

Minutes of Planning and Development Committee

Meeting Date: Thursday, 28 November 2019 starting at 6.30pm
Present: Councillor A Brown (Chairman)

Councillors:

| | |
|------------|-------------|
| T Austin | A Humphreys |
| I Brown | S Knox |
| B Buller | S O'Rourke |
| S Carefoot | R Sherras |
| J Clark | R Thompson |
| M French | N Walsh |
| B Holden | |

In attendance: Director of Economic Development and Planning, Solicitor, Head of Planning Services, Head of Regeneration and Housing and Senior Planning Officer.

Also in attendance: Councillors R Bennett, D Berryman, D Birtwhistle, G Mirfin and G Scott.

434 APOLOGIES

Apologies for absence from the meeting were submitted on behalf of Councillor J Rogerson.

435 MINUTES

The minutes of the meeting held on 31 October 2019 were approved as a correct record and signed by the Chairman.

436 DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of pecuniary and non-pecuniary interest.

437 PUBLIC PARTICIPATION

There was no public participation.

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

1. APPLICATION REF: 3/2019/0666
GRID REF: SD 361564 437093

DEVELOPMENT DESCRIPTION:

ERECTION OF BUSINESS UNITS (USE CLASS B1) COMPRISING THREE NEW BUILDINGS WITH ACCESS, PARKING AND PROVISION OF SECURE COMPOUNDS AT LAND SOUTH OF LOWER ROAD, HOTHERSALL PR3 2YY

APPROVED subject to the following conditions:

Timing of 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 two 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 two years from the date of this permission; or
 - (b) The expiration of one 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.

Plans

2. The permission shall relate to the development as shown on Location Plan 1 (scale 1:1500).

REASON: To clarify which plans are relevant to the consent.

Details

3. Detailed plans indicating the layout, scale and appearance of the buildings, facing materials, landscaping and boundary treatment and parking and manoeuvring arrangements for vehicles (called the "reserved matters") shall be submitted to and approved by the Local Planning Authority before development commences.

REASON: In order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline planning permission.

4. Applications for the approval of reserved matters shall be accompanied by details of the construction and design of external refuse recycling/bin stores. 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.

Visual Appearance

5. No goods, plant or materials shall be deposited or stored on the site other than in the buildings/compounds approved as part of any reserved matters application and no goods or materials stacked, stored or deposited shall exceed a height above ground level of 3 metres.

REASON: To ensure a satisfactory appearance of the site in the interests of local visual amenity.

6. No goods, plant or material shall be displayed for sale in the open on the site.

REASON: To ensure a satisfactory appearance of the site in the interests of local visual amenity.

Permitted Development

7. The use of the units hereby permitted shall be used for uses falling within Use Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision, including permitted changes, equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

REASON: Other uses may have an unacceptable impact on neighbour amenity and/or the character and appearance of the area.

8. No single unit of B1 accommodation hereby approved shall have a ground floor area of more than 300m² and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Order revoking or re-enacting that Order, no internal alterations involving the removal of walls between these individual units shall be carried out which would enlarge them so that any single unit has a ground floor area of more than 300m².

REASON: To prevent a proliferation of over large units in this area and to ensure that the access provided to the site can accommodate the traffic generated by the development.

Residential Amenity

9. The working hours within the premises shall be restricted to the period between 07:00-19:00 Monday to Saturday inclusive and not at all on Sunday and bank Holidays.

REASON: In the interests of the amenities of nearby residents.

10. No externally sited fixed plant, machinery or equipment (including ventilation and extraction equipment); or internally sited fixed plant, machinery and equipment (including ventilation and extraction equipment) which communicates directly to the exterior of a building used in connection with the development shall be fitted without first obtaining planning permission from the Local Planning Authority.

REASON: In the interests of the amenity of the surrounding area due to noise from such equipment.

11. Applications for the approval of reserved matters shall be accompanied by a noise assessment to ensure that the rating level of noise emitted from the site shall not have an impact on noise-sensitive premises.

The development shall be designed so that the Rating Levels for cumulative noise from all plant and machinery associated with the development shall not exceed the existing background noise level (LA90) at the external façade of

the nearest noise sensitive premises, as assessed in accordance with British Standard 4142 (2014) or any subsequent replacement national standards. Alternative levels and monitoring locations may be used subject to the prior written approval of the Local Planning Authority.

If the assessment indicates that noise from the development is likely to affect neighbouring residential or commercial properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the unit.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance.

12. There shall not at any time whatsoever be any working outside of the buildings, or any noise generating work inside the buildings with the doors open.

REASON: In the interest of safeguarding residential amenity.

13. There shall be no deliveries or collections to/from the new units hereby approved other than between 07:00-19:00 Monday to Friday, between 08:00-13:00 Saturday and not at all on Sunday and bank Holidays.

REASON: In order to protect the amenity of the surrounding area.

14. There shall be no movements of HGV's or forklift trucks, used in connection with the new units hereby approved, within the open areas of the site other than between 07:00-19:00 Monday to Friday, between 08:00-13:00 Saturday and not at all on Sunday and bank Holidays.

REASON: In order to prevent nuisance arising.

Ecology

15. No part of the development hereby granted consent shall be commenced until details of all artificial lighting has been submitted, the details of which shall include the location, intensity of lighting, type of application and direction.

The details shall include the light mitigation measures designed to reduce the impact of artificial lighting on protected species and species of conservation concern.

The external lighting shall be installed precisely in accordance with the approved details and thereby retained as such.

REASON: In order to reduce the harmful impact of artificial lighting on the natural foraging/roosting/nesting behaviour of a protected species and species of conservation concern and to minimise the possibility of inconvenience to nearby residents.

16. Any removal of vegetation including trees and hedges shall be undertaken outside the nesting bird season [March - August inclusive] unless preceded by a pre-clearance check by a licensed ecologist on the day of removal.

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds.

17. No above ground level works 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 bird/bat species site plan and include the exact locations of the artificial bird nesting boxes and artificial bat roosting boxes, as well as the type/design of boxes to be installed.

The artificial bird/bat boxes shall be installed and made available for use before the buildings/use of the site (whichever is sooner) hereby permitted becomes operative 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 protected.

Drainage

18. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
 - (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

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

REASON: To secure proper drainage and to manage the risk of flooding and pollution.

Trees & Landscaping

20. As part of any reserved matters application and prior to the commencement of any site works including delivery of building materials and excavations for foundations or services, a detailed arboricultural assessment/tree constraints plan shall indicate how the existing trees have informed the detailed layout that has been submitted for reserved matters approval.

During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standard.

REASON: In order to ensure that any trees affected by development and considered to be of visual, historic or botanical value are afforded maximum physical protection from the potential adverse effects of development.

21. Applications for the approval of reserved matters shall be accompanied by full details of the landscaping of the site, including the retention of existing trees. The scheme shall reflect the landscape character of the area and therefore indicate on a detailed planting schedule appropriate species, types and density as well as their distribution on site.

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

REASON: In the interests of the amenity and the appearance of the locality.

Highway Safety

21. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

REASON: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

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

1.

- a) The parking of vehicles of site operatives and visitors
- b) The loading and unloading of plant and materials
- c) The storage of plant and materials used in constructing the development
- d) The erection and maintenance of security hoarding
- e) Details of working hours

- f) HGV delivery times and routeing to/from the site
- g) Contact details for the site manager

REASON: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway during the construction phase of the development.

23. Applications for the approval of reserved matters shall be accompanied by plans and particulars showing the provision to be made for the parking, turning, loading and unloading of vehicles. Such details as may be agreed shall be laid out and made ready in all respects prior to the building(s) to which they relate first coming into use and thereafter shall be retained for this purpose.

REASON: In order that the Council may be satisfied with the details of the proposal to accommodate motor vehicles.

24. Cycling and motorbike parking facilities shall be provided in accordance with a scheme to be approved by the Local Planning Authority before the use of the premises hereby permitted becomes operative.

REASON: To allow for the effective use of the parking areas.

(David Wrigley spoke in favour of the above application. Debbie Gale on behalf of Hothersall Parish Council spoke against the above application.)

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APPLICATIONS WITHDRAWN

| <u>App No</u> | <u>Proposal</u> | <u>Location</u> |
|----------------------|--|---|
| 3/2019/0775 | Change of use of agricultural field to form camp site with the siting of four glamping huts, redevelopment of outbuildings to manager's accommodation, replacement of septic tank and marking out of associated parking for five cars. | Whitcher Well Fish Hatchery Whitendale Road Dunsop Bridge BB7 3BL |
| 3/2019/0818 | Discharge of condition 3 (construction management plan) from planning permission 3/2018/1065. | Johnson Matthey Pimlico Industrial Area West Bradford Road Clitheroe BB7 4QB |
| 3/2019/0860 | Lean to garage to be attached to the rear gable end of the property | 15 Coplow View Clitheroe BB7 4SG |
| 3/2019/0863 | Crown reduce cypress T1 by one third | East View, Hallgate Hill Newton in Bowland BB7 3DY |
| 3/2019/0874 | Variation of conditions 1 (time constraint) and 2 (approved plans) from planning permission 3/2019/0310 for retention of unauthorised decking area and bin store | Asturian House Asturian Gate Ribchester PR3 3XQ |
| 3/2019/0948 | Proposed amendment to planning permission 3/2013/0513 including revised floor layouts and roof line and minor relocation of plot 2. | 8 Hammond Drive Read BB12 7RE |

| Application No and reason for appeal | Date Received/ Appeal Start Date | Site Address | Type of Appeal Procedure | Costs app received | Date of Inquiry or Hearing if applicable | Progress |
|---|---|---|---------------------------------|---------------------------|---|--------------------------------|
| 3/2018/0474 R of pp | 09/07/2019 | Great Mitton Hall Mitton Road Mitton BB7 9PQ | WR | | | Awaiting Decision |
| 3/2018/0468 R of LBC | 09/07/2019 | Great Mitton Hall Mitton Road Mitton BB7 9PQ | WR | | | Awaiting Decision |
| 3/2018/0582 R of permission in principle | 21/05/2019 | Land to the south Chatburn Old Rd Chatburn | Changed to Hearing Procedure | | 8/10/19 10.00am Cttee Rm 1 | Awaiting Decision |
| 3/2018/1076 R of pp | 16/07/2019 | Sabden House Wesley Street Sabden | WR | | | Awaiting Decision |
| 3/2018/1006 R of LBC | 16/07/2019 | Sabden House Wesley Street Sabden | WR | | | Awaiting Decision |
| 3/2019/0117 R to discharge condition | 29/07/2019 | Susie Cottage Rimington Lane Rimington | WR | | | Appeal Allowed 24/10/2019 |
| 3/2019/0241 R of pp | 16/07/2019 | 23 Church Street Clitheroe | WR | | | Appeal Dismissed 07/11/2019 |
| 3/2019/0242 R of LBC | 16/07/2019 | 23 Church Street Clitheroe | WR | | | Appeal Dismissed 07/11/2019 |
| 3/2018/0507 R of outline PP | 24/09/2019 | Land adj John Smith Playing Field Chaigley Road Longridge | Hearing | | 10/12/2019 meeting room on level D | Awaiting Hearing |
| 3/2018/0685 R of pp | 17/09/2019 | Land off Whalley Rd Hurst Green (Adj Reed Deep) | WR | | | Awaiting Decision |
| 3/2019/0497 R of pp | 29/10/2019 | DJP Domestic Appliances Ltd 1-3 King Lane Clitheroe | CAS | | | Awaiting Decision |
| 3/2019/0040 R of PIP | 26/09/2019 | Land at Kingsmill Avenue Whalley | WR | | | Awaiting Decision |

| Application No and reason for appeal | Date Received/ Appeal Start Date | Site Address | Type of Appeal Procedure | Costs app received | Date of Inquiry or Hearing if applicable | Progress |
|--------------------------------------|----------------------------------|--|------------------------------|--------------------|--|--------------------------|
| 3/2019/0390 R of Prior Approval | 26/09/2019 | Dutton Manor Mill Clitheroe Road Dutton | WR | | | Awaiting Decision |
| 3/2019/0479 R | Awaiting start date from PINS | 1 Willow Avenue Whalley | WR (to be confirmed by PINS) | | | |
| 3/2019/0554 R | 11/11/2019 | Three Millstones Waddington Rd West Bradford | WR | | | Statement due 16/12/2019 |
| 3/2019/0698 R | Awaiting start date from PINS | Wilkinsons Farmhouse Simonstone lane Simonstone BB12 7NX | WR (to be confirmed by PINS) | | | |

441 HOUSING LAND MONITORING

The Director of Economic Development and Planning submitted a report providing Committee with key information that had informed the calculation of the most recent housing land availability survey, which had a base date of 30 September 2019. Members were asked to endorse the amended methodology used to calculate the small sites allowance which follows on from the appeal decision on land at Henthorn Road, Clitheroe.

The work undertaken in establishing the delivery of sites and actual completions together with the replacement of the 'windfall' allowance with a 'small sites allowance', means that the authority was now in a position to demonstrate a 6.6 year housing land supply.

RESOLVED: That Committee

1. endorse the amended methodology of using a 'small sites allowance' instead of a 'windfall allowance' and that the calculation of housing land supply at 6.6 years of supply is adopted for the purposes of monitoring and decision making; and
2. agree that the monitoring documents referred to in the report are included as part of the Council's evidence base.

442 HOUSING REQUIREMENT

The Director of Economic Development and Planning submitted a report on the outcome of the consultation on the Strategic Housing and Economic Needs Assessment (SHENA) asking Committee to consider the Council's position with regard to future housing requirements.

A previous report considered by Committee on 1 August 2019 detailed the need to undertake a SHENA as a requirement for the housing evidence base. In

particular the importance of progressing this work to inform the review and update of the Local Plan providing an up to date housing requirement beyond the five-year anniversary date of the Core Strategy (14 December 2019).

The consultant's report established that applying the standard methodology would give a minimum housing requirement of 148 dwellings when adjusted for affordability. This would be the default position at the point the housing requirement in the adopted Core Strategy reached its five-year anniversary. This would also be the initial starting point in determining the five-year supply within the borough. However, the consultant's report set out wider determinates for housing requirements which the Council is required to consider for the purposes of plan making which are set out in national policy. After applying these factors the consultants had identified through their modelling that a requirement of up to 248 dwellings would be required to support an unadjusted baseline employment forecast and to support growth in the economy by 0.2% per year. The consultants had further developed, through their evidence and consideration of relevant information, that a housing requirement of 280 dwellings per annum reflecting the current adopted requirement, would further boost capacity of the labour force, reflect existing delivery and help avoid risks to investment in the area going forward.

The update of the Local Plan would need to be formulated around a sound, robust and defensible figure if challenges through appeal and the relevant plan preparation stages were to be dealt with. It was also clear from the consultation that there were ongoing concerns regarding the scale of development being delivered in the borough and it was appropriate that this issue should be examined more fully through the development plan process. However, it was acknowledged that the level of housing requirement would need to be revisited going forward, may be subject to change and was likely to be subject to challenge.

Councillors Bennett, Mirfin and Scott were given permission to speak on this item and urged Committee that the housing requirement figure be carefully examined before it is decided upon. It was felt there was further work to be done around employment figures and that careful consideration be given to the impact of more houses in the Ribble Valley.

RESOLVED: That Committee defer a decision until 9 February 2020 Planning and Development Committee to allow further work to refine the housing requirement for the borough.

443 UPDATE ON LOCAL DEVELOPMENT PLAN

The Director of Economic Development and Planning submitted a report asking Committee to consider the review of the Local Plan. Committee were reminded that Local Plan policies were intended to assist in determining planning applications and to provide the opportunity for Local Planning Authorities to plan for the development of the area. The Core Strategy was approaching its five-year anniversary and there was a commitment to review the housing requirements set out in the Core Strategy within five years of adoption. On that basis, given that the Core Strategy was adopted in December 2014, it now needed to be reviewed in line with the statutory duty. There were also a number of new areas of policy which had emerged since the Core Strategy was prepared which means there were some policy gaps in the adopted Core Strategy that warrant an update.

Going forward the opportunity to take forward a single plan drawing all elements together had the most advantages. A coordinated approach to policy change, evidence base and process would be more effective.

It was anticipated that much of the policy content in the existing plans would be capable of being rolled forward into the new plan albeit with some amendments.

A key element of the plan making process was the ability to draw a robust evidence base upon which to form decisions. Critical elements of this evidence base would need refreshing. It was important to progress a review of the Core Strategy to update the plan and ensure that national policy could be clearly and consistently implemented.

RESOLVED: That Committee

1. note the comments set out in the report regarding the review of the Core Strategy and endorse the findings of the review that there was a need to undertake an update of the Core Strategy;
2. support the approach proposed to provide a comprehensive framework for the borough by way of a single Local Plan; and
3. ask the Development Plan Working Group to consider the detailed budget implications necessary to progress the Local Plan update and that a further detailed report on the budget implications be submitted to the Budget Working Group and also brought back to this Committee as part of the budgeting process.

444 APPLICATION UPDATE HOUSING PROPOSAL LAND AT WISWELL LANE, WHALLEY 3/2019/0448

The Director of Economic Development and Planning submitted a report updating Committee in relation to the recently refused planning application for up to 125 dwellings, associated infrastructure and new access at Wiswell Lane, Whalley which was refused by Committee on 9 September 2019. Committee had refused the application with four reasons, one of which reflected the concerns raised by Lancashire County Council Highways Authority.

Prior to submitting any planning appeal, it was good practice in accordance with national advice that the applicant should seek to redress any concerns or reasons for refusal. This was to reduce the issues that are considered at any subsequent planning appeal. The resolved issues could be incorporated into a Statement of Common Ground at any planning appeal. On that basis the applicant had sought further confirmation from the highway authority and LCC had now confirmed that a highway reason for refusal could no longer be supported.

Members were reminded that it was essential that any reason for refusal needed to be robust and take into account any technical information and it was therefore recommended that given the revised stance of LCC highways authority, the Council could no longer defend the highway reason for refusal in any subsequent appeal.

Councillors Berryman and Mirfin were given permission to speak on this item and expressed their disappointment with the LCC highways and questioned various aspects in their letter.

RESOLVED: That Committee agree that should an appeal be submitted that the Council no longer defend the highway reason for refusal of 3/2019/0448 but continue to defend the other three reasons set out.

445 LOCAL DEVELOPMENT PLAN EXAMINATION IN PUBLIC COSTS

The Director of Economic Development and Planning submitted a report informing Committee of a report recently considered by Policy and Finance Committee in relation to the Inspector's fees for the Examination in Public for the Housing and Economic Development DPD.

RESOLVED: That the report be noted.

446 APPEALS

- a) 3/2019/0117 – Demolition and erection of a replacement two storey dwelling – ‘prior to commencement to development samples of all external facing and roofing materials shall be submitted and approved by the Local Planning Authority’ at Susie Cottage, Rimington Lane, Rimington – appeal allowed.
- b) Costs application in relation to Susie Cottage, Rimington Lane, Rimington – refused.
- c) 3/2019/0241 and 0242 – Domestic first floor extension above existing garage to provide bedroom accommodation at 23 Church Street, Clitheroe – appeal dismissed.

The meeting closed at 8.00pm.

If you have any queries on these minutes please contact Nicola Hopkins (414532).