelling will be for local needs housing which meets an identified need.

5.1.3 In respect of the portion of the site that falls within the Defined Open Countryside, the applicant also considers that the application would also therefore be in accordance with Policy DMH3 which states that residential development within the open countryside will be acceptable where it meets an *'identified local need'*.

5.1.4 Changes in legislation came into effect on effect on 31 October 2016 which amended the Self-build and Custom Housebuilding Act 2015 and implemented Chapter 2 of the Housing and Planning Act 2016 which sets out provisions to support self-build and custom housebuilding. This means that the second and final part of the Right to Build - placing a duty on relevant authorities to make

land available to meet the demand on their self-build and custom housebuilding registers, has now come into force and the Right to Build is now fully implemented.

- 5.1.5 It is clear that act has significant implications for the Authority insofar that a duty is placed upon it to grant sufficient consent for self-build plots to meet the demand as reflected within the self-build register. However the act is not explicit in terms of the requirement to meet demand in the areas, settlements or locations whereby demand is registered.
- 5.1.6 The authority considers therefore, in terms of locational matters, that self-build dwellings/plots should not be considered as an 'exception' to the criterion of the Development Strategy for the Borough. Section 38(6) of the Town and Country Planning Act 1990, still requires that applications are "determined in accordance with the Development Plan unless material considerations indicate otherwise".
- 5.1.7 It is therefore important to give due consideration to the interplay between Key Statement DS1, Policy DMG2, DMH3 and the Self-Build Act. The Authority considers that such applications must still be determined in accordance with the adopted Development Plan which seeks to critically establish both the pattern and intended scale of development in order to achieve a sustainable pattern of development across the Borough. To consider otherwise would inevitably result in the undermining of the main aims and effectiveness of the Development Strategy.
- 5.1.8 It is further considered that a failure to require such applications to be in accordance with the Development Plan would result in the likely perpetuation of unsustainable patterns of development in locations that would normally be deemed unsustainable or unsuitable. The Authority considers that the purpose of the Self-Build Act is not to allow or enable such development to be treated as an exception to the aims or objectives of the Development Plan solely by virtue of the circumstances of the potential self-build applicant or the existence of a registered demand.
- 5.1.9. In respect of the matter of 'local need' the nature of the application does not currently fit the with definition of 'local needs housing' as defined within the Adopted core Strategy which states that *'Local needs housing is the housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment'*.
- 5.1.10 At the time of writing this report no formal observations have been received from the Head of Housing and Regeneration however concerns have been conveyed verbally in respect of potential implications for the Local Authority resultant from the Self-Build Act. It has been discussed that further work may need to be commissioned in respect of the obligations the act places on the authority and the potential future implications given the timescales and obligation for granting a suitable number of self-build consents to match the level of demand which is reflected within the self-build register.

5.2 Impact upon Residential Amenity:

- 5.2.1 As the application is made in outline with matters of layout, scale and appearance being reserved for consideration at a later date no definitive assessment can be made in respect of the potential impacts upon residential amenity resultant from the proposal. Notwithstanding this matter the Local Planning Authority consider it is appropriate to give due consideration to potential conflicts or issues that may arise as a result of a detailed proposal coming forward that reflects the indicative layout proposed.
- 5.2.2 The application has been accompanied by an indicative site plan which shows the proposed dwelling occupying a relatively central location within the site. The submitted details indicate that primary living accommodation will be accommodated at ground floor and it is therefore logical to assume that the proposal will be two-storeys to accommodate bedrooms at first floor or that these will be accommodated within the roofspace.
- 5.2.3 The site benefits from an elevated position when taking account of the properties to the north and north west. Taking this into account there may be the potential for detrimental impacts upon residential amenity upon these neighbouring properties by virtue of direct overlooking or a potentially overbearing impact. However members will note at this stage such an impact, if any, cannot be accurately quantified or assessed.

5.3 Highway Safety and Accessibility:

- 5.3.1 The Highway Development Control Section have raised no objection to the proposal subject to conditions being imposed in relation to parking provision, access arrangements and vehicular charging points.

5.5 Landscape/Ecology:

- 5.5.1 The application is accompanied by an Extended Phase 1 Habitat Survey. The report concludes that there is no evidence of specifically protected or otherwise important species occurring within the development site. The report does identify that a number of breeding birds occur on the site, one of which being Dunnock, a species of principal importance for conservation. Consequently the report recognises that there will be a minor loss of breeding habitat as a result of the proposal.
- 5.5.1 The application has been supported by the submission of an Arboricultural Impact Assessment however given consent is not sought for matters of layout no detailed assessment can be made at this stage in respect of the potential for impact upon trees.

5.6 Flood Risk and Drainage:

- 5.6.1 No issues have been raised by statutory consultees in respect of matters relating to flood risk or drainage.

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

- 6.1 Taking account of the above matters and all material considerations it is considered that the proposal would result in the creation of a dwelling partially located within a Tier 2 settlement that fails to meet the required proven local need or deliver regeneration benefits.
- 6.6 Furthermore, and for the reasons outlined above, the proposed development is also considered to be in direct conflict with the aims and objectives of the adopted development plan insofar that the granting of planning consent would result in the creation of a residential dwelling, not only partially within the defined open countryside without sufficient justification, but also in an unsustainable location that does not benefit from adequate walkable access to services and facilities.

RECOMMENDATION: That the application be REFUSED for the following reasons:

1. The proposal is considered contrary to Key Statements DS1, DS2 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy in that the granting of approval would lead to the creation of new residential dwelling and/or associated residential curtilage being partially located in the defined open countryside, located outside of a defined settlement boundary, without sufficient or adequate justification.
2. The proposal would lead to the perpetuation of an unsustainable pattern of development in a Tier 2 location, without sufficient or adequate justification, that does not benefit from adequate walkable access to local services or facilities - placing further reliance on the private motor-vehicle contrary to the aims and objectives of Key Statement DMI2 and Policies DMG2 and DMG3 of the adopted Core Strategy and the National Planning Policy Framework presumption in favour of sustainable development.

BACKGROUND PAPERS

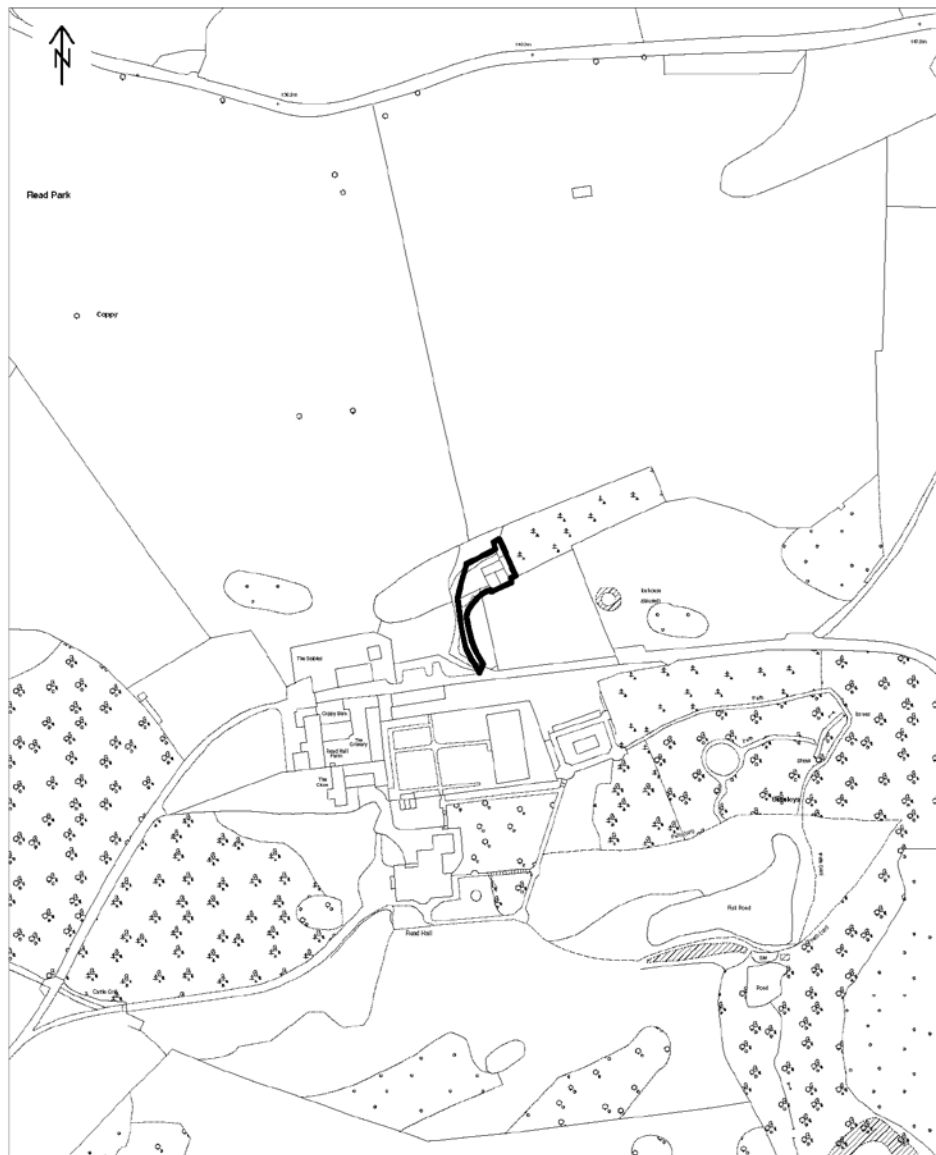
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2017%2F1188

APPLICATION REF: 3/2018/0024

GRID REF: SD 375771 434981

DEVELOPMENT DESCRIPTION:

CONVERSION AND EXTENSION OF REDUNDANT PIGGERY AND STORE TO ONE SINGLE-STOREY DWELLING INCLUDING ACCESS AND PARKING AT LAND ADJACENT HAMMOND DRIVE, READ



3/2018/0024 Outbuildings adjacent to Hammond Drive Read BB12 7RU

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Read Parish Council:

Councillors support this application which brings back into use redundant farm buildings in a sympathetic design that has minimal impact on the visual amenity of the open countryside.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

The proposed development would be served from a private road and offers sufficient areas for parking and turning within the site. The proposal therefore raises no highway concern and no objection is raised.

HISTORIC ENGLAND:

Do not wish to offer any comments and suggest advice is sought from the Council's specialist conservation and archaeological advisers.

LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE:

The proposed development mainly impacts buildings which were erected between 1848 and 1893 although the 'enclosed paddock' to the south of the buildings was extant in 1848, perhaps forming an orchard at that time. They were no doubt built and operated by the Read Hall estate. The Listed Grade II* Hall of 1818-25 is some 130m to the south and a Grade II estate icehouse (post-1848) is located immediately outside the east wall of the 'walled paddock' on the south side of the application site.

LAAS consider that overall the impact level of the proposed works on the extant structures could be considered to be moderate to high, rather than minor as implied in the HIA. The significance of this impact, however, is offset by the late date and relatively low importance of the structures, as well as the extant screening of the site. It would probably be assessed as 'minor negative' if Environmental Assessment methodologies were used.

In view of the above, LAAS do not object to the proposals as set out and if on balance the Council decides to grant permission to the application, would recommend that some minor recording work be undertaken as a condition of any consent.

LOCAL LEAD FLOOD AUTHORITY:

Consultation not required and therefore no comments provided.

ADDITIONAL REPRESENTATIONS:

No representations have been received.

1. Site Description and Surrounding Area

- 1.1 The application relates to two detached former agricultural buildings within the extensive estate grounds of Read Hall, Read. Read Hall is a Grade II* Listed Building located approximately 150m from the two buildings to which this application relates. Approximately 50m to the south east of the application buildings is a Grade II Listed

Icehouse associated with Read Hall. The main access to Read Hall is off Whalley Road (A671) however there is another access via a private road from Hammond Drive and it is this private road which provides access to the application site.

- 1.2 The buildings to which this application relates are a former piggery and storage building. Both buildings are single storey stand-alone detached properties positioned perpendicular to each other with a separation gap of approximately 1m. Both buildings incorporate solid stone external walls with a slate roof, with the piggery having a pitched roof and the store building a mono-pitch roof. In terms of footprint the buildings are relatively similar in size, each measuring under 40sqm and resulting in a combined floorspace/footprint of 75sqm.
- 1.3 Directly to the south of the pitched roof piggery building is a courtyard area which is almost fully enclosed by an attractive 3m high stone wall, although there is a significant gap in the south facing elevation of this wall which provides views and access to the piggery and this courtyard area from the south. There is clear evidence that this courtyard area to the south of the buildings was paved and there are the remains of a small section of wall which once split this courtyard area into two. To the south of the courtyard area is a walled paddock and the southern section of the courtyard wall is the northern section of this paddocked area. This walled paddock is almost fully enclosed, with the exception of the section in the northern part which provides access to the piggery and a gate in the north east corner.
- 1.4 As mentioned above the buildings are within the extensive grounds of Read Hall, however the buildings are now in separate ownership from Read Hall. As Read Hall is a Grade II* Listed Building there is a case for the application buildings being listed as a result of being within the curtilage of a listed building. The issue of whether the buildings are listed by curtilage is complex and there is no simply way of assessing this, meaning that it often comes down to the judgement of interested parties. This issue is discussed in detail in the "Assessment" section of this report but at the very least the buildings are considered to be non-designated heritage assets.
- 1.5 In terms of the site itself, the buildings are located outside the settlement boundary of Read and therefore are defined as open countryside. The buildings are sited 50m north of the private road running through Read Hall and the land slopes up from south to north meaning that the buildings re set considerably above road level. Either side of the buildings (east and west) is a small private woodland area and to the south is the above mentioned walled paddock.
- 1.6 Beyond the immediate surrounding of the paddock and woodland the site is surrounded by open gardens associated with Read Hall known as Read Park. This surrounding land is defined as Ancient and Post Medieval Ornamental land in the Lancashore Historic Landscape Type and a recent Heritage Assessment of Read Hall identifies that its *"parkland setting remains as legible today as when the mansion was first built"* and *"significance is further enhanced by its setting within its historic parkland, and the relationship it shares with ancillary buildings, particularly the farm buildings and lodge"*. It should also be noted that Read Hall and Park is identified as having "Regional/County" significance in a 2013 document entitled 'A Local Lost of Lancashire's Unregistered Historic Designed Landscapes'.

2. Proposed Development for which consent is sought

- 2.1 The application seeks to convert two outbuildings (piggery and store) into one dwelling. The proposal would include significant extensions to the footprint of the existing buildings and as per the submitted structural report would require some rebuilding and remedial works to the existing buildings so as to ensure they are suitable for residential use.
- 2.2 In terms of extensions the application proposed to infill the walled courtyard area with a flat roof directly to the south of the existing piggery. This area measures 11.1m wide by 8m wide and the south facing elevation, facing into the walled paddock would contain six large full length sliding panel doors. This extension would be used as an open plan kitchen, dining and living area. The submitted application suggests that this is not an extension as the walled courtyard forms part of the piggery building, however the LPA wholly disagree with this and consider the infill of this external area to create internal living accommodation for the proposed dwelling to be an extension. The existing piggery building would be converted to provide a bathroom study, utility room and form part of the entrance.
- 2.3 To the east of the piggery building and to the south of the storage building the application also proposes a large extension which would connect these two currently separate buildings. This extension would measure 11.1m in length by 4.4m wide and have a flat roof design measuring 2.7m to highest point. This extension would provide a large master bedroom with a dressing room and an additional bedroom.
- 2.4 To the north of the piggery building and to the west of the storage building the application proposes another extension that would link the buildings. This glazed and flat roof extension would measure 3.6m x 1.8m and would be used as the entrance/porch.
- 2.5 The existing storage building would be converted to provide a bedroom (en-suite) and a store room. Overall the proposed application proposes to convert these two modest sized buildings, currently measure 75sqm into a three-bedroom dwelling measuring 222sqm.
- 2.6 In addition to the new openings to be provided as part of the proposed extensions, the application proposes one new door opening in the west facing elevation and the installation of three new roof lights in the north facing roof slope of the piggery building.
- 2.7 Vehicular access would be provided via an existing field gate off the private road and a new hard surfaced driveway would be installed leading up from this access to the proposed dwelling, located approximately 50m from the private road. A car parking/forecourt area would be provided to the west of the buildings and the application includes a modest external garden area for the proposed occupants of the dwelling.

3. Relevant Planning History

- 3.1 There have been various planning applications at Read Hall and its associated buildings, however there have been no planning applications submitted in relation to the two buildings subject of this proposal.

4. Relevant Policies

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement EN2 – Landscape
Key Statement EN5 – Heritage Assets
Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport and Mobility
Policy DME1 – Protecting Trees and Woodlands
Policy DME2 – Landscape and Townscape Protection
Policy DME3 – Site and Species Protection and Conservation
Policy DME4 – Protecting Heritage Assets
Policy DMH3 – Dwellings in the Open Countryside & the AONB
Policy DMH4 – The Conversion of Barns and Other Buildings to Dwellings

Planning (Listed Buildings and Conservation Areas) Act 1990

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

5. Assessment of Proposed Development

5.1 Principle of Development:

5.1.1 The proposed development site falls outside of the Council's defined settlement boundaries and therefore is designated as open countryside within the adopted Core Strategy. Policy DMG2 (Strategic Considerations) requires that development within the Tier 2 Settlements must meet at least one of the following considerations:

1. *The development should be essential to the local economy to 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 development 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.*

5.1.2 This is reiterated within Key Statement DS1 and at table 4.12 of the Core Strategy, which stipulates that the total number of houses to be located outside of the settlement boundaries over the plan period is 0.

5.1.3 Core Strategy Policy DMH3 relates specifically to dwellings within the open countryside and states that new dwellings will be limited to '*the appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. Buildings must be structurally sound and capable of conversion without the need for complete or substantial reconstruction*'.

- 5.1.4 As such, whilst this policy does permit the conversion of buildings to residential use, it does stipulate that such buildings must be suitably located. This approach is supported by paragraph 55 of the National Planning Policy Framework (NPPF) which states that '*Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances*'. However Paragraph 55 of the Framework permits new isolated homes in the countryside where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 5.1.5 Additional guidance on proposals to convert barns to dwellings is provided by Core Strategy Policy DMH4. This policy states that planning permission will be granted for the conversion of buildings to dwellings where:
1. *The building is not isolated in the landscape, i.e. it is within a defined settlement or forms part of an already group of buildings, and*
 2. *There need be no unnecessary expenditure by public authorities and utilities on the provision of infrastructure, and*
 3. *There would be no materially damaging effect on the landscape qualities of the area or harm to nature conservations interests, and*
 4. *There would be no detrimental effect on the rural economy, and*
 5. *The proposals are consistent with the conservation of the natural beauty of the area.*
 6. *That any existing nature conservation aspects of the existing structure are properly surveyed and where judged to be significant preserved or, if this is not possible, then any loss adequately mitigated.*
- 5.1.6 In terms of location and isolation, the proposed buildings are located approximately 60m from the nearest buildings within the Read Hall complex which consists of a number of converted buildings and garages, and therefore it could be argued that the application buildings are somewhat "isolated". The Listed Icehouse is located closer to the application buildings however this is an almost unground structure that does not have the visual appearance of a building as it is covered in grass. Nevertheless, the proposed dwelling would be accessed via the same track which serves the nearby properties within the Read Hall complex, and a distance of 60m is considered to be border line in terms of distance/isolation. As such, whilst these outbuildings are physically separated from other building at Read Hall, on balance it is accepted that they form part of an already group of buildings and thus accord with criterion 1 of Policy DMH4.
- 5.1.7 In terms of the other criteria listed above, these issues are considered in greater detail later in the report. Policy DMH4 does go on to state that the building(s) to be converted must also:
- *be structurally sound and capable of conversion for the proposed use without the need for extensive building or major alternation, which would adversely affect the character or appearance of the building. The council will require a structural survey to be submitted with all planning application of this nature. this should include plans of any rebuilding that is proposed;*
 - *be of a sufficient size to provide necessary living accommodation without the need for further extensions which would harm the character or appearance of the building, and*

- *the character of the building and its materials are appropriate to its surroundings and the building and its materials are worthy of retention because of its intrinsic interest or potential or its contribution to its setting, and*
 - *the building has a genuine history of use for agriculture or another rural enterprise.*
- 5.1.8 In respect of the structural soundness and capability of the building to be converted as require by both Policies DMH3 and DMH4, a structural survey has been submitted with this application, however this structural report states “*it is not within the scope of our brief to prepare a detailed schedule/specification of remedial works...*”. In response to this, the purpose of a structural report being a requirement of a conversion application is so that the Council can assess whether the buildings are structurally sound and capable of conversion for the proposed use without the need for extensive building or major alteration. The submitted structural report does state that the buildings would require some remedial works/rebuilding and hence the LPA requested more information in respect of this. The applicant has thus provided plans showing the sections of the piggery building that would need to be rebuilt, along with the south facing paddock/courtyard wall which is to be incorporated into the proposed conversion and all stone surrounds would be replaced. In summary, whilst the conversion would require some elements of rebuilding works, the existing buildings are considered to be structurally sound and capable of conversion as required by Policies DMH3 and DMH4.
- 5.1.9 The buildings clearly have a history of agricultural use, being used as a piggery and an agricultural store, and as detailed earlier in this report the buildings are attractive in appearance and located within a sensitive location. The buildings are considered to non-designated Heritage Assets (when considered against National Guidance) of historical interest and thus the broad principle of their retention would contribute to the surroundings.
- 5.1.10 In view of the above, from the main consideration in whether the principle of the proposed conversion is acceptable would be whether the building(s) are “*of a sufficient size to provide necessary living accommodation without the need for further extensions which would harm the character or appearance of the building*”.
- 5.1.11 The existing buildings have a footprint of 75sqm and as mentioned in the “Description of development” section of this report the proposal involves various extensions and alterations that would not only significantly alter the visual appearance of the buildings (discussed later in this report) but also vastly increase the footprint. The proposed extensions would increase the footprint of the existing buildings by 148sqm (197%) and therefore almost treble the footprint. The submitted application claims that the increase in footprint is only 33%, suggesting that the infill of the external courtyard area should not be classed as an extension but forms part of the original/existing footprint of the building. The LPA wholly disagree with this approach and consider the infill of an external courtyard area which has no roof to be an extension to the existing buildings. The LPA accept that this courtyard is enclosed by boundary walls, but this does not mean that the courtyard is a building and therefore to incorporate this external courtyard area into the proposed conversion and utilise as living, dining and kitchen areas is clearly an extension. Whilst the LPA are under no

doubt that enclosing this courtyard area should be treated as an extension, to even consider an external courtyard with boundary walls as part of a useable space of an adjoining building would set a very dangerous precedent throughout the open countryside.

5.1.12 In view of the above, the increase of the footprint and internal useable space of the existing buildings by 197% is considered to be excessively disproportionate to the size of the existing buildings and such large extensions would undoubtedly harm the character and appearance of the existing buildings which is contrary to Policy DMH4 which requires buildings to be converted to provide necessary living accommodation without the need for further extensions which would harm the character or appearance of the building(s) and DMH3 which requires the design of conversions to be in keeping with their surroundings.

5.1.13 To expand further on the above issue, the existing buildings are relatively small having a combined footprint of only 75sqm and therefore these buildings would only provide a modest level of accommodation for future occupiers if converted. Before submitting this application the applicant engaged in pre-application discussions with the LPA where it was made clear that the level (size/scale) of proposed extensions proposed were not acceptable and that any extensions need to be proportionate to the size of the existing building, a modest link extension which connected the two buildings would have been considered proportionate and therefore acceptable. To put the level of development proposed by this application in perspective, the national minimum house size standard states a three-bedroom bungalow should measure a minimum of 96sqm and therefore this property, measuring 222sqm for a three-bedroom bungalow massively exceeds this guidance. The minimum house size standard for a six-bedroom bungalow is 125sqm and the proposal (222sqm) would also significantly exceed this figure as well.

5.1.14 In summary, whilst the broad principle of converting these buildings to a residential use is acceptable in this location, given the size of the buildings it is considered that a one bedroom (potentially two-bedroom) property would be viable and the applicant's desire for a large three-bedroom dwelling with expansive living, dining and kitchen areas, along with an en-suite bedroom, a dressing room, a study and a utility room is unrealistic and for the Council to support such large scale extensions to these modest sized buildings would set a dangerous precedent for other conversions in the open countryside.

5.2 Design/appearance/Impact on listed buildings:

5.2.1 The application buildings are located within the extensive grounds of Read Hall which is a Grade II* Listed Building and as such there is a case for the application buildings to themselves be listed as a result of being within the curtilage of a listed building. As mentioned earlier in this report the issue of whether buildings are listed by curtilage is complex and there is no simple way of assessing, meaning that it often comes down to the judgement of interested parties.

5.2.2 In the determination of this application the LPA must therefore carefully consider whether these buildings are listed by curtilage. The application buildings are approximately 150m from Read Hall and the submitted Heritage Statement comments that these "...buildings were part of Read Hall Farm, which

was separated from the Hall in the mid-20th Century” and therefore the heritage statement implies that buildings are not part of the curtilage of Read Hall. The Author of the Heritage Statement is of the opinion that the buildings are not listed, but are considered to be non-designated heritage assets.

- 5.2.3 Planning Law (section 1(5) of the Planning (Listed Buildings and Conservation Areas Act 1990) states that the listed building also includes any ancillary object or structure within the curtilage of the building, which forms part of the land and has done so since before 1 July 1948. Historic England’s own guidance on this matter accepts that determining whether buildings are listed by curtilage is a *“difficult judgement”* and that *“The curtilage of a building has to be determined on a case-by-case basis, but (curtilage) is essentially the area of land that is ancillary to the main building”* (in this case Read Hall).
- 5.2.4 Historic England are consulted on all applications for works to, or that affect the setting of, Grade I and Grade II* Listed Building and in response to the LPA’s consultation on this application Historic England have offered no comments, other than to suggest that advice is sought from the Council’s specialist conservation and archaeological advisers. The LPA have therefore consulted with Lancashire Archaeological Advisory Service (LAAS) and within their response LAAS have confirmed that the application buildings were erected between 1848 and 1893, which is after Read Hall (1818-1825), however this in itself is not a reason to conclude that the buildings are not still part of the curtilage of Read Hall, in fact LAAS have commented that the building *“...were no doubt built and operated by the Read Hall estate.”*
- 5.2.5 LAAS’ response does not specifically refer to whether or not they consider these buildings are listed by curtilage, however LAAS agree with the submitted Heritage Statement that the buildings are considered to be non-designated heritage assets.
- 5.2.6 In consideration of the above guidance and expert advice, the LPA are of the opinion that the application buildings are clearly attractive in appearance and at the very least considered to be non-designated heritage assets as a result of their age, appearance and association with Read Hall. In terms of whether the buildings are listed by curtilage, it is accepted that they are located a significant distance away from Read Hall (150m) and whilst they do form part of the wider estate, the Read Hall complex has been somewhat separated by various applications for conversions of other buildings and thus the buildings are no longer considered to be within the existing residential curtilage of Read Hall. Furthermore the buildings are now in separate ownership from Read Hall.
- 5.2.7 Whilst when looked at individually the above mentioned considerations are not on their own enough to say that the buildings are not listed by curtilage, when considered cumulatively it is accepted that the buildings are not listed by the curtilage of Read Hall, but the buildings are considered to be non-designated heritage assets and the impact of the proposal on the setting of the nearby listed buildings is a consideration.
- 5.2.8 In terms of the nearby listed Icehouse, whilst this is sited closer to applications buildings than the Read Hall, not all listed buildings have a curtilage and in this case the Icehouse is clearly an ancillary building and does not have its own

curtilage. As such the buildings are also not considered to be listed as a result of their proximity to the ancillary Icehouse.

- 5.2.9 In respect of the impact the proposal would have upon the setting of nearby listed buildings, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, the Court of Appeal has held that decision-makers should give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.
- 5.2.10 One of the 12 core planning principles of the NPPF is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Similarly Policy DME4 of the Ribble Valley Core Strategy does not support development that would cause harm to the significance of a heritage asset, in this case the setting of the nearby Listed Buildings. Key Statement EN5: Heritage Assets states that *“There will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value; their important contribution to local character, distinctiveness and sense of place, and to wider social, cultural and environmental benefits.”*
- 5.2.11 Paragraph 129 of the NPPF states that “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.” Paragraph 131 of the NPPF requires LPAs to take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 132 requires great weight to be given to the conservation of heritage assets and paragraph 133 states that where a proposal will lead to substantial harm to the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that there are public benefits that outweigh that harm. Paragraph 133 of the NPPF states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be.”
- 5.2.12 The application is accompanied by a Heritage Statement which identifies the buildings as non-designated heritage assets and states that the site is well-enclosed, set in private and mainly wooded grounds. The Heritage Statement comments that the external changes to the site on the public domain are very limited as most of the developments are within the walled compound. The statement goes on to comment that there are no clear views of Grade II* Listed Building (Read Hall) from the application site and there would be no impact on the character, setting or significance of that building, especially as the former service buildings and model farm have already been converted into residential

use. The statement also refers to the nearer Icehouse, commenting that this is largely subterranean structure and as a result of the tall paddock walls there would be no impact upon the character, setting or significance of the icehouse.

- 5.2.13 In response to the submitted Heritage Statement, whilst it is accepted that the application building is not directly visible from the Grade II* Listed Read Hall, this does not mean that proposed alterations to the application buildings do not affect the setting of this listed building. This was established as recently as June 2017 where the Planning Court agreed with the claimant and overturned an Inspector's Decision at Kedleston Hall in Derbyshire (*Steer v SSCLG 22nd June 2017*). The Court decided that the Inspector had "...adopted an artificially narrow approach to the issue of setting which treated visual connections as essential and determinative", and that this had amounted to an error of law when the Inspector considered that because the proposed development was not visible from the listed hall it did not impact upon its setting. In respect of the current application, the application buildings clearly form part of the historic Read Hall estate and its gardens, and therefore form part of its setting and any alterations to these building must be carefully considered.
- 5.2.14 The application proposes disproportionately large, contemporary and modern extensions to these modest and simple designed buildings. The proposed extensions would almost treble the footprint of the existing buildings and contain high levels of glazing with flat roofs. It is considered that the proposed extensions would significantly alter the existing/original appearance of these buildings which is at odds with traditional character and appearance of the Read Hall estate and its setting. The LPA contends that the fact that the buildings and proposed extensions are not directly visible from Read Hall is not a justification for inappropriate development.
- 5.2.15 The surrounding parks and gardens associated with Read Hall significantly contribute to the buildings significance as a heritage asset, with the surrounding land defined as Ancient and Post Medieval Ornamental land in the Lancashire Historic Landscape Type and a recent Heritage Assessment of Read Hall specially identifies that its "*parkland setting remains as legible today as when the mansion was first built*" and "*significance is further enhanced by its setting within its historic parkland, and the relationship it shares with ancillary buildings, particularly the farm buildings and lodge*". It should also be noted that Read Hall and Park is identified as having "Regional/County" significance in a 2013 document entitled 'A Local Lost of Lancashire's Unregistered Historic Designed Landscapes' and therefore it is the surrounding land and not just the building of Read Hall itself that contribute to its designation as a Grade II* listed heritage asset of national importance.
- 5.2.16 The submitted Heritage Statement refers to other buildings that have been converted to residential use within the Read Hall estate, however these have been done in simple and traditional style without the need for large extensions or major alteration as proposed by this application. The Heritage Statements comments that the views of the external changes are "very limited", however the six full-length glazed sliding doors to be installed within the south facing elevation of the property, within the existing courtyard wall, would be visible from the public right of way (3-34-FP-2) that runs directly through the grounds of Read Hall. This right of way is frequently used and being situated on higher ground above this right of way this modern and contemporary feature would be visually detrimental

to the traditional character of the area and the importance setting of Read Hall Gardens, negatively affecting the way the listed building, and its important gardens, are experienced from public vantage points.

- 5.2.17 In summary of the above it is considered that the proposed extensions and alterations, as a result of their scale and modern design would result in substantial harm to the setting of Read Hall and there are considered to be no public benefits arising from this development that would outweigh the clear harm to the setting of the designated heritage asset. Thus the proposal is contrary to Key Statement EN5 and Policy DME4 of the Ribble Valley Core Strategy, as well as national guidance contained within the NPPF and the Planning (Listed Building and Conservation Area) Act 1990.
- 5.2.18 In addition to the above the buildings are considered to be non-designated heritage assets on their own merits and Paragraph 135 of the NPPF specifically relates to non-designated heritage assets, stating that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application”*.
- 5.2.19 As mentioned elsewhere in this report the development proposes a number of extensions to the existing buildings, as well as the addition of one new door opening and three roof lights, and in particular the aforementioned scale and modern design of the proposed extensions, including the significant use of glazing would result in buildings that have been significantly altered from their original form and this would be detrimental to the visual quality of these non-designated heritage assets. Such developments would introduce large reflective surfaces that would increase the prominence of the buildings and development site, especially the large openings to be inserted into the south elevation of the boundary wall which is visible from the public right of way.
- 5.2.20 Page 17 of the Historic England’s Guidance “Adapting Traditional Farm Buildings” states “Any adaptation will need to strike a balance between the practical requirements of a new use and protection of the historic character of the existing farm building and its setting. Thoughtful and innovative design can usually resolve these potential conflicts, but users may have to accept some degree of compromise – for example restricted headroom or slightly lower daylight levels than might be ideally desired.” The proposed extensions and alterations are not necessary to enable these buildings to be converted for residential use and as previously mentioned the LPA would potentially accept a conversion application with a modest sized extension linking the two buildings to create a one bedroom property (or potentially two small bedrooms) in line with Historic England’s Guidance. For the reasons detailed above the size of the proposed extensions would be disproportionate in comparison to the existing structures and their contemporary design would dominate and detract from their simple and traditional appearance.
- 5.2.21 The submitted application contends that the site is not highly visible or prominent, however it is the Officer’s opinion that this is not a justification for development that is considered to be unacceptable on non-designated heritage assets, as well as the setting of a listed building. The submission also refers to a modern contemporary design that has been used in the construction of new dwellings on Hammond Drive to the east, however the erection of three modern dwellings on a resident street is considered to be significantly different from the conversion of

two non-designated heritage assets, within the setting, and historical gardens, of a Grade II* listed building.

5.2.22 In consideration of the above, the scale/size and modern design of the proposed extensions and alterations to these modest sized buildings would damage the simple and traditional character and appearance of the non-designated heritage assets themselves, as well as resulting in substantial harm to the setting of Read Hall. Thus the proposal is contrary to Key Statement EN5 and Policies DMH4 and DME4 of the Ribble Valley Core Strategy, as well as national guidance contained within the NPPF and the Planning (Listed Building and Conservation Area) Act 1990. The Council's Principal Planning Officer for Conservation Areas and Listed Buildings supports the recommendation to refuse this application.

5.2.23 In addition to the alterations and extensions to the buildings the application also includes the creation of a new driveway leading up the slope from the private road to the proposed dwelling, through an existing field gate, as well as forecourt area for parking. This driveway would be well screened by the adjacent paddock wall and whilst it would be visible from certain vantage points along this right of way the creation of this driveway is not considered to be visually detrimental to the area as there are numerous hard surface tracks providing access and linking buildings throughout the grounds of Read Hall.

5.3 Impact Upon Residential Amenity:

5.3.1 The proposed buildings to be converted are located more than 60m from the boundary of the nearest neighbouring residential property at The Stables and at such a distance it is considered that the proposed development would share an acceptable relationship with surrounding land uses, and vice versa, in accordance with Policy DMG1.

5.4 Highways

5.4.1 The proposed dwelling would be accessed via a new driveway to be created through an existing gateway off the private road that runs through the grounds of Read Hall, accessed via Hammond Drive. The Highway Officer has raised no objection to the application on highway grounds, commenting that there is sufficient space provided for the safe parking of vehicles within the proposed residential curtilage.

5.5 Trees and Ecology

5.5.1 The application is accompanied by an Arboricultural Impact Assessment which categorises all the adjacent trees as Category B trees and this report details that no trees would need to be removed as a result of the proposed development. The submitted plans appear to show that all trees would be retained and therefore were the LPA minded to approve this application a condition would be attached requiring all existing trees adjacent to the site to be protected during the conversion works being undertaken and retained thereafter.

5.5.2 The submission also includes a Bat Survey which concludes that these buildings do not provide suitable habitat for hibernation, being cold, draughty and not providing any cracks or crevices. No evidence was found of any past use by bats and therefore it is considered that the conversion of these buildings would not

represent a significant loss of foraging or roost potential, however the buildings are located in an optimal foraging location and therefore it is not possible to discount the possibility that bats may use the building during the active period. The survey therefore recommends that if work on the building was to commence between April – September an emergence survey be carried out and that potential roosting habitat be enhanced in the conversion by way of retaining potential bat roosting cavities within the building. Again were the LPA minded to approve this application these recommendations would be conditioned.

6. Observations/Consideration of Matters Raised/Conclusion

- 6.1 In summary, the broad principle of converting these two former agricultural buildings into residential accommodation is considered to be acceptable. However the proposed scale and size of the proposed extensions, almost trebling the footprint of the existing buildings, is contrary to Policies DMH3 and DMH4 which require buildings to be converted to provide necessary living accommodation without the need for further extensions which would harm the character or appearance of the building(s).
- 6.2 Furthermore the scale/size and modern design of the proposed extensions and alterations to these modest sized buildings would damage the simple and traditional character and appearance of the non-designated heritage assets themselves, as well as resulting in substantial harm to the setting of Grade II* Listed Read Hall and its associated Gardens. Thus the proposal is also contrary to Key Statement EN5 and Policy DME4 of the Ribble Valley Core Strategy, as well as national guidance contained within the NPPF and the Planning (Listed Building and Conservation Area) Act 1990.
- 6.3 The above concerns with the proposal were outlined to the applicant/agent during pre-application discussions, where the LPA reaffirmed that the applicant's desire for a three-bedroom dwelling of this size/scale was not compliant with Council Policies as the existing buildings on site (measuring only 75sqm) were not large enough to achieve such a level of living accommodation without the need for large extensions that would be disproportionate to the size of the existing structures on site, in addition to the visual harm such large extensions would have on the traditional character of the buildings themselves and the character of the area.

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

1. The scale and size the proposed extensions would be disproportionate to the size of the existing buildings and the modern design of the proposed extensions would harm the character and appearance of the existing buildings to be converted and their surroundings which is considered contrary to Policies DMH3 and DMH4 of the Ribble Valley Core Strategy.
2. The scale, size and modern design of the extensions and alterations would be visually detrimental to the traditional character and appearance of these non-designated heritage assets, as well as resulting in substantial visual harm to the setting of Read Hall and its important Park/Gardens. Thus the proposal is contrary to Key Statement EN5 and Policy DME4 of the Ribble Valley Core Strategy, as well as national guidance contained within the NPPF and the Planning (Listed Building and Conservation Area) Act 1990.

INFORMATIVE:

For the avoidance of doubt, this decision relates to the following plans:

Location Plan (scale 1:1250)

PHA/088 400

PHA/088 200 A (amended plan received 19/02/18)

PHA 1007/SK1 (amended plan received 21/02/18)

PHA 1007/SK2 (amended plan received 21/02/18)

PHA 1007/SK3 (amended plan received 21/02/18)

PHA 1007/SK4 (amended plan received 21/02/18)

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2018%2F0024

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2017/0573	Land off Union Street Clitheroe	26/10/17	36	With Legal
3/2017/0433	Land at Henthorn Road Clitheroe	30/11/17	24	With Housing

<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>
3/2017/0133	Land off Dale View Billington	31/8/17	13 weeks	41	Decision 30/11/17
3/2017/0616	Former Clitheroe Hospital, Chatburn Rd Clitheroe	26/10/17	15 weeks	60	Decision 9/2/18

APPLICATIONS WITHDRAWN

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
3/2017/1084	Tree works – reduce height of hedgerow	Old Methodist Chapel Lower Chapel Lane Grindleton
3/2017/1138	Proposed greenhouse within existing garden area	Sands Cottage 34 The Sands, Whalley
3/2017/1142	Prior approval for a proposed change of use of agricultural building to dwelling and associated operations development (Class Q(a))	Slated Laithe Paa Lane, Paythorne
3/2017/1144	Prior approval for a proposed change of use of agricultural building to dwelling (Class Q(a))	Broach Laithe Paa Lane, Paythorne
3/2017/1160	Proposed installation of electronically operated black wrought iron gates to the existing vehicular entrance to the north east site boundary. Proposed installation of manually operated black wrought iron gates and railings to the existing boundary opening to the north east site boundary.	Stanley House Lowergate Clitheroe
3/2017/1203	Prior notification of change of use from agricultural building to two dwellings Class Q, parts (a) and (b)	Highmoor Farm Clitheroe
3/2018/0005	Conversion of barn 1 to a dwelling. Construction of new garage. Conversion of barn 2 to four dwellings and construction of parking spaces.	Fooden Old Hall Farm Fooden Lane Bolton by Bowland
3/2018/0022	Non material amendment to approved plans under application 3/2010/1014 to allow	11 Stubbins Lane Sabden

<u>Plan No</u>	<u>Proposal</u>	<u>Location</u>
	revised floor levels	
3/2018/0051	Change of use from ground floor office to two bedroom residential apartment. No external changes proposed.	Stanley House Lowergate Clitheroe

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>
3/2017/0029 R	24/07/17	Field at Hellifield Road Gisburn	WR (procedure changed back from Hearing to WR)	30/01/2018 - cancelled	Appeal Allowed 15/02/18
3/2017/0192 R	19/07/17	Countess Hey Elmridge Lane Chipping	WR		Awaiting Decision
3/2017/0220 R	07/08/17	2a Whittingham Road Longridge	WR		Appeal Allowed 14/12/2017
Enforcement	17/11/17	Demesne Farm Newsholme Gisburn	Hearing	10/04/18	Awaiting Hearing
3/2017/0441 R	19/01/18	19 Woodfield View, Whalley	WR		Awaiting Decision
3/2016/1192 R	16/11/17	Hammond Ground Whalley Road Read	Inquiry	1, 2, 3, 9,10 May 2018	Bespoke timetable Statement due 2 January 2018
3/3016/1082 R	30/11/2017	74 Higher Road Longridge and land to the rear.	WR	17/04/18	Awaiting Hearing
3/2017/0751 R	13/12/2017	The Ridge Highcliffe Greaves Grindleton	WR		Appeal Allowed 08/02/18
3/2017/0741 R	Awaiting start date from PINS	13 Glen Avenue Knowle Green	HH		
3/2017/0675 R	Awaiting start date from PINS	46 Higher Road Longridge	WR		

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 6

meeting date: THURSDAY, 8 MARCH 2018
title: REQUEST FOR CONTRIBUTION TO THE ANNUAL HEDGELAYING EVENT
submitted by: JOHN HEAP – DIRECTOR OF COMMUNITY SERVICES
principal author: DAVID HEWITT – COUNTRYSIDE OFFICER

1 PURPOSE

1.1 For Committee to consider a request from the Lancashire & Westmorland Hedgelaying Association for a contribution of £1000 to the annual hedgelaying event to be held on the 3 March 2018 at West Bradford, in the Ribble Valley.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – To protect and enhance the environmental quality of our area.
- Corporate Priorities – To support objectives of the Forest of Bowland Management Plan designed to protect and enhance traditional boundaries. To support the objectives of the Lancashire Biodiversity Action Plan.
- Other Considerations – None.

2 BACKGROUND

2.1 A journey through the Ribble Valley shows just how important hedges are in this area hand-in-hand with their landscape value a strong and healthy hedge can also act as an effective stock barrier whilst providing food and shelter for a wide range of wildlife, from birds to small mammals.

2.2 Every hedge needs to be maintained if it is to be of any use for stock proofing; these days land is being used for a diverse range of activities, these uses place a different emphasis on hedges as stock proof boundaries and as a consequence a number methods of controlling hedges have become widely used including coppicing, flailing and the traditional method of hedgelaying.

2.3 Hedgelaying is a skilled method of rejuvenating overgrown hedges and is still the only sure way of keeping a hedge impenetrable to cattle and sheep; in addition a properly managed hedge is a valuable wildlife corridor providing connectivity with other habitats.

2.4 Each area of the country has a different style of Hedgelaying which has been developed over many years in order to cope with the climate of the area and the different species and types of trees and shrubs that grow in the hedge. The Lancashire & Westmorland style is needed for both sheep and cattle.

2.5 Held annually for the past 15 years around February/March, this year it is being held at Laneside Farm, West Bradford on the 3 March, between 9.00am and 3.00pm, by kind

permission of William and Mary Horner. A location that provides an appropriate location for an event designed to test the skills of all who are participating and to demonstrate the importance of traditional boundaries.

- 2.6 The event forms part of the Westmorland Hedgelaying Association's Grand Prix calendar organised by Lancashire County Council, Ribble Valley Borough Council and the Forest of Bowland Area of Outstanding Natural Beauty. The competition itself has three classes – Championship, Novice and Open, and attracts both highly skilled practitioners and those new to hedgelaying.

4 RISK ASSESSMENT

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

- Resources – There is a budget available to pay this contribution on the Countryside Management Cost Centre, a contribution of £2000 was made in the 2016/17 financial year.
- Technical, Environmental and Legal – None.
- Political – None.
- Reputation – As a signatory to the Forest of Bowland AONB Management Plan and the Lancashire Biodiversity Action Plan the Council's reputation for supporting environmental enhancement and protection is upheld.
- Equality & Diversity – None.

5 **RECOMMENDED THAT COMMITTEE**

5.1 Approve the request for a £2000 contribution to the Lancashire & Westmorland Hedgelaying Association laying event being held at West Bradford.

DAVID HEWITT
COUNTRYSIDE OFFICER

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS/DVD

Copy of e-mail request for funding

A copy of a DVD on the hedgelaying competition previously held on the Downham Estate is available to any Member who may be interested. Please contact David Hewitt for a copy.

For further information please ask for David Hewitt, Countryside Officer, extension 4505.

REF: DH/EL/080318/P&D

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No. 7

meeting date: THURSDAY, 8 MARCH 2018
title: LONGRIDGE NEIGHBOURHOOD PLAN SUBMISSION
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
principal author: PHILIP DAGNALL – ASSISTANT PLANNING OFFICER

1. PURPOSE

- 1.1 To inform members as to the current development of the Longridge Neighbourhood Plan and approve a formal response to the consultation currently underway regarding the Longridge Neighbourhood Plan and thereby aid in its timely development.
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives – The matters covered in this report will contribute to matters relating to appropriate housing and encouraging economic activity.
 - Corporate Priorities – The document that is the subject of this report relates to Council ambitions of making people's lives safer and healthier and also helping to protect and enhance the environmental quality of the area.
 - Other Considerations – This consultation response will help the Council to positively contribute to the neighbourhood planning process.

2. BACKGROUND

- 2.1 Neighbourhood planning is a key initiative of the present government which gives local communities the opportunity, should they choose to take it, to develop a formal plan for their particular area. This plan, once adopted, will have legal force in the formal planning system alongside other documents produced by the Planning Authority and by central Government. It must be in general conformity with the area's overall Local Plan, including the Core Strategy, and not conflict with central government policy statements such as the National Planning Policy Framework (NPPF) and associated National Planning Practice Guidance (NPPG). Decisions on planning applications will be made using both the Local Plan and, once it is formally adopted, the neighbourhood plan, and any other material considerations.
- 2.2 In general terms, and subject to the above, neighbourhood plans give local communities the ability to develop a shared vision for their particular area including where they want to see new homes, shops and work places develop, potentially what those new buildings will look like and what infrastructure should be provided. These plans can operate over ten, fifteen or twenty year horizons, in this case the Longridge Neighbourhood Plan runs to 2028. It is also important to note that the plan is also subject to the parallel process of Sustainability Appraisal, as was the Core Strategy.
- 2.3 Briefly, the process of developing a neighbourhood plan begins with the designation of the specific area the plan will consider, which is set out in a map included within the plan. The detail of the plan has been developed over the past two or more years by a joint Steering Group under the guidance of independent consultants and advised by

RVBC planning policy staff. After various consultations the plan is at the Regulation 16 stage, which sets out the version the Neighbourhood Planning Group considers to be its preferred final plan and which is formally submitted to the Council. This plan is currently the subject of a consultation, which started on Friday, 9 February and will end on Friday, 23 March 2018.

- 2.4 Following the closure of this consultation period the plan and all the consultation comments will be sent to an independent Examiner, who will be appointed by RVBC to hold an Examination of the plan. Subject to the Examiner's views and comments it is then hoped to take the plan to a public referendum, administered by RVBC, later this year. If the plan passes a referendum it will then be formally adopted by RVBC as a part of the legal development plan of the Borough alongside the Core Strategy and other documents.
- 2.5 Further details regarding Neighbourhood Planning can be found on the National Planning Policy Guidance (NPPG) website link below.

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

3. THE PLAN ITSELF

- 3.1 Briefly, the submission plan deals with a variety of matters relating to key local issues that the community have identified through a series of workshops. These are set out as Objectives relating to housing, infrastructure provision, local character and heritage, local shops and services, community facilities and local employment.
- 3.2 Each Objective has its own chapter structured around a description of local evidence, then followed by an outline of technical evidence, including relevant parts of the Core Strategy and other documents and a variety of policies. These policies, once finalised, are intended to, on the adoption of the plan, be formal legal considerations in the Council's judgement of planning applications alongside the Core Strategy.
- 3.3 The Plan also contains a series of maps intended to delineate formal areas of land to which various policies will relate. In addition there are a series of Appendices relating to matters such as Conservation Areas, Local Heritage Assets, Policies maps and the RVBC and Ribble Valley Homes Housing Allocations Policy. The Plan and accompanying documents is available in hard copy in the Member's room, RVBC Planning reception, Longridge Station Buildings and Library, Clitheroe Library and on line on the RVBC website and Longridge Town Council's website.

4. THE PROPOSED RESPONSE

- 4.1 The draft plan has been the subject of internal reviews and comment throughout its development to this point and is considered to now be a well- developed document. Many of the points suggested have been subsequently incorporated but a minor point remains relating to a possible ambiguous interpretation that could be placed on Policy LNDP1 and accompanying paragraph 5.5. These are set out in Appendix 1 to this report.
- 4.2 The council's concern regarding the text has been previously raised with the qualifying body and their consultants. As members will note the text proposed seeks to introduce an element of influence from the Town Council on the final mix of house types in developments by requiring pre-application consultation with the Town Council. The

concern is that the policy could create an implied veto on the housing mix and could lead to ambiguity, particularly when applications are in the process of determination by the Borough Council when schemes can change through negotiation or in response to issues raised. It may also be perceived as introducing a role of the Town Council in the determination of the application by the Local Planning Authority outside the powers that legislation provides, effectively introducing further rounds of consultation into the process that will risk slowing the determination of the application. Pre-application consultation is already encouraged by the Borough Council through its protocol and Statement of Community Involvement as well as national policy practice.

At this stage it is considered that the issue should be highlighted by way of a representation. This will enable the Examiner to form a judgement on the matter.

5 EXAMINATION OF THE PLAN AND REFERENDUM

- 5.1 It is a duty of the Council to appoint the Independent Examiner. This requires a procurement process to be undertaken in accord with the Council's procurement regulations to select an Examiner.
- 5.2 Whilst it is the Borough Council's role to appoint the Examiner, the Examiner can only be appointed with the agreement of the qualifying body, in this case the Town Council who are promoting the neighbourhood plan.
- 5.3 It is usual for the Examination to be undertaken through the written representation process. However, the Examiner can, if they deem it appropriate, hold a hearing to discuss representations in more detail. Costs to organise and undertake any hearing days will need to be met by the Borough Council as part of the Examination.
- 5.4 In summary we are currently in the statutory consultation period. The Council needs to now appoint, in agreement with the Town Council an Examiner and make arrangements for the Examination.
- 5.5 The Examiner is able to draw three findings from the Examination and can make one of three recommendations.
 - The plan is sound and can move to Referendum.
 - The plan can move to Referendum subject to certain changes to make the plan sound.
 - The plan is not sound and cannot go to Referendum.
- 5.6 The Referendum would only take place within the designated area, only people eligible to vote in that area may vote. The Referendum question is defined and seeks to identify support for the plan or not. A simple majority of those who votes is required to progress the plan. In exceptional circumstances the Examiner having considered representations may extend the area to which the Referendum is undertaken.
- 5.7 We currently anticipate that the Examination will take place this Spring/Summer. The Referendum will need to take place as soon as reasonably possible after receipt of the Examiner's recommendations being received and consideration of the report by the Local Planning Authority.

6 RISK ASSESSMENT

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

- Resources – Costs for the statutory publication stage (6 week consultation) independent Examination and Referendum are met by the Council as Local Planning Authority. No specific budget provision exists, however the Council has secured neighbourhood planning funding totalling £15,000 which could be used to initially finance the cost of the Examination and Referendum.

To date, consultation costs have been met from operational revenue budgets. The opportunity to draw a further £20,000 of grant occurs after the Examination if the plan goes to Referendum. This is a recent change to the funding criteria where previously the Local Planning Authority could apply for the £20,000 on submission of the plan. If the plan does not progress to Referendum the funding is not available.

It is anticipated that the cost of the Examination could be in the order of £5,000. Costs of a Referendum in the designated area will depend upon whether the Referendum is held at the same time as another election. If the Referendum is a stand-alone one, it is estimated costs would be in the order of £5,000.

Therefore, total cost estimated to be approximately £10,000 which could be initially financed from neighbourhood planning funding already received and set aside in an earmarked reserve. If the plan progresses to Referendum we will apply for the further £20,000 which will be used to replenish the earmarked reserve.

- Technical, Environmental and Legal – The process is subject to statutory regulation
- Political – No direct political implications
- Reputation – It is important that the Council positively contributes to the neighbourhood planning process.
- Equality & Diversity – No implications identified

7 **RECOMMENDED THAT COMMITTEE**

7.1 Note the submission stage and the comments set out at paragraph 4.1 and 4.2 and agree to submit a consultation response within the regulation 16 Longridge Neighbourhood Plan consultation and to progress the plan to Examination.

7.2 Authorise the Chief Executive to submit a response on behalf of the Council and to advise the qualifying body that the plans should continue to Examination and that the appointment of the Independent Inspector be made.

PHILIP DAGNALL
ASSISTANT PLANNING OFFICER

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

1. Longridge 2028 Neighbourhood Development Plan. Regulation 16 Submission Draft January 2018

For further information please ask for Philip Dagnall, extension 4570

REF:PD/P&D/080318

POLICY LNDP1 – SECURING A SUITABLE MIX OF HOUSE TYPES AND SIZES IN NEW DEVELOPMENT

In line with Core Strategy Key Statements H2 and H3 a suitable mix of housing will be required to meet future household requirements and local needs. The final proposed mix of houses on all sites should be developed by holding pre-application consultation with the Town Council in advance of planning approval being granted.

Background/Justification

- 5.4 Ribble Valley Core Strategy Key Statement H2 states that planning permission will only be granted on sites when a suitable mix of housing is provided. That mix will be determined by identifying future household requirements and local housing needs. In Longridge, Key Statement H3 seeks to secure 30% affordable housing on sites of 10 or more dwellings, or sites of 0.5 hectares irrespective of the number of dwellings.



- 5.5 The Town Council are keen to ensure that local people's concerns about the range and type of housing in new developments are addressed. Consultation on this plan, and responses on past planning applications, reveals consistent concerns that the range and type of housing proposed does not always address what local people identify as suitable for the neighbourhood area. This is particularly the case with regards to affordability and availability of new housing for older and younger people. To help address this concern and to help deliver a locally informed mix of housing on development sites Policy LNDP1 requests that developers consult the Town Council on the mix of dwellings in their proposal prior to planning applications being submitted. The latest Ribble Valley and Ribble Valley Housing Allocations Policy is also included in Appendix D for information and to help local people have a better understanding of how the allocation policy works.
- 5.6 Up to date evidence, at the present time the results of the latest Longridge Housing Needs Survey 2013 should be used to inform dwelling mix; along with other relevant published and future studies such as the Ribble Valley Strategic Housing Market Assessment 2013.

Relevant RVBC Core Strategy Policies: H2 Housing Balance; H3 Affordable Housing; DMG1 General Considerations; DMG2 Strategic Considerations

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 8

meeting date: 8 MARCH 2018
title: CALL IN PROCEDURES
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: JOHN MACHOLC, HEAD OF PLANNING SERVICES

1 PURPOSE

- 1.1 To remind Committee of the arrangements associated with the Call In procedure in relation to planning applications and give details of the use of the call in procedures and give an opportunity to discuss various issues.
- 1.2 Relevance to the Council's ambitions and priorities
 - Community Objectives - To ensure the Council is a well managed and efficient authority.
 - Corporate Priorities - To ensure the Council is a well managed and efficient authority.
 - Other Considerations – To ensure the Council is a well managed and efficient authority.

2 BACKGROUND

- 2.1 The procedure was first introduced as part of the revised Delegation scheme in 2009 and gave the opportunity for Members to ask for a planning application to be determined by the Planning and Development Committee rather than as a delegated decision made by the appropriate Director.
- 2.2 The original scheme allowed the Ward member to request a call in that was subject to formal ratification of the Chair of Planning or Vice Chair in their absence. It is now the case that the ward member can request without such ratification.
- 2.3 The call in must be made on the appropriate with a reason highlighted and received by the Planning Service within 14 days of the application first published on the weekly list of planning applications. A blank form is appended to this report

3 ISSUES

- 3.1 Since its introduction there have been approximately 50 requests which equates to an average of around 6 per year. Although in most cases a call in may delay the decision by around 4 weeks as the requirement is to request a call in within 14 days I do not consider that given the numbers, there is either a significant harm to the applicant or the Council in its determination rate.
- 3.2 The appendix attached to this report gives a breakdown of "call ins" according to application type. It is interesting to note that as a percentage in relation to applications received there is a high percentage of Listed Building applications called in by members.

It is also surprising to see a high number of requests for household applications called in as these should rarely meet a criteria such as significant public interest.

3.3 The appendix to this report also gives details of “call ins” by Parish as well as information on details of the level of objections received when an application has been called in on the premise that it is of public interest. It is clear that in most cases applications described as high public interest do not generate a high response rate but I accept that this in itself does not necessary mean it is not of public interest.

3.4 As part of the study I have examined how other LPA’s operate a call in procedure. Some of the differences include:

- Some extend call ins to non-ward Members
- Some accept emails/ letters and do not have a form.
- Range of dates from 10 to 21 working days of appearing on weekly list or notification.
- Many do not accept requests when an application has been withdrawn.
- Some require agreement of Chair and Head of Service
- One LPA allows applicants to request, needs 3 Councillors to agree identifying reason and then subject to agreement of relevant Director/Head of Service

3.5 In examining call in requests it is clear that some Planning Agents are more active in requesting Councillors to call in applications and in some instances even suggest reasons. This is clearly wrong and puts undue pressure on Councillors and devalues the purpose of the call in arrangements. To prevent this from happening consideration could be given to reject “call ins” if an agent or applicant has approached the Councillor direct on the matter.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – No impact on existing resources
- Technical, Environmental and Legal – No direct implications
- Political – No direct implications
- Reputation – No direct implications .
- Equality & Diversity – No issues identified in relation to this report

5 RECOMMENDED THAT COMMITTEE

- 5.1 That the Head of Planning in consultation with the Chair and Vice Chair of Planning and Development Committee continue to review the “call in” arrangements and if necessary report back to Committee with suggested changes.

JOHN MACHOLC
HEAD OF PLANNING SERVICES

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

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

WARD MEMBER REQUEST FORM

FOR COMMITTEE TO CONSIDER PLANNING APPLICATION

Applications can only be called in within 14 days of the application being published on the weekly list of planning applications.

URGENT

RIBBLE VALLEY BOROUGH COUNCIL

COMMUNITY DEPARTMENT – PLANNING

Application No	Weekly List Date
Development Address	Brief Description eg New extension
Reason for call-in	Comments on reason (where applicable)
Significant because of scale	
Significant due to impact on area	
High level of public interest	
Significant departure from policy	
Any other information/comments	

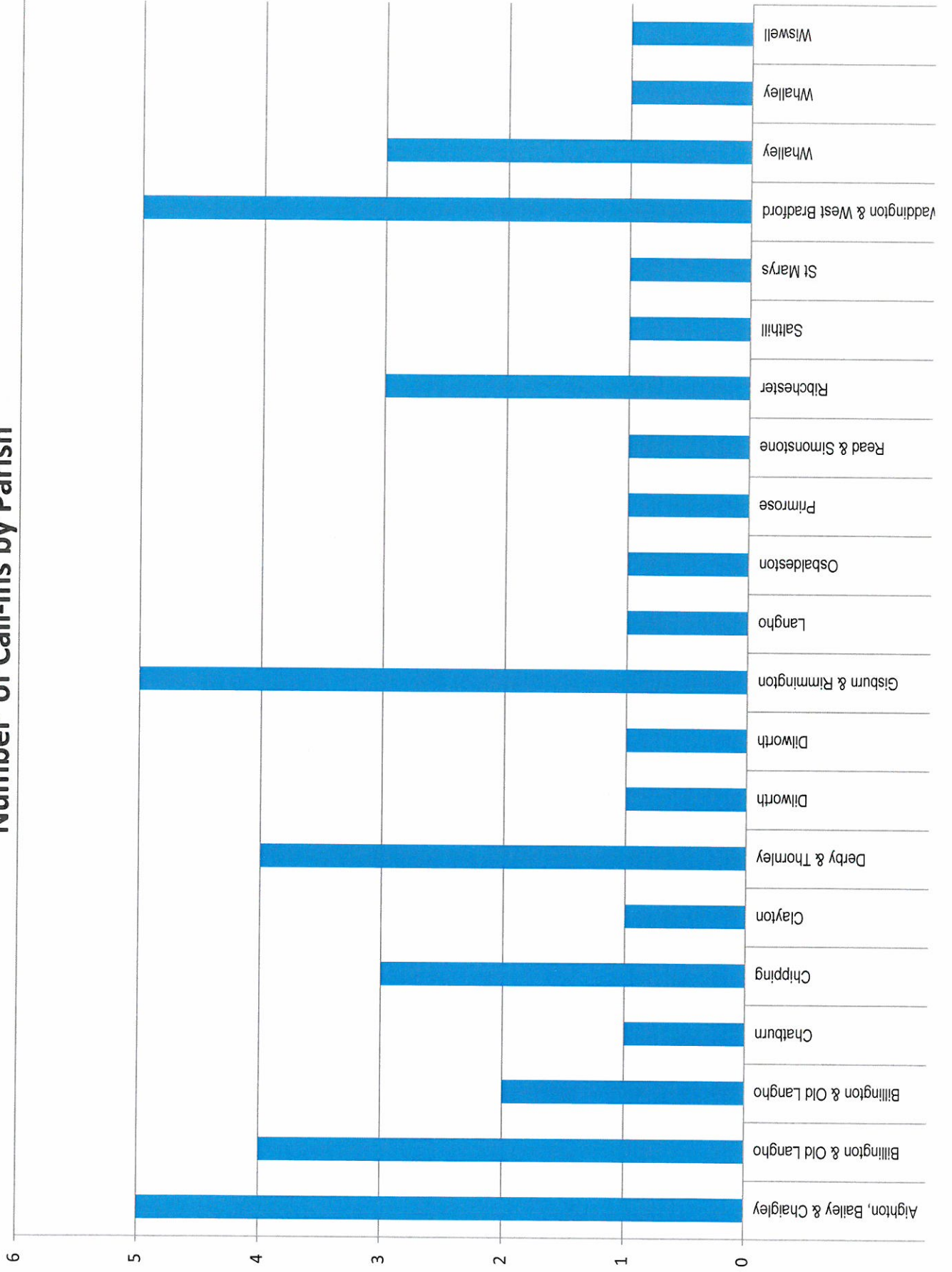
Ward.....

Members Name.....

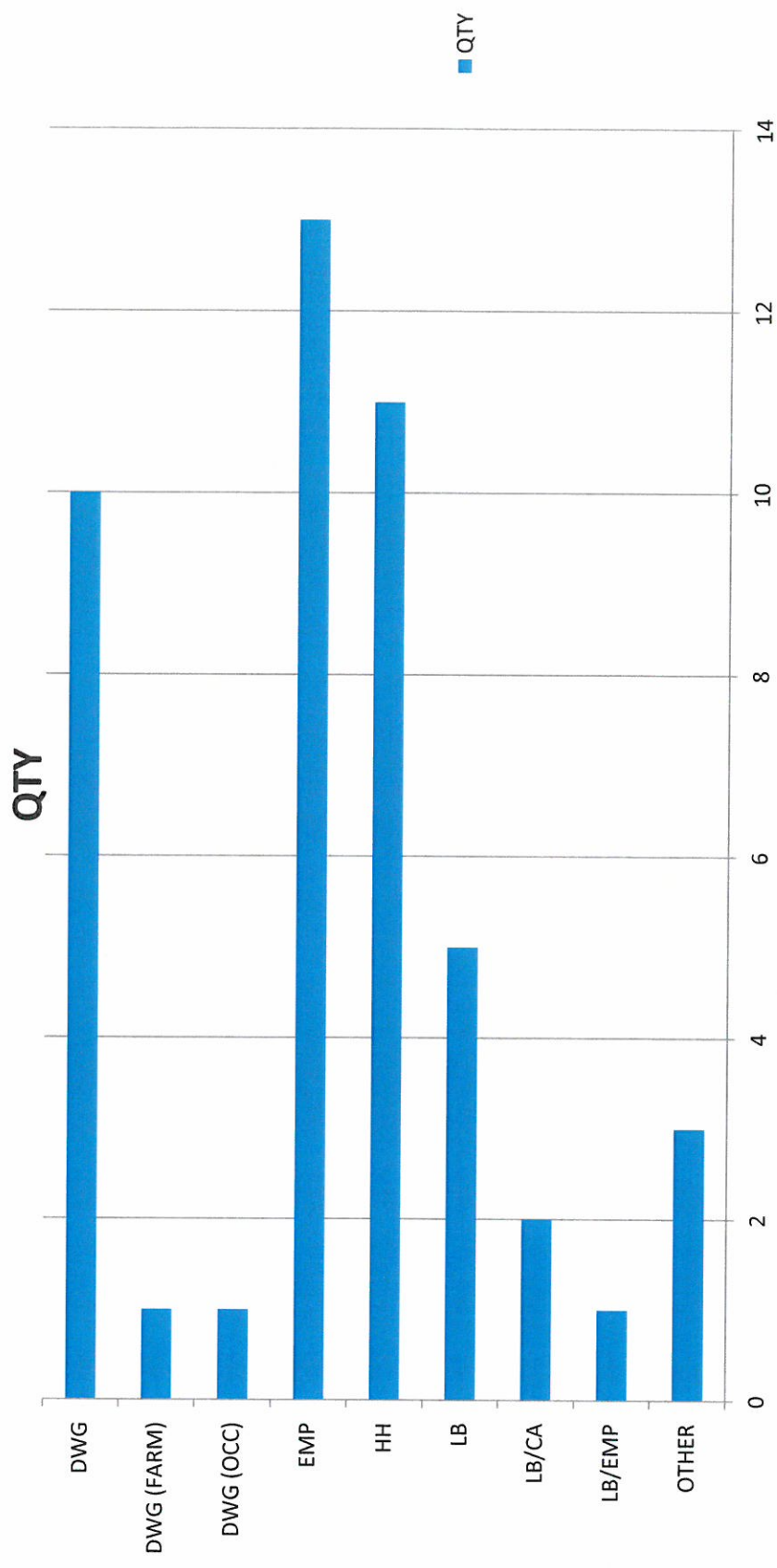
Signed.....

Date

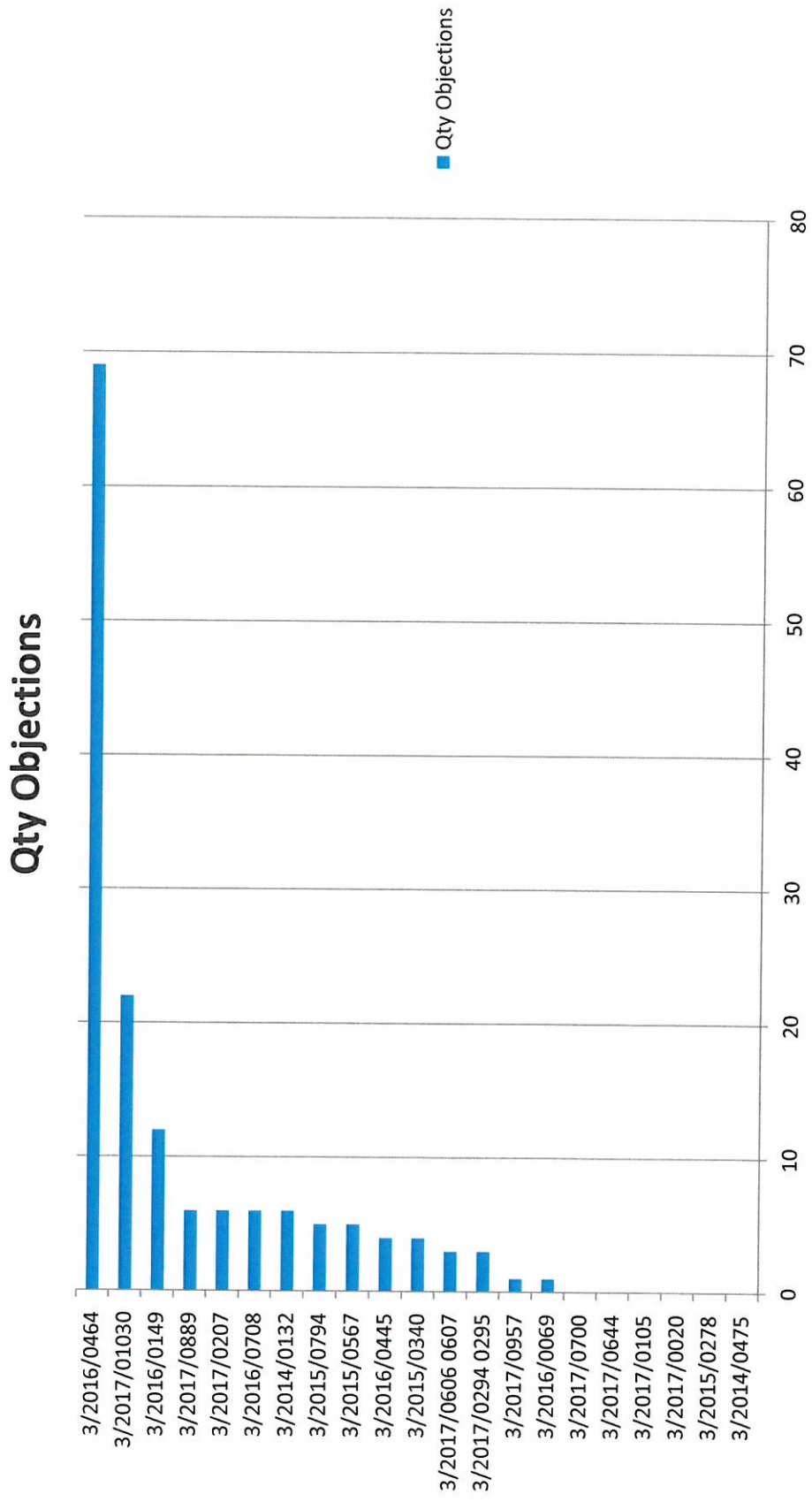
Number of Call-Ins by Parish



Call ins according to application types



Applications called in due to public interest



RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 9

meeting date: 8 FEBRUARY 2018
title: INCREASE IN PLANNING APPLICATION FEES
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: JOHN MACHOLC, HEAD OF PLANNING SERVICES

1 PURPOSE

1.1 To advise and update Committee in relation to the recent increase planning application fees which came into effect on 17 January 2018.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - To ensure the Council is a well managed and efficient authority.
- Corporate Priorities - To ensure the Council is a well managed and efficient authority.
- Other Considerations – To ensure the Council is a well managed and efficient authority.

2 BACKGROUND

2.1 On 21 February 2017 the Council received a letter from the Department for Communities and Local Government (DCLG) offering to increase fees by 20%. The Council accepted the fee increase and agreed to 'ring fence' the additional income to be spent on planning services. DCLG were advised in March 2017 from the Council's Section 151 Officer which accepted the increase in fees and confirmed the additional income will be "spent entirely on the planning function".

2.2 The fee schedule is attached to this report and is available on the Council's web page. https://www.ribblevalley.gov.uk/downloads/download/5275/planning_application_fees.

2.3 As well as the 20% increase the new fee schedules also introduces some other minor changes such as the introduction of a new category for Applications for Permission in Principle. This is for an application for technical details consent for sites granted **permission in principle** through the Brownfield register which each Council is required to maintain.

3 ISSUES

3.1 The budget for planning application fee income for 2017/18 is approximately £550,000. Planning Income can be volatile as a significant proportion is generated by a small number of large developments.

3.2 A 20% increase is likely to result in an additional income of around £70,000. As the Council is obliged to spend the additional income on the planning service there is no

overall impact on the budget and it gives an opportunity to examine the overall service and how the additional income could be utilised.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – No impact on existing resources
- Technical, Environmental and Legal – No direct implications
- Political – No direct implications
- Reputation – Depending on how the additional income is spent and the possible benefits to the planning service it could enhance the reputation and assist in being a well managed authority.
- Equality & Diversity – No issues identified in relation to this report

5 CONCLUSION

5.1 That Committee note the report.

JOHN MACHOLC
HEAD OF PLANNING SERVICES

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

BACKGROUND PAPERS

Fixing Our Broken Housing Market - The Government's Housing White Paper:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/590463/Fixing_our_broken_housing_market_-_accessible_version.pdf

A Guide to Fees for Planning Applications in England:
https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf

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

A Guide to the Fees for Planning Applications in England

These fees apply from 17 January 2018 onwards.

This document is based upon '[The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) Regulations 2012](#)' (as amended)

The fee should be paid at the time the application is submitted. If you are unsure of the fee applicable, please [contact your Local Planning Authority](#).

Outline Applications		
£462 per 0.1 hectare for sites up to and including 2.5 hectares	Not more than 2.5 hectares	£462 per 0.1 hectare
£11,432 + £138 for each 0.1 in excess of 2.5 hectares to a maximum of £150,000	More than 2.5 hectares	£11,432 + £138 per 0.1 hectare

Householder Applications		
Alterations/extensions to a single dwellinghouse , including works within boundary	Single dwellinghouse	£206

Full Applications (and First Submissions of Reserved Matters; or Technical Details Consent)		
Alterations/extensions to two or more dwellinghouses , including works within boundaries	Two or more dwellinghouses (or two or more flats)	£407
New dwellinghouses (up to and including 50)	New dwellinghouses (not more than 50)	£462 per dwellinghouse
New dwellinghouses (for <i>more</i> than 50) £22,859 + £138 per additional dwellinghouse in excess of 50 up to a maximum fee of £300,000	New dwellinghouses (more than 50)	£22,859 + £138 per additional dwellinghouse

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Full Applications (and First Submissions of Reserved Matters; or Technical Details Consent) continued...		
Erection of buildings (not dwellinghouses, agricultural, glasshouses, plant nor machinery):		
Gross floor space to be created by the development	No increase in gross floor space or no more than 40 sq m	£234
Gross floor space to be created by the development	More than 40 sq m but no more than 75 sq m	£462
Gross floor space to be created by the development	More than 75 sq m but no more than 3,750 sq m	£462 for each 75sq m or part thereof
Gross floor space to be created by the development	More than 3,750 sq m	£22,859 + £138 for each additional 75 sq m in excess of 3,750 sq m to a maximum of £300,000
The erection of buildings (on land used for agriculture for agricultural purposes)		
Gross floor space to be created by the development	Not more than 465 sq m	£96
Gross floor space to be created by the development	More than 465 sq m but not more than 540 sq m	£462
Gross floor space to be created by the development	More than 540 sq m but not more than 4,215 sq m	£462 for first 540 sq m + £462 for each 75 sq m (or part thereof) in excess of 540 sq m
Gross floor space to be created by the development	More than 4,215 sq m	£22,859 + £138 for each 75 sq m (or part thereof) in excess of 4,215 sq m up to a maximum of £300,000

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Full Applications (and First Submissions of Reserved Matters; or Technical Details Consent) continued...		
Erection of glasshouses (on land used for the purposes of agriculture)		
Gross floor space to be created by the development	Not more than 465 sq m	£96
Gross floor space to be created by the development	More than 465 sq m	£2,580
Erection/alterations/replacement of plant and machinery		
Site area	Not more than 5 hectares	£462 for each 0.1 hectare (or part thereof)
Site area	More than 5 hectares	£22,859 + additional £138 for each 0.1 hectare (or part thereof) in excess of 5 hectares to a maximum of £300,000

Applications other than Building Works		
Car parks, service roads or other accesses	For existing uses	£234
Waste (Use of land for disposal of refuse or waste materials or deposit of material remaining after extraction or storage of minerals)		
Site area	Not more than 15 hectares	£234 for each 0.1 hectare (or part thereof)
Site area	More than 15 hectares	£34,934 + £138 for each 0.1 hectare (or part thereof) in excess of 15 hectares up to a maximum of £78,000

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Applications other than Building Works continued...		
Operations connected with exploratory drilling for oil or natural gas		
Site area	Not more than 7.5 hectares	£508 for each 0.1 hectare (or part thereof)
Site area	More than 7.5 hectares	£38,070 + additional £151 for each 0.1 hectare (or part thereof) in excess of 7.5 hectares up to a maximum of £300,000
Operations (other than exploratory drilling) for the winning and working of oil or natural gas		
Site area	Not more than 15 hectares	£257 for each 0.1 hectare (or part thereof)
Site area	More than 15 hectares	£38,520 + additional £151 for each 0.1 in excess of 15 hectare up to a maximum of £78,000
Other operations (winning and working of minerals) excluding oil and natural gas		
Site area	Not more than 15 hectares	£234 for each 0.1 hectare (or part thereof)
Site area	More than 15 hectares	£34,934 + additional £138 for each 0.1 in excess of 15 hectare up to a maximum of £78,000
Other operations (not coming within any of the above categories)		
Site area	Any site area	£234 for each 0.1 hectare (or part thereof) up to a maximum of £2,028

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Lawful Development Certificate	
Existing use or operation	Same as Full
Existing use or operation - lawful not to comply with any condition or limitation	£234
Proposed use or operation	Half the normal planning fee.

Prior Approval	
Agricultural and Forestry buildings & operations or demolition of buildings	£96
Communications (previously referred to as 'Telecommunications Code Systems Operators')	£462
Proposed Change of Use to State Funded School or Registered Nursery	£96
Proposed Change of Use of Agricultural Building to a State-Funded School or Registered Nursery	£96
Proposed Change of Use of Agricultural Building to a flexible use within Shops, Financial and Professional services, Restaurants and Cafes, Business, Storage or Distribution, Hotels, or Assembly or Leisure	£96
Proposed Change of Use of a building from Office (Use Class B1) Use to a use falling within Use Class C3 (Dwellinghouse)	£96
Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), where there are no Associated Building Operations	£96
Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), and Associated Building Operations	£206
Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwellinghouse), where there are <u>no</u> Associated Building Operations	£96
Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwellinghouse), and Associated Building Operations	£206

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Prior Approval continued...	
Notification for Prior Approval for a Change Of Use from Storage or Distribution Buildings (Class B8) and any land within its curtilage to Dwellinghouses (Class C3)	£96
Notification for Prior Approval for a Change of Use from Amusement Arcades/Centres and Casinos, (Sui Generis Uses) and any land within its curtilage to Dwellinghouses (Class C3)	£96
Notification for Prior Approval for a Change of Use from Amusement Arcades/Centres and Casinos, (Sui Generis Uses) and any land within its curtilage to Dwellinghouses (Class C3), and Associated Building Operations	£206
Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis Uses) to Restaurants and Cafés (Class A3)	£96
Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis Uses) to Restaurants and Cafés (Class A3), and Associated Building Operations	£206
Notification for Prior Approval for a Change of Use from Shops (Class A1) and Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops (Sui Generis Uses) to Assembly and Leisure Uses (Class D2)	£96
Notification for Prior Approval for a Development Consisting of the Erection or Construction of a Collection Facility within the Curtilage of a Shop	£96
Notification for Prior Approval for the Temporary Use of Buildings or Land for the Purpose of Commercial Film-Making and the Associated Temporary Structures, Works, Plant or Machinery required in Connection with that Use	£96
Notification for Prior Approval for the Installation, Alteration or Replacement of other Solar Photovoltaics (PV) equipment on the Roofs of Non-domestic Buildings, up to a Capacity of 1 Megawatt	£96

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Reserved Matters	
Application for approval of reserved matters following outline approval	Full fee due or if full fee already paid then £462 due

Approval/Variation/discharge of condition	
Application for removal or variation of a condition following grant of planning permission	£234
Request for confirmation that one or more planning conditions have been complied with	£34 per request for Householder otherwise £116 per request

Change of Use of a building to use as one or more separate dwellinghouses, or other cases		
Number of dwellinghouses	Not more than 50 dwellinghouses	£462 for each
Number of dwellinghouses	More than 50 dwellinghouses	£22,859 + £138 for each in excess of 50 up to a maximum of £300,000
Other Changes of Use of a building or land		£462

Advertising	
Relating to the business on the premises	£132
Advance signs which are not situated on or visible from the site, directing the public to a business	£132
Other advertisements	£462

Application for a Non-material Amendment Following a Grant of Planning Permission	
Applications in respect of householder developments	£34
Applications in respect of other developments	£234

Application for Permission in Principle (valid from 1 June 2018)	
Site area	£402 for each 0.1 hectare (or part thereof)

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Concessions
Exemptions from payment
For alterations, extensions, etc. to a dwellinghouse for the benefit of a registered disabled person
An application solely for the carrying out of the operations for the purpose of providing a means of access for disabled persons to or within a building or premises to which members of the public are admitted
Listed Building Consent
Planning permission for relevant demolition in a Conservation Area
Works to Trees covered by a Tree Preservation Order or in a Conservation Area Hedgerow Removal
If the application is the first revision of an application for development of the same character or description on the same site by the same applicant: <ul style="list-style-type: none"> • For a withdrawn application: Within 12 months of the date when the application was received • For a determined application: Within 12 months of the date the application was granted, refused or an appeal dismissed • For an application where an appeal was made on the grounds of non-determination: Within 12 months of the period when the giving of notice of a decision on the earlier valid application expired
If the application is for a lawful development certificate, for existing use, where an application for planning permission for the same development would be exempt from the need to pay a planning fee under any other planning fee regulation
If the application is for consent to display an advertisement following either a withdrawal of an earlier application (before notice of decision was issued) or where the application is made following refusal of consent for display of an advertisement, and where the application is made by or on behalf of the same person
If the application is for consent to display an advertisement which results from a direction under Regulation 7 of the 2007 Regulations, dis-applying deemed consent under Regulation 6 to the advertisement in question
If the application is for alternative proposals for the same site by the same applicant, in order to benefit from the permitted development right in Schedule 2 Part 3 Class V of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
If the application relates to a condition or conditions on an application for Listed Building Consent or planning permission for relevant demolition in a Conservation Area
If the application is for a Certificate of Lawfulness of Proposed Works to a listed building
Prior Approval for a Proposed Larger Home Extension

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Concessions continued...
Reductions to payments
If the application is being made on behalf of a non-profit making sports club for works for playing fields not involving buildings then the fee is £462
If the application is being made on behalf of a parish or community council then the fee is 50%
If the application is an alternative proposal being submitted on the same site by the same applicant on the same day, where this application is of lesser cost then the fee is 50%
In respect of reserved matters you must pay a sum equal to or greater than what would be payable at current rates for approval of all the reserved matters. If this amount has already been paid then the fee is £462
If the application is for a Lawful Development Certificate for a Proposed use or development, then the fee is 50%
If two or more applications are submitted for different proposals on the same day and relating to the same site then you must pay the fee for the highest fee plus half sum of the others
Where an application crosses one or more local or district planning authorities, the Planning Portal fee calculator will only calculate a cross boundary application fee as 150% of the fee that would have been payable if there had only been one application to a single authority covering the entire site.
If the fee for this divided site is smaller when the sum of the fees payable for each part of the site are calculated separately, you will need to contact the lead local authority to discuss the fee for this divided site.
The fee should go to the authority that contains the larger part of the application site.

ENDS

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No 10

meeting date: 8 MARCH 2018
 title: REVENUE MONITORING 2017/18
 submitted by: DIRECTOR OF RESOURCES
 principal author: TRUDY HOLDERNESS

1 PURPOSE

1.1 To let you know the financial position for the period up to the end of January for this year's revenue budget as far as this committee is concerned.

1.2 Relevance to the Council's ambitions and priorities:

- ❖ Community Objectives – none identified
- ❖ Corporate Priorities – to continue to be well managed Council providing efficient services based on identified customer need and meets the objective within this priority, of maintaining critical financial management controls, ensuring the authority provides council tax payers with value for money.
- ❖ Other Considerations – none identified

2 FINANCIAL INFORMATION

2.1 Shown below, by cost centre, is a comparison between actual expenditure and the original estimate for the period. You will see an overall overspend of £28,450 on the net cost of services. After allowing for estimated transfers to and from earmarked reserves this overspend is increased to £39,556.

Cost Centre	Cost Centre Name	Net Budget for the full year £	Net Budget to the end of the period £	Actual Commitments to the end of the period £	Variance £	
PLANG	Planning Control & Enforcement	233,780	-405,160	-364,023	41,137	R
PLANP	Planning Policy	90,780	4,110	4,881	771	G
LDEVE	Local Development Scheme	118,230	33,788	23,645	-10,143	R
BCSAP	Building Control SAP Fees	210	-882	-1,280	-398	G
BCFEE	Building Control Fee Earning	-11,510	-120,604	-121,495	-891	G
BCNON	Building Control Non Fee Earning	56,090	5,476	6,620	1,144	G
AONBS	Area of Outstanding Natural Beauty	15,910	0	0	0	G
COMMG	Community Groups	0	0	0	0	G
COUNT	Countryside Management	52,360	12,713	11,627	-1,086	G
FPATH	Footpaths & Bridleways	5,820	260	0	-260	G
CONSV	Conservation Areas	12,190	0	0	0	G
PENDU	Pendle Hill User Group	-440	-368	-441	-73	G
PLSUB	Grants and Subscriptions	5,250	4,376	2,625	-1,751	G
CINTR	Clitheroe Integrated Transport Scheme	7,160	5,150	5,150	0	G
	Net cost of services	585,830	-461,141	-432,691	28,450	

Cost Centre	Cost Centre Name	Net Budget for the full year £	Net Budget to the end of the period £	Actual including Commitments to the end of the period £	Variance £
Items added to / (taken from) balances and reserves					
PLBAL H234	Building Control Reserve Fund	11,510	120,604	121,495	891
PLBAL H334	Restructuring Reserve	-35,820	0	0	0
PLBAL H336	Planning Reserve Fund - Local Development Scheme	-40,140	-33,788	-23,645	10,143
PLBAL H273	Pendle Hill User Reserve	440	368	441	73
PLBAL H284	Neighbourhood Planning Reserve	-4,930	-4,930	-4,931	-1
Net Balances and Reserves		-68,940	82,254	93,360	11,106
Net Expenditure		516,890	-378,887	-339,331	39,556

2.2 The variations between budget and actuals have been split into groups of red, amber and green variance. The red variances highlight specific areas of high concern, for which budget holders are required to have an action plan. Amber variances are potential areas of high concern and green variances are areas that currently do not present any significant concern.

Key to Variance shading	
Variance of more than £5,000 (Red)	R
Variance between £2,000 and £4,999 (Amber)	A
Variance less than £2,000 (Green)	G

2.3 We have then extracted the main variations for the items included in the red shaded cost centres and shown them with the budget holder's comments and agreed action plans, in Annex 1.

2.4 The main variations for items included in the amber shaded cost centres are shown with budget holders' comments at Annex 2.

2.5 In summary the main area of variance is given below. Please note favourable variances are denoted by figures with a minus symbol.

Description	Variance to end of January 2018 £
<p>PLANG – Planning Control Below average income received up to the end of January. It must be noted that due to the nature of planning fees, income can fluctuate largely from month to month and year to year.</p>	41,318

3 CONCLUSION

- 3.1 The comparison between actual and budgeted expenditure shows an overall overspend of £28,450 on the net cost of services. After allowing for estimated transfers to and from earmarked reserves this is increased to £39,556 for the period up to the end of January 2018.
- 3.2 The main reason for this net underspend is that planning fee income is lower than anticipated.

TRUDY HOLDERNESS
SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES

PD4-18TH/AC
22 February 2018

BACKGROUND WORKING PAPERS

*Revised Estimates approved by Committee on 11 January 2018
Planning & Development Committee budget monitoring working papers 2017/18*

For further information please ask for Trudy Holderness.

PLANNING & DEVELOPMENT COMMITTEE

RED VARIANCES

Ledger Code	Ledger Code Name	Budget for the Full Year	Budget to the end of the period	Actual including Commitments to the end of the period	Variance		Reason for Variance	Action Plan as agreed between the Budget Holder and Accountant
LDEVE/3085	Local Development Scheme	33,700	28,086	20,699	-7,387	R	A number of pieces of work have been commissioned from Urban Vision which is currently continuing. The variance shown represents the uncertain timing of elements of this work.	No action proposed as expenditure is continuing
PLANG/8404u	Planning Control / Planning Fees	-513,880	-428,268	-386,950	41,318	R	Lower than anticipated income levels up to the end of January. The budget is based on the average of past levels of income received.	The situation can fluctuate greatly depending on whether any applications are received for a major development as the year progresses. This makes income levels difficult to predict with any certainty.

PLANNING & DEVELOPMENT COMMITTEE

AMBER VARIANCES

Ledger Code	Ledger Code Name	Budget for the Full Year	Budget to the end of the period	Actual including Commitments to the end of the period	Variance		Reason for Variance
BCFEE/8405n	Building Control Fee Earning / Building Regulation Fees	-178,000	-144,572	-141,503	3,069	A	Lower than anticipated income levels up to the end of January. The budget is based on the average of past levels of income received.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 11

meeting date: 8th March 2018
title: PLANNING APPEALS
submitted by: DIRECTOR OF COMMUNITY SERVICES
principal author: ROBERT MAJOR

1 PURPOSE

- 1.1 To inform Members of the planning appeal process and the importance of reviewing appeal decisions to determine whether the Council's Policies within the Core Strategy can be robustly defended.

2 BACKGROUND

- 2.1 Applicants have a right of appeal against most local planning authority decisions. Appeals are not solely limited to refused planning applications but can also be made against conditions attached to an approval or applications that have not been determined within the statutory time period.
- 2.2 An appeal can only be made by an applicant, there is no third party right of appeal (i.e objectors) and in the majority of cases appeals are determined by the Planning Inspectorate on behalf of the Secretary of State. However, the Secretary of State does have the power to make a decision on an appeal rather than the Planning Inspector.
- 2.3 The procedure to be followed at an appeal is somewhat dependant on the complexity of the planning matters to be considered. The majority of appeals are determined via written representations where both the appellant and the LPA submit their written comments to the Planning Inspectorate. Planning Hearings provide an opportunity for the Inspector to ask questions about the written evidence provided by both parties in respect of more complex cases and Planning Inquiries provide an opportunity for submitted evidence to be tested and generally involve the use of legal barristers on the most complex of appeals. In respect of householder and less complex commercial appeals, there is an expedited appeal process where the LPA do not get the opportunity to provide any further written representations beyond the decision notice and delegated/committee report.
- 2.4 In the past three years (1st January 2015 – 31st December 2017) Ribble Valley Borough Council has received 117 appeals, thus on average the LPA received almost 40 appeals per year.
- 2.5 In addition to issuing an appeal decision the Inspectorate can also award either the appellant or the LPA costs if it is considered that either party has behaved unreasonably in the consideration of the planning application or during the appeal process.

3 ISSUES

- 3.1 The LPA consider the reviewing of appeal decisions as an essential way of evaluating both national and local policies, particularly whether the policies within the Ribble Valley Core Strategy are being robustly defended and upheld at appeal.
- 3.2 The “Balancing and Housing Growth” section of the recent Local Government Association Corporate Peer Challenge (dated 20-22nd November 2017), specifically paragraph 4.23 recommends that the *“Close monitoring of planning appeals will also allow the council to be robust in ensuring development is delivered in a planned way. This can be done by providing regular reports to planning committee (perhaps 6 monthly) to enable members to consider whether there are any common themes with those applications overturned so that lessons can be learnt.”*
- 3.3 When planning appeal decisions are received from the Inspectorate they are immediately attached to the website for public viewing and sent to all staff members within the planning department for review. Each appeal decision is also included as an appendix on the agenda of every monthly Planning and Development Committee for Members to view. Additionally a monthly list of appeals received and appeal decisions is published on the planning section of the Council’s website.
- 3.4 As recommended by the Local Government Association Corporate Peer Challenge the LPA will now produce a six-monthly report to Planning and Development Committee summarising the appeal decisions the Council has received in a six month period. Attached to this report as an appendix is the first of these reports which summarises the 11 appeal decisions received during the six month period of Jul 2017 – Dec 2017. It is envisaged that these six-monthly reports will provide Members of Planning and Development Committee with an overview of recent appeal decisions and the challenges/issues that the department faces, as well as helping to ensure that consistent decisions are reached when determining planning applications in line with both national and local policies.

4 CONCLUSION

- 4.1 The Planning Department has acknowledged the outcomes and recommendations of the recent Corporate Peer Challenge Report and as a result will provide a six monthly report to Members of Planning and Development Committee summarising all appeal decisions received by the Council.

ROBERT MAJOR
PRINCIPAL PLANNING OFFICER

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

For further information please ask for Robert Major, extension 4516.

APPENDIX 1

Six monthly summary of Appeal Decisions (Jul 2017 – Dec 2017)

During the six month period between 1st July 2017 and 31st December 2017 the Council received 10 appeal decisions from the Planning Inspectorate. Of these 10 decisions eight appeals were dismissed and two were allowed. Additionally the Council were also awarded full costs in respect of a withdrawn appeal. A brief summary of each appeal decision is included below:

3/2016/0279 - Dove Syke, Eaves Hall lane, West Bradford – Appeal Dismissed 03/07/17

An application to replace the existing timber windows and porch door with upvc double glazing on a Grade II Listed Building was refused by the LPA. In considering the appeal the Inspector accepted that the replacement openings would have the appearance of timber "...when closed and viewed from a distance", however "...when open the plastic interior would be evident and on close inspection the texture of the material would not have the same patina as painted wood."

The Inspector therefore concluded that the proposal would cause harm to special interest of the listed building and to its significance as a heritage asset when dismissing this appeal.

3/2016/0765 – Land at 68-70 Whalley New Road, Wilpshire – Costs awarded to the Council 04/07/17

An outline planning application for the erection two dwellings was submitted to the LPA and in order to fully consider the application the LPA requested that the applicant provide further information. The additional information requested was not provided and subsequently the application was refused. This refusal was appealed and the appellant also put in a cost claim against the Council. In response to the appeal the LPA submitted a detailed Appeal Statement, Cost Rebuttal and its own Cost Claim against the applicant.

The appellant subsequently withdrew their appeal and cost claim, however the LPA had already undertaken considerable work (and expense) in the defence of this appeal and thus continued with its cost claim for the works undertaken.

The Inspector agreed that the appellant's actions "...amount to unreasonable behaviour" and thus awarded full costs to the Council. The appellant subsequently paid the Council £900 in costs.

3/1016/1067 - Westholme, Longsight Road, Copster Green – Appeal Dismissed 06/07/17

The appellant appealed against the LPA's decision to refuse an application for a replacement dwelling in Copster Green. The application was refused on the grounds that the size, scale and appearance of the replacement dwelling were not in keeping with the character of the area, specifically the adjacent residential properties.

The Inspector agreed with the LPA's assessment and dismissed the appeal, commenting that the proposal would "...significantly harm the character and appearance of the area."

3/2017/0272 - Ribble View Barn, Alston Lane, Longridge – Appeal Dismissed 22/08/17

Prior approval application (under Class Q of GPDO) to convert an agricultural building to a residential dwelling. The application was refused on the grounds that the building was not capable of conversion without substantial construction works and that the proposal would result in a building that was “overtly suburban”.

In dismissing the appeal the Inspector commented that in order to be converted under Class Q a building must be capable of functioning as a dwelling without the need for the construction of new structural elements. The building to be converted was steel portal framed with metal cladding to the sides above blockwork walls and the Inspector therefore concluded that “...it is clear to me that without such extensive building works the existing building would not be capable as functioning as a dwelling”, when dismissing the appeal.

With regard to the “overtly suburban” appearance raised by the LPA, the Inspector comments that it is not necessary to consider this as part of the appeal as the principle of the conversion (because the existing building is not structural capable of conversion) is not acceptable.

3/2016/0708 & 3/2016/0709 - Dog and Partridge PH, Tosside – Appeal Dismissed 04/10/17

An application to convert an existing Public House and its adjoining bed and breakfast into two dwellings was refused by the LPA on the grounds that proposal would result in the loss of the historic use of the Grade II Listed Public House and would also result in a loss of employment/commercial facility to the detriment of tourism in the area and the local community. This decision was appealed by the applicant and a formal Hearing took place at the Council’s Offices.

In terms of impact upon tourism and the local community, the Inspector accepted that the existing uses on the site (bed and breakfast, and public house) were not financially viable and their loss would have no significant impact upon the rural economy. However the Inspector dismissed the appeal on the grounds that the change of use of the public house section of the building to a dwelling would be harmful to the historic and communal value of the building and consequently the proposal failed to preserve the special interest of the listed building.

3/2016/1196 – Land at Lower Standen Hey Farm, Whalley Road, Pendleton – Appeal Dismissed 25/10/17

An application to erect five dwellings was refused on the grounds that the erection new dwellings in the open countryside is contrary to the Core Strategy, and that the proposal would be visually detrimental to the open countryside and adjacent Grade II Listed Building.

The Inspector accepted that the LPA were able to demonstrate a five-year housing land supply and thus the residential development within the open countryside was contrary to the development plan. Additionally, in dismissing the appeal the Inspector also agreed that the proposal would “..not only harm the setting of the listed building but would also be detrimental to the character and appearance of the rural landscape to the south of Clitheroe.”

3/2017/0039 – 18 Netherwood Gardens, Brockhall Village – Appeal Dismissed 25/10/17

A householder appeal against a refusal of retrospective planning permission for amendments to the front and rear first floor balcony areas. The application was refused on the grounds that the alterations to the front would be visually detrimental to the area and the alterations at the rear would have a detrimental impact upon neighbouring residential amenity.

The Inspector did not consider that there was an amenity issue in respect of the rear balcony, however the Inspector agreed that the alterations to the front caused significant harm to the character and appearance of local area and therefore dismissed the appeal.

3/2017/0308 – Fields Farm Barn, Back Lane, Chipping – Appeal Allowed 02/11/17

A householder appeal against a refusal for a new openings within a former barn building. The LPA refused the application on the grounds that the openings would undermine the inherent character of the existing building and be of detriment to the visual amenities and character of the area, including the AONB.

In allowing the appeal the Inspector did not consider that the new openings would harm the character of the dwelling or the surrounding area.

3/2017/0088 – 1 and 2 Abbeycroft, The Sands, Whalley – Appeal Dismissed 03/11/17

Listed building consent was refused for the demolition of an external toilet block to be replaced with a single storey extension at 1 and 2 Abbeycroft in Whalley Conservation Area.

In dismissing the appeal the Inspector agreed with the LPA that the proposed works would fail to preserve the special interest of the listed building, as well as the setting of other listed buildings in the vicinity and the significance of Whalley Conservation Area.

3/2016/1202 - Barn at Greengore Farm, Hill Lane, Hurst Green - Appeal Dismissed 09/11/17

The LPA refused planning permission for the conversion of a barn at Greengore Farm to a residential dwelling, including the replacement of an existing garage. The application was refused on the grounds that the proposed conversion would have a harmful impact upon the setting of the nearby listed buildings, along with the cultural heritage and character of the Forest of Bowland Area of Outstanding Natural Beauty as a result of insertions of incongruous, conspicuous and visually intrusive glazed windows and doors and the overtly domestic treatment of openings.

In dismissing this appeal the Inspector concurred that the proposed development would harm the character and appearance of the traditional barn and the setting of the nearby Listed Buildings, which would "...damage historic elements of the AONB's environment that serve to enrich the landscape's scenic quality."

3/2017/0220 – 2A Whittingham Road, Longridge - Appeal Allowed 14/12/17

Upon the recommendation of LCC Highways an application for the change of use of a shop to a hot food takeaway was refused on highway safety grounds. It was considered that there was already a lack of suitable parking in the area and the proposed change of use would only exacerbate the existing situation to the detriment of highway safety in this area.

The Inspector noted that parking was restricted by double yellow lines to the front of the unit before commenting that on-street parking is available within a short distance of the appeal premises. The Inspector was of the opinion that because of the residential nature of the area many of the potential customers may live locally and therefore walk to the property, or receive deliveries. The Inspector also commented that the claim customers may ignore on-street

parking restrictions (yellow lines) was not a valid justification to refuse the application and that such restrictions should be enforced by the relevant authorities.

In summary the Inspector concluded that there was no evidence to demonstrate that the additional traffic created by the proposed use could not be accommodated within the existing on street parking provision, a short distance from the appeal site, and therefore allowed the appeal.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 12

meeting date: THURSDAY, 8 MARCH 2018
 title: PLANNING APPLICATION STATISTICS REPORT
 submitted by: JOHN MACHOLC – HEAD OF PLANNING SERVICES
 principal author: LESLEY LUND – SENIOR PLANNING ADMINISTRATION OFFICER

1 PURPOSE

- 1.1 To update Committee on key information in relation to determination of planning applications from 01/10/17 – 31/12/17 (Quarter 3 17/18).
- 1.2 The report covers the third quarter of 2017/18 – Quarter 3 from 1 October 2017 – 31 December 2017.

2 APPLICATIONS RECEIVED AND DETERMINED DURING QUARTER 3 (17/18) AND

- 2.1 The table below shows the number of applications received and determined during the third quarter of 2017/18.

	QUARTER 3 17/18 01/10/17 – 31/12/17
APPLICATIONS RECEIVED	169
APPLICATIONS DETERMINED	187
% OF DELEGATED DECISIONS	93.58%

3 CATEGORY OF APPLICATIONS

- 3.1 Applications are put into categories Major, Minor and Other. Below is a description of how the applications are categorised:

Major applications are applications which fall into the following categories:

Dwellings - 10+ dwellings or cover a site area of 0.5ha+

Offices/Retail & Distribution/Light Industry -cover over 1,000m² or floor space or a site area of 1ha+

General Retail Distribution and Servicing – 1,000m²+ or floor space or site area of 1ha+

Gypsy and Traveller sites – 10+ pitches

All other major developments – all other uses, whether in a use class or sui generis uses – 1,000m²

Minor applications are applications which fall into the following categories:

Dwellings – 1-9 dwellings. Or site area of less than 0.5ha

Offices/Retail & Distribution/Light Industry – less than 1,000m² floor space or less than 1 ha site area

General Industry and Distribution and Servicing – less than 1,000m² floor space or less than 1ha site area

Gypsy and Traveller sites – 1-9 pitches

All other minor developments – less than 1,000m² floor space or less than 1ha site area

Other Developments

Minerals Processing

Change of Use – going from one class use to another

Householder developments - extensions, conservatories, garages etc within the domestic curtilage of the property

Advertisements

Listed Building Consent

4 TARGETS

4.1 Performance has traditionally been measured in terms of time taken to determine a planning application. Targets (Best Value Performance Indicator (BVPI) 157a, b, and c) were as follows:

'Major' developments: 60% within 13 weeks from valid submission to despatch of decision notice. 'Minor' developments: 65% within 8 weeks from valid submission to despatch of decision notice. 'Other' developments: 80% within 8 weeks from valid submission to despatch of decision notice. The Council's own determination targets for the year 2017/18 are as follows:

50% of Major Applications within 13 weeks
65% of Minor Applications within 8 weeks
75% of Other Applications within 8 weeks

The Council has reviewed its own targets to ensure compliance with DCLG and will be mindful of future changes.

4.2 RIBBLE VALLEY DETERMINATION RATES

THIRD QUARTER 2017/18 – 1 October 2017 to 31 December 2017

Majors 75% determined within 13 weeks
Minors 93.10% determined within 8 weeks
Others 88.88% determined within 8 weeks

4.3 TREND

Members will see that both Government and the Council's own performance targets have been met in all categories.

4.4 EXTENSION OF TIME

In the quarter 01/10/17 – 31/12/17 35 extensions of time were secured.(approximately 20%)

4.5 CALL IN REQUESTS

During the quarter there was one call in request which related to the Camping pod development at Hacking Boat House Mitton.

5 FEES RECEIVED

5.1 Planning fees were increased on 17 January 2018.

5.2 The fees received for planning applications are as follows:

Quarter 3 (01/10/17 – 31/12/17) - £81761.00 included in this figure are fees generated by Major schemes – which amounted to £18480.00. This includes the major applications during the quarter.

The planning application fees received in Quarter 2 (01/07/17-30/09/17) were £133394.00 this figure includes 3 large fees (£28463, £23304, £10780).

6 INVALID APPLICATIONS

6.1 When an application is received into the Planning Office it is checked to make sure it is a complete application.

6.2 There is a national list and local list of requirements to ensure this which includes: the correct fee, a location plan, plans drawn to a recognised metric scale with external floor dimensions and elevational dimensions, bat and tree surveys. Dependent on the type of application other things may be required in order to have a valid application. Common reasons for invalidity include fee outstanding, bat survey required, heritage statement required (Conservation Areas, Barns and Listed Buildings, dimensions on plans (elevational) and plans that are not to scale. Most invalid applications are turned around fairly quickly.

6.3 Currently around 40% of applications received are invalid. The Administration team make contact by email or letter to the applicant or agent informing them, normally within a working day. In many cases and subject to the response from the applicant the application can be revalidated within 2 -5 working days but when additional information such as a Bat Survey or Transport Assessment this can take between 3 and 4 weeks. After 3 months the applications are normally returned with the files removed.

7 APPEALS DETERMINED

7.1 There are three main types of planning appeals. These are written representations, Hearings and Inquiries.

7.2 WRITTEN REPRESENTATION

The majority of appeals are determined as written representation. The appellant will put forward a written statement whilst the Local Planning Authority cannot send comments and so reliance is put on the officer's report (either delegated or committee) to justify the Local Planning Authority decision.

HEARING

A planning hearing is an appeal in which there is normally no legal representation. Statements are submitted by both parties and there is a discussion on the key issues.

INQUIRY

An Inquiry is more formal and there is normally legal representation formal cross examination of witnesses.

7.3 APPEAL DECISIONS

Qtr3 17/18 (01/10/17 – 31/12/17)

The table below shows the number of appeals received in the quarter.

PLANNING APPEALS RECEIVED 01/10/17 – 31/12/17

Planning Appeals Received	Number
Written Representations	2
Hearings	1
Inquiry	1
Householder	0

The table below shows the number of appeals determined in the quarter.

PLANNING APPEALS DETERMINED 01/10/17 – 31/12/17

Planning Appeals Determined	Number
Written Representations	4
Hearings	2
Inquiry	0
Householder	2

There were 2 appeals allowed and this gives a percentage of 25% when divided by the relevant appeals decided. 3 appeals were withdrawn during this quarter.

7.4 COST AWARDS

It is important to emphasise that an application for costs can be made by either party if it is considered they have acted in an unreasonable manner. Guidance is available in the

Planning Practice Guide. These can be for a Procedural award or a Substantive award. There has been no award of costs during this quarter.

8 PRE APPLICATION ADVICE

8.1 Fees generated between 1 October 2017 and 31 December 2017 (Quarter 3) were £10400.

8.2 Please see below a table prepared by Principal Planning Officer, Robert Major, showing a split between pre application types, number received targets and response times

Application type	Fee	Target response time (days)	Number of pre-apps received	Number responded	Number responded within target date	Average response time (days)	Fee Income
Major	£880	56	5	3	2	51	£4,400
Intermediate	£440	49	5	4	1	55	£2,200
Minor	£220	42	15	12	11	38	£3,300
Householder	£100	35	4	4	3	33	£400
Householder (no meeting)	£50	28	2	2	1	24	£100

9 CONCLUSION

9.1 It is evident the in relation to determination rates on planning applications we are maintaining a positive direction and that the most recent quarter is above the Government targets.

9.2 In relation to pre application advice the fee income remains significant and in most categories we are meeting the target response date. However, members may be aware that currently the post is vacant and until a replacement is secured the workload is being shared amongst the Planning officer. We will remain focused on delivering an efficient and speedy service but there may be some slippage as result of the vacancy.

9.3 The Delegation rate of between 92%-95% is consistent with the national targets which not only continues to allow the Planning and Development Committee to focus on key or strategic applications but also allows the more minor applications to be determined in a more efficient and timely manner which assists the development process.

JOHN MACHOLC
HEAD OF PLANNING SERVICES

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

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



Appeal Decision

Site visit carried out on 1 December 2017

by Mrs J A Vyse DipTP DipPBM MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 December 2017

Appeal Ref: APP/T2350/W/17/3178610

2A Whittingham Road, Longridge, Lancashire PR3 3JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs S Aziz against the decision of Ribble Valley Borough Council.
 - The application No 3/2017/0220, dated 20 February 2017, was refused by a notice dated 16 May 2017.
 - The development proposed is described on the application form as transfer of current shop to a hot food premises – takeaway.
-

Decision

1. For the reasons that follow, the appeal is allowed and planning permission is granted for use of 2A Whittingham Road, Longridge, Lancashire as a hot food takeaway in accordance with the terms of the application, No 3/2017/0220, dated 20 February 2017, subject to the conditions set out in the attached schedule.

Main Issue

2. This relates to the effect of the proposed change of use on highway safety.

Reasons for the Decision

3. The appeal premises comprise a modest retail unit within a small single storey group of commercial premises fronting on to the roundabout junction of Whittingham Road (B5269) and Derby Road (B6244). At the time of my visit, other uses in the group included a barbers/hair and beauty establishment, a café and a fish and chip shop.
4. The Council advises that the roundabout junction is busy, particularly during the morning and evening peak hours, and that there is a poor accident record here. However, other than a comment that two accidents involved pedestrians emerging from between parked cars, no detailed evidence is before me. For instance, there is no indication as to what time of day/day of week or over what period the two incidents referred to occurred. Neither is there any information as to the timing, nature, cause or frequency of any other incidents.
5. During my visit, I saw that parking is restricted by double yellow lines along the highway in front of the commercial units on the corner here, as well as on other arms of the roundabout. However, on-street parking is available within a short distance of the appeal premises, on the opposite side of this part of Whittingham Road and on nearby roads, including Chatburn Road. Although parking on nearby streets would require a short walk to the premises, this

- would be in the region of around 50 metres and in my experience would not be a prohibitive distance for even a short visit to a takeaway.
6. Intended opening would be between 16.00-23.00 hours and thus the business would be open during the evening, when there would, it seems to me, be demand for on-street parking from residential occupiers along the respective roads. However, the residential nature of the area also means that it is reasonable to assume that many potential customers may live locally and would walk to the premises, or may have their purchase delivered. In any event, no evidence is before me to demonstrate that any increase in parking arising from visitors driving to the proposed takeaway, which visits would be for a short duration, could not be accommodated within the existing on street parking provision, a short distance from the appeal site.
 7. I recognise that parking on the forecourt area in front of the shops may have implications for pedestrian safety as vehicles cross the footway. However, this is an existing arrangement and there is no evidence to demonstrate that operation of the existing uses here, including the fish and chip shop, have impacted adversely on pedestrian safety, with the only two incidents referred to relating to pedestrians emerging from between parked cars. Moreover, the application relates to premises which can lawfully be used for A1 retail purposes. Such a use would also be likely to attract at least some car-borne customers in any event.
 8. It is suggested that customers may ignore the on-street parking restrictions and may risk parking on the double yellow lines in contravention of existing waiting restrictions. However, my decision is made on the basis that those restrictions would be enforced by the relevant authorities.
 9. All in all, in the absence of any compelling evidence to support the Council's concerns, I am satisfied that any increase in demand for parking could be accommodated and that the development proposed would not represent a danger to highway safety, even having regard to cumulative impact in connection with existing uses. There would be no conflict, in this regard, with policies DMG1 and DMG3 of the Ribble Valley Core Strategy 2008-2028 (adopted December 2014) which together and among other things require that consideration is given to traffic and car parking implications, with all development proposals to be provided with adequate parking and servicing.

Other Matters

10. The appeal site lies within the Longridge Conservation Area, which is a good example of a Lancashire industrial town, containing mainly C19th stone buildings along three principal streets. I consider that its special interest, and thus its heritage significance, derives largely from its buildings and their layout.
11. The development proposed comprises the change of use of a modern retail premises which, of itself, would not have any effect on the character or appearance of the Conservation Area. In terms of physical alterations to facilitate the proposed use, the only external alterations indicated on the submitted plans comprise a replacement extraction flue on the rear, although the detail provided in terms of its appearance is very sketchy. Given the presence of extraction equipment at the rear of other premises in the group, I am satisfied that, in principle, the replacement flue need not, subject to an

appropriate condition, harm the character or appearance of the Conservation Area.

12. Local residents raise concerns relating to youths gathering, litter, noise, nuisance and odours. The main activity associated with the proposed use would be concentrated to the front of the premises. Although the site lies within a residential area, it fronts onto a busy roundabout, at the junction of two main roads, with no residential accommodation above, the units here being single storey. In that context, I consider, subject to conditions restricting opening hours to those applied for, that the proposed use need not be of significant consequence in terms of noise and anti-social behaviour.
13. In relation to odours, a new extraction system is proposed. No objection is raised by Environment Health in this regard and I have no reason to suppose that a modern extraction system would not be able to deal satisfactorily with cooking odours. With respect to concerns over littering, I did not observe there to be any particular related problems in the immediate vicinity at the time of visit, even though there is fish and chip shop in the group here. In the absence of any definitive evidence on the matter, I give this only limited weight in reaching my conclusion.
14. Other comments suggest that there is no need for another take away in the immediate locality. I recognise that there is a fish and chip shop and a café within this short parade. However, the planning system does not exist to stifle competition. I therefore give this matter very little weight.

Conclusion

15. For the reasons set out above, I conclude that the appeal should succeed.
16. The Council has suggested five conditions in the event of such an outcome. In addition to the standard condition relating to timing for commencement of development, it is necessary to control opening hours in order to protect the living conditions of local residents. For the same reason, but also to protect the character and appearance of the Conservation Area, a condition requiring further detail of the proposed fume extraction equipment is needed.
17. Whilst the Council suggests a condition specifying the plans to which the permission relates, such a condition is not necessary where an application relates solely to change of use. Another condition suggests that the premises shall be used only as a hot food takeaway (Use Class A5) and for no other purpose. I am mindful, in this regard, that the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO) allows for change of use of Class A5 hot food takeaways to other uses, including uses falling within Class A2 financial and professional services and Class A3 (restaurants and cafes) without the need for planning permission. Whilst the Council asserts that uses other than a hot food takeaway could have implications for neighbour amenity and/or the character and appearance of the Conservation Area, the precise nature of those concerns is not articulated anywhere.
18. It is not clear to me how any of the uses permitted by the GPDO would necessarily impact on those interests. However, the parking pattern for use as a restaurant or café use would be different from the short duration parking associated with a hot food takeaway, with implications for highway safety (and,

potentially, the living conditions of local residents who rely on on-street parking provision particularly, it would seem to me, in the evenings and at weekends). Similarly, customers of a financial or professional services establishment may have longer term parking needs that could not, necessarily, be readily met in this location. It is in the light of the absence of any dedicated off-street parking for such uses that I consider the suggested condition to be necessary.

Jennifer A Vyse
INSPECTOR

Schedule of Conditions
APP/T2350/W/17/3178610
2A Whittingham Road, Longridge, Lancashire

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The use hereby permitted shall only take place between 16:00 – 23.00 hours on any day.
- 3) Notwithstanding any detail shown on the submitted plans, the use hereby permitted shall not commence unless and until a scheme to control the emission of fumes and smell from the premises has been installed in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.
- 4) The premises shall be used as a hot food takeaway only (Use Class A5) and for no other purpose (including any other purpose allowed for by Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Part in any statutory instrument revoking and re-enacting that Order with or without modification).

-----END OF CONDITIONS SCHEDULE-----



Appeal Decision

Site visit made on 30 January 2018

by **Debbie Moore BSc (HONS) MCD MRTPI PGDip**

an Inspector appointed by the Secretary of State

Decision date: 8th February 2018

Appeal Ref: APP/T2350/W/17/3189488

The Ridge, Grindleton, Clitheroe BB7 4QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Hearle against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2017/0751, dated 10 August 2017, was refused by notice dated 10 November 2017.
 - The development proposed is described on the appeal form as "erection of stable for two horses, haylage and equipment".
-

Decision

1. The appeal is allowed and planning permission is granted for "erection of stable for two horses, haylage and equipment" at The Ridge, Grindleton, Clitheroe BB7 4QT in accordance with the terms of the application, Ref 3/2017/0751, dated 10 August 2017, subject to the conditions attached in the schedule to this Decision.

Procedural Matters

2. I have taken the description of development from the appeal form for consistency with the Council's decision notice.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, in particular the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site is located in the countryside, to the north of the settlement of Grindleton, and is within the AONB. The site lies adjacent to a rural lane known as Whitehall Lane. The surrounding countryside is characterised by open fields, with boundary hedgerows, groups of trees and watercourses. The topography is undulating and the site is visible from a number of public viewpoints along Whitehall Lane, and from a public footpath that runs to the west of the site. The site is accessed from Whitehall Lane, at a low point in the road where it bends sharply to the south-west. There is hedgerow along the boundary adjoining the road.
5. The proposed development is a detached stable/storage building comprising three bays. It would be sited close to the existing field access alongside the

front boundary, away from any other development. The proposal would include alterations to the access, a new tarmac entrance and track, and a vehicle turning area. It would also involve works to level the site due to the steep slope of the land behind the hedgerow.

6. The building would be visible from the lane and the footpath, and it would be isolated from other buildings in the area. However, it would have the appearance of a rural building due to its simple form, low key roof and timber cladding. The excavations necessary to site the building would be relatively extensive due to the slope of the land. However, the result is that the building would be situated at the lowest level of the field, which would reduce its visual prominence. The hedgerow would provide screening during the summer months, although I appreciate that the development would still be visible in the immediate area. However, I do not consider that the building would be overly prominent in longer range views due to its siting towards the lower part of the field.
7. I saw from my site visit that rural buildings are not a common feature of the local landscape, although the houses towards the top of Whitewall Lane are noticeable due to their scale and location. Although the stable would be an isolated feature, it would be a rural building which would not be out of place in this locality.
8. The alterations to the access combined with the new tarmac entrance and hardstanding would reinforce the physical presence of the building. However, the stretch of tarmac would be restricted to a relatively short length, and the hardstanding and turning area would be screened to a certain extent by the building itself. I do not consider, therefore, that the ancillary works would have a material adverse effect on the character of the area.
9. Overall, I find that the development would conserve the landscape and scenic beauty of the AONB, to which I attach great weight in accordance with the National Planning Policy Framework.

Conditions

10. In addition to the standard time limit condition, I have imposed a condition to specify the approved plans as this provides certainty. I have also imposed pre-commencement conditions to secure details of materials, boundary treatments and a landscaping scheme, and to restrict external lighting, which are necessary to protect the character and appearance of the countryside.
11. I have imposed a condition to restrict the use of the stables to ensure it remains domestic in scale and appropriate to the locality. I have also imposed the Council's suggested pre-commencement condition regarding the storage of manure, which is necessary in the interests of amenity.
12. I note the consultation response from the Highways Authority requesting a series of conditions regarding the provision of an improved site access and turning area. The Council has not suggested that these conditions should be imposed and, consequently, I am not satisfied that they are necessary.

Conclusion

13. I conclude that the development would conserve the natural beauty of the AONB. It would accord with Key Statement EN2 of the Ribble Valley Core Strategy 2008-2028 (adopted 2014), which seeks to protect, conserve and, where possible, enhance the landscape and character of the AONB, and Policies DMG1 and DMG2 of the Core Strategy which, amongst other things, seek to protect landscape character and amenity .
14. For the reasons given above, the appeal is allowed.

Debbie Moore

Inspector

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Layout Ref 3323/102 and New Stable Building Ref 3323/100.
- 3) No development shall take place until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The stables hereby permitted shall be used solely to accommodate the landowners' own horses and shall not be used for any commercial riding, livery, breeding or training purposes.
- 7) No external lighting shall be installed unless details have first been submitted to and improved in writing by the local planning authority. Any external lighting shall be implemented in accordance with the approved details.
- 8) No development shall take place until details of all boundary treatments/fencing have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 9) No development shall take place until a scheme for the containment and storage of manure has been approved by the local planning authority. Such a scheme shall be constructed and completed in accordance with approved plans and maintained at all times thereafter.

[end]



Appeal Decision

Site visit made on 30 January 2018

by **Debbie Moore BSc (HONS) MCD MRTPI PGDip**

an Inspector appointed by the Secretary of State

Decision date: 15th February 2018

Appeal Ref: APP/T2350/W/17/3177986

Field adjoining Hellifield Road, Gisburn, Clitheroe, Lancashire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Godfrey Smith against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2017/0029, dated 22 December 2016, was refused by notice dated 14 March 2017.
 - The development proposed is described as "erection of steel frame livestock shed (100' x 40') on land at Hellifield Road, Gisburn, Nr Clitheroe".
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Decision

1. The appeal is allowed and planning permission is granted for "erection of steel frame livestock shed (100' x 40') on land at Hellifield Road, Gisburn, Nr Clitheroe" at Field adjoining Hellifield Road, Gisburn, Clitheroe, Lancashire in accordance with the terms of the application, Ref 3/2017/0029, dated 22 December 2016, subject to the conditions attached in the schedule to this Decision.

Applications for Costs

2. An application for costs was made by Ribble Valley Borough Council against Mr Godfrey Smith. And an application for costs was made by Mr Godfrey Smith against Ribble Valley Borough Council. The applications are the subject of separate Decisions.

Background and Main Issue

3. The planning application sought permission for a steel framed agricultural shed, comprising five bays. Information accompanying the application¹ indicated that the livestock shed would be used for handling a flock of 100 ewes with 200 lambs, handling and winter housing for 20 cows with 20 calves, storing fodder and bedding and keeping farm machinery secure.
4. The application was a re-submission following a previous refusal for a similar building, but on a different site.² The ADAS report commissioned by the Council,³ in relation to the previous application, noted a discrepancy in the size of the enterprise. However, this was partly due to the fact that the cattle enterprise had yet to be established, pending the outcome of the planning

¹ Agricultural Information Form, 17 January 2017

² Ref 3/2016/0661

³ Dated 10 October 2016

application. The ADAS report stated that it was necessary to look at the existing business, and planning permission should not be granted to erect an agricultural building to service an enterprise that does not exist yet. It appears that this advice led to the refusal of the subsequent planning application, as detailed in the banner heading above. The Council considered that there was insufficient evidence to demonstrate the required agricultural need for the building.

5. By the time the appeal was submitted in June 2017, it is stated that the sheep flock had increased to provide a viable farming enterprise. The cattle had not been purchased due to the lack of shelter. I understand that by August 2017 the ewe flock had increased to 157, with 87 lambs remaining. The appellant explained that the size of the enterprise fluctuates, but the aim is to diversify the business, as set out in the application. The appellant confirms his intention to purchase 20 cattle, and states that the building is required to house them during the winter.
6. Due to the expansion in the size of the enterprise, the Council has indicated that it accepts there is an agricultural justification.⁴ I have determined the appeal on this basis.
7. I note that a polytunnel has been erected on land opposite the site to house the sheep through the winter, and for lambing, apparently without planning permission. For the avoidance of doubt, I have confined my considerations to the agricultural shed, as this is the matter before me.
8. Having regard to all that I have seen and read, I consider the main issue to be whether the development is needed for the purposes of agriculture and, if this need is demonstrated, the effect of the development on the character and appearance of the area, in particular the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and designated heritage assets in the vicinity.

Reasons

9. As set out above, the parties agree that the development is needed for the purposes of agriculture. There is no information before me that leads me to a different conclusion. Therefore, I must go on to consider the effect of the development on the character and appearance of the area.
10. The agricultural building would be sited towards the north-eastern corner of the field, adjacent to the railway line and close to an area of woodland. The design and materials are appropriate to a rural building of this type, and it would not appear out-of-character in this countryside setting. Despite the size and scale of the building, it would be sited in a less prominent part of the field and the existing field access would be utilised. Although the development would be visible from Hellifield Road and the railway line, it would not be overly dominant in the wider landscape.
11. The site is close to the boundary of the AONB. Due to its siting, and the building's utilitarian form and design, I consider that the development would be in keeping with the landscape and character of the area. The development would conserve the natural beauty of the AONB.

⁴ Email from Council dated 11 January 2018

12. The site lies opposite Gisburne Park, a grade II registered Historic Park and Garden. This is an early 18th century formal garden and deer park associated with Gisburne Hall; overlain by an 18th century landscaped park. The park forms the setting for the grade I listed mansion and numerous other listed estate buildings. The site is visible from the historic park, but as it is physically distinct and separated by the road, I consider that its contribution to the setting of the designated heritage assets is neutral. The agricultural shed would be viewed against the backdrop of the railway line and woodland, and it would not harm the significance of the designated heritage assets. Consequently, I am satisfied that the development would preserve the setting to the registered historic park and garden, and the listed buildings contained therein.
13. To conclude, I find that it has been demonstrated that the development is needed for the purposes of agriculture, and there would be no adverse effect on the character and appearance of the area.

Conditions

14. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty (1, 2). I have not imposed the Council's suggested materials condition, as this information is specified on the approved plans so the condition is not necessary.
15. I have not imposed a condition to restrict the use of the building, as it has not been demonstrated that this is necessary, or that the statutory instrument referenced by the Council is relevant.
16. I have imposed a pre-commencement condition requiring a Risk Assessment and Method Statement, which is necessary due to the proximity of the railway line (3).
17. Finally, a drainage condition is necessary to ensure the satisfactory disposal of surface water (4).

Conclusion

18. I conclude that the development would conserve the natural beauty of the AONB, and there would be no harm to the significance of heritage assets in the vicinity. The development would accord with Key Statement EN2 of the Ribble Valley Core Strategy 2008-2028 (adopted 2014), which seeks to protect, conserve and, where possible, enhance the landscape and character of the AONB, and Policies DMG1 and DMG2 of the Core Strategy which, amongst other things, seek to protect landscape character and amenity .
19. For the reasons given above, the appeal is allowed.

Debbie Moore

Inspector

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan Ref RT1, Elevations Ref RT2 and Floor Plan Ref RT3.
- 3) Development shall not commence until a Risk Assessment and Method Statement has been submitted to and approved in writing by the local planning authority. The Risk Assessment and Method Statement shall consider all works being undertaken within 10m of the operational railway. The development shall be implemented in full accordance with the details agreed.
- 4) The building hereby permitted shall not be brought into use until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The drainage works shall be maintained in accordance with the approved details thereafter.

[end]